

Approved As Amended 12-1-10
PLANNING COMMISSION MINUTES
November 17, 2010
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:34 p.m. and the following members were present:
Michael Swistak, Chair Duncan Pendlebury, Vice Chair
Rosemary Enright Daniel Lilly Jr., Secretary
Susan Little Richard Lynn
Michael Smith

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor

I. Approval of Minutes November 3, 2010

A motion was made by Commissioner Pendlebury and seconded by Commissioner Lynn to accept the minutes with the following change:

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Commissioner Lynn is ~~is afraid~~ **advised against** ~~to~~ including the results in the update because ~~he thinks it becomes fact~~ **of the results he questioned whether it was a statistically significant sampling.**

II. Correspondence – nothing at this time

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

IV. Reports

1. Town Planner's Report

We handed out the Planning Commissioners Journal which is a bound book of past articles related to being a Planning Commissioner. There are also 3 books for the planning commissioners to circulate. When you are done with the books please return them and if you do not have a need to keep the articles on hand please return to the Planning office for future Planning Commission members.

At the last meeting the town council authorized Ms. Bryer to send out an RFQ for a facilitator to conduct a workshop on future use of Ft. Getty Park. We are looking for someone with land use experience. A Financial analysis will have to

be done to make the list of uses realistic. The RFQ will go out on December 2nd and the date of the workshop will most likely be sometime in February of 2011.

2. Chairpersons report
3. Town Committees
 - a. Harbor – Susan Little reported that the Harbor Commission passed changes to the **Harbor Ordinance & Harbor Management** plan and once they are updated they **will send a copy to** give us the planning commission a copy. She thinks they may want to have one more look at it and it will be back to the council. Kim Devlin, Harbor Clerk will give us a copy and we will put it on the Planning Commission agenda.
 - b. Buildings and Facilities
Duncan Pendlebury reported that this committee just met tonight, they are working on the charge given to them by council for the golf course clubhouse reuse. Discussion started today and will continue at the next meeting.
 - c. Affordable Housing Committee
 - d. North Rd. Bike Path Committee
Lisa Bryer reported that Bob Sutton, Mike White, Bruce Keiser, Mike Gray and Lisa Bryer met with DOT director Michael Lewis yesterday. The purpose of the meeting was to see if DOT could fund up to 30 percent design stage. They were very receptive to the project and will look into it.
4. Sub Committees

V. Old Business – nothing at this time

VI. New Business

1. Peter Muckell – Minor 2 lot Subdivision – Plat 9, Lot 179 – 61 Narragansett Ave. – Preliminary Review and Decision

Commissioner Swistak stated for the record that this lot is owned by both Peter and Laura Muckell.

Engineer Dan Cotta was sworn in as an expert witness on a motion made by Commissioner Swistak and seconded by Commissioner Smith. So unanimously voted.

Mr. Cotta stated the applicant is looking to subdivide the lot on the corner of Howland and Narragansett Ave. into a 5000 sq ft lot and the main house lot. He has addressed the concerns brought forth at the TRC meeting. This seems to be a straightforward subdivision he said.

Commissioner Swistak asked Mr. Muckell who resides in Newtown Ct. if any of the conditions of approval were an issue and he said he is fine with them.

Since this particular property previously went through Development Plan Review and Zoning approval and was approved we are asking that the property owner waive the right to that previous approval by writing a letter to the Planning Department that should be recorded with the Town Clerk and notarized. Commissioner Swistak asked if he is abandoning the mixed use project? Yes he is but he is not precluding possible mixed use in the future but he understands that in the future they will start from square one because he does not know what he is going to do yet with the subdivided property. Commissioner Enright asked about the curb cut due to the repaving of Howland Avenue in the future. He does not think it will be an issue. The town will be putting in the curbs prior to repaving.

