

Approved as amended 2-3-10
PLANNING COMMISSION MINUTES
January 20, 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
Richard Ventrone

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
John Murphy – Attorney
William Warren – Warren Design Association
William Hutchinson & Victoria Valentine
Peter Brockmann – Attorney
Daniel Cotta – American Engineering Inc. – Owner - P.E – Registered Land Surveyor
Paula Krueger
Mary Krueger

I. Approval of Minutes January 6, 2010

A motion was made by Commissioner Girard and seconded by Commissioner Pendlebury to accept the minutes. Commissioner Bennett requested additions to the minutes. Commissioner Swistak, the Planning Commission chair asked the Planning Department to review the recording and present the minutes at the next meeting. Motion was withdrawn.

II. Correspondence

1. FYI – Administrative Subdivision – Birn & Prip – Plat 5 Lots 433 &493. Received
2. CRMC – Notice of Location Change. Received

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

IV. Reports

1. Town Planner's Report – The Town council voted to advertise the Flood Plain amendment and the zoning amendment related to Duplex and Multi Family housing.
Lisa Bryer reiterated to the Planning Commission members that when they are appointed to the commission they are all given the documents needed including the Comp Plan, Affordable Housing Plan, Zoning Ordinance, and Subdivision Regulations if you need additional copies please let the planning department know so that we may replace them.

We will be appointing Harbor and Tree Committee liaisons in addition to electing a Vice Chair at the next meeting.

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- workshop on Jan 25th at 6:30 p.m.
 - g. North Rd. Bike Path Committee – \$5000 has been allocated for wetland mapping for the east and west route
4. Sub Committees

Commissioner Swistak recused himself from the Cotrell Farm application and left the table. Commissioner Girard assumed the chair position.

V. New Business

1. Cotrell Farm Subdivision – 93 Hamilton Ave., Plat 9 – Lot 534 and Plat 10 – Lot 85 – Minor 3 Lot Subdivision – Pre Application Review

Attorney John Murphy introduced the owners of the property Bill Hutchinson and Victoria Valentine. Bill Warren is the architect involved with this project. No voting action is necessary at pre-application. This property is a 32 acre farm outside the village district. A 12 ft wide driveway is proposed for one lot and they also presented a new drawing tonight. His clients desire is to keep the farm within the rubric for the farm, forest and open space program. Mr. Murphy described the proposed lot configurations and said they will work with the town engineering department to construct a 14 ft wide gravel driveway for the two lots off Hamilton Avenue that will support a fire truck. They are also asking to Combine Master Plan and Preliminary phases of review for the next time this is on the agenda. They will be asking for waivers for the width and surface of the roads. They go before the zoning board for variances after planning commission preliminary approval. There is a private in land evidence records; they have legal right to use this r.o.w.

A discussion regarding public r.o.w.'s and private driveways ensued. The original owner of the land that leads out to Highland Drive preserved a row anywhere he wanted on the property to Highland Drive. The new owners are seeking it along the south side of the property on Stanton Rd. which is private. It will be a gravel base and consistent with the comp plan.

The current owners main concern is to preserve the land and the 3 lots they will be creating will be for themselves and their 2 children. If you withdraw your property from farm, forest and open space they will receive substantial penalty. They will build on lot 1 for themselves, Lot 2 currently has the old farmhouse and lot 3 may not be developed for many years.

They will maintain the road. ~~and the~~. The existing wells will be tested for productivity by the time they come back. The existing farm house has town water. Typically a covenant stating they will not ask the town to accept the road for 99 years until brought up to town standards is typical with an application like this.

A motion was made by Commissioner Bennett and seconded by Commission Pendlebury to re-assign this application to major subdivision from minor subdivision for the purpose of granting

waivers and to combine Preliminary and Master Plan phases of review, and the applicant to come back with a completed checklist for preliminary subdivision. So voted:

Nancy Bennett - Aye

Gary Girard - Aye

Barry Holland - Aye

Duncan Pendlebury - Aye

Michael Smith - Aye

Richard Ventrone - Aye

Motion carries 6-0

Commissioner Swistak returns to the table.

Commissioner Girard recuses on this next agenda item and leaves the table.