A motion was made by Commissioner Pendlebury that was seconded by Commissioner Enright to Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Preliminary Plan – Minor Subdivision for Peter Muckell, A Minor Residential Subdivision located at 61 Narragansett Avenue, Jamestown, RI 02835; Plat 9 Lot 179, Narragansett Avenue and Howland Avenue, Jamestown, RI 02835;** prepared by **American Engineering, Inc., 400 South County Trail – Suite A 201, Exeter, RI 02822 401-294-4090;** dated revised 10/14/10 based on the following Findings of Fact and subject to the following Conditions of Approval:

A. Findings of Fact

The Board makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan:
2. All lots in the subdivision conform to the standards and provisions of the Jamestown Zoning Ordinance. The property is located in the CD District. The minimum lot size for the CD District is 5,000 square feet with a lot width requirement of 40' to 96' in width, a front yard setback of 0' minimum to 12' maximum, side setback of 0' minimum to 24' maximum and rear setback of 12' minimum. The frontage buildout, or area that must be developed by a building at the front lot line is 60% minimum at the building setback. Therefore the building must be 28 feet in width at a minimum at the building setback line.
3. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance. Both lots are serviced by public sewer; The Town will be completely reclaiming and paving Howland Avenue next summer and would like the applicant to do the construction necessary in the roadway prior to April 30, 2011 so that tearing up the roadway and patching is not necessary in the future.
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable; The applicant has adjusted the lot width to insure that no matter what the use, on site parking will be feasible for the new lot.

6. The subdivision lots have permanent physical access to a public street, namely, Howland Avenue and Narragansett Avenue. Lot frontage on a public street without physical access shall not be considered compliant with this requirement.
7. The subdivision provides for safe circulation of pedestrian traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community;
8. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion with all required conditions of approval;
9. All lots in the subdivision have access to sufficient potable water for the intended use. Both lots have access and approval for public water hookup. Parcel A has a current hookup and Parcel B has approval for future hookup.

B. Conditions of Approval

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for one additional lot in this subdivision in the amount required by Article IIID of the Jamestown Subdivision Regulations. This fee shall be determined at the time of filing of the final plat and paid prior to recording of the final plan.
3. Granite monuments or where granite monument are not suitable, other suitable survey markers other than concrete, shall be placed at all corner points at the new property lines;
4. The applicant shall install the sewer line from the main to the property line prior to April 30, 2011. The Town will install the water line from the main to the property line.
5. The applicant shall coordinate the openings for both driveways (location of curb cuts) prior to April 30, 2011 so that the Town can complete the road curbing prior to paving.
6. A town permit is required for the installation of the water line within the public right-of-way;
7. The applicant may have to go through development plan review per Article 11 at a later date depending on the proposed use of the new lot.
8. The sewer and water tie in fees are paid at the time of the tie in to the house.
9. The applicant shall plant or accept trees for planting by the Tree Preservation and Protection Committee along the frontage of Howland Avenue either within the Town right of way or on the private property if preferred by the applicant. Two trees should be planted along this frontage prior to final approval; one on each lot.
10. The applicant shall record, with the office of the Town Clerk, a notarized letter, as approved by the town. The letter shall extinguish the November 2007 Planning Commission and Zoning Board approvals for the project entitled 61 Narragansett Avenue. (proposed subdivision parcel)

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11. This approval shall be recorded by the Planning Office with the Office of the Town Clerk and the Planning Office shall post the approval within 30 days of the date of approval. The recording shall be paid for by the applicant; and,
12. This approval shall expire one year from the date of approval by the Planning Commission.

So voted.

Rosemary Enright - Aye

Susan Little- Aye

Duncan Pendlebury - Aye

Michael Swistak – Aye

Daniel Lilly Jr. - Aye

Richard Lynn - Aye

Michael Smith - Aye

Motion carries 7-0

A motion to adjourn at 7:55 p.m. was made by Commissioner Pendlebury and seconded by Commissioner Lynn. So unanimously voted.

Attest:



Cynthia L. Reppe
Planning Assistant

This meeting was digitally recorded