2. Thomas Bellayuto – Plat 16 Lot 210 – Frigate St. - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table – Impervious Overlay District – Recommendation to the Zoning Board

Peter Brockmann attorney representing Thomas Bellayuto made a presentation to the Planning Commission. They are seeking a recommendation to zoning board. Mr. Brockmann reviewed items included in the commissioners packet.

He introduced Daniel Cotta owner of American Engineering; a registered land surveyor, class 4 soil evaluator, and class 3 OWTS designer. A motion to qualify Mr. Cotta as an expert was made by Commissioner Smith and seconded by Commissioner Bennett. So unanimously voted.

The Town engineer Michael Gray's initial memo discussed ponding on the property which they have addressed.

A discussion ensued regarding the elevations of the lot and how the ground is going to absorb the run off. Attorney Peter Brockmann stated they have to address post development vs. pre development issues and that is what they have done. All the engineers involved with this application agree this Cultex system will mitigate the run off problem. The Cultex system comes with a manual for maintenance. The driveway will be crushed stone. Is there anything else being considered on the property like rain a garden to capture additional water? Mr. Cotta does not think it is necessary, putting the run off into the ground requires less maintenance. Is the Cultex system expensive? The total cost is approximately \$10,000.

Solicitor Brochu reminded the board it is not required the board has a consensus and if certain members differ it will be reflected in the minutes as part of the roll call vote which is part of the recommendation. The Zoning Board looks to the Planning Commission's recommendation as the Planning Commission is doing the groundwork for them. The applicant goes through a full presentation for the Zoning Board.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Holland to make a positive recommendation to the Zoning Board that after listening to the expert witnesses and memos from Justin Jobin and Mike Gray this application is in compliance with Section 314 standards. The following conditions of approval to be included in the recommendation:

- The grading shown on the site plan dated 11-6-2009 shall be certified by the Engineer to the Building Official after construction is complete prior to the issuance of a certificate of occupancy;
- Annual maintenance requirements shall be according to the manufacturers specifications for the Cultex system shall be included in the final conditions of approval; and,
- Driveway to consist of crushed stone.

So voted:

Nancy Bennett - Aye	Barry Holland - Aye
Duncan Pendlebury – Aye	Michael Smith- Aye
Richard Ventrone – Nay	Michael Swistak – Aye

Motion carries by a vote of 5-1

Commissioner Girard returns to the table.

3. Krueger – 119 Watson Ave., Plat 8 Lot 14 – Minor 2 lot Subdivision

Paula Krueger 119 Watson Ave. said the property is owned by 5 siblings. They are subdividing their 2 acre parcel into 2 lots. A ½ acre lot on the eastern side will leave a 1½ acre parcel with the existing house. This application is in the urban service district; the additional lot will have water and sewer by right. There is a sewer easement on the property. This is a very straightforward application. Ms. Krueger stated there are no plans at this time to subdivide any further.

A motion was made by Commissioner Smith and seconded by Commissioner Bennett to approve this 2 lot minor subdivision and directed the Town Planner Lisa Bryer to include the standard Findings of Fact and Conditions of Approval for signature by the Chair:

So voted:

Nancy Bennett - Aye	Gary Girard - Aye
Barry Holland - Aye	Duncan Pendlebury - Aye
Michael Smith- Aye	Richard Ventrone – Aye
Michael Swistak – Aye	

Motion carries by a vote of 7-0

VI. Old Business

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

A motion was made by Commissioner Pendlebury and seconded by Commissioner Holland to recommend the Town Council adopt the Flood Plain Ordinance as presented. So voted:

Nancy Bennett - Aye	Gary Girard - Aye
Barry Holland - Aye	Duncan Pendlebury - Aye
Michael Smith- Aye	Richard Ventrone – Aye
Michael Swistak – Aye	

Motion carries by a vote of 7-0

Commissioner Mike Swistak thanked Commissioner Girard and Commissioner Ventrone for the past years of service.

A motion to adjourn at 9:27 p.m. was made by Commissioner Holland and seconded by Commissioner Ventrone. So unanimously voted.

Attest:


Cynthia Reppe
Planning Assistant

This meeting was digitally recorded