

Approved 4-21-2010
PLANNING COMMISSION MINUTES
April 7, 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 Barry Holland
Susan Little Duncan Pendlebury
Michael Smith

Not present:

Richard Lynn
Michael Swistak

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
John Murphy – Attorney
Michael Darveau – Professional Land Surveyor
William Warren – Designer
George Gifford – Landscape Architect
Tim Behan – PE
Peter Brockmann – Attorney
John Lawless – PE
Jerry Kelleher

I. Approval of Minutes March 3, 2010

A motion was made by Commissioner Bennett and seconded by Commissioner Holland to accept the minutes as written. So voted. Commissioner Little abstains.

II. Correspondence

1. FYI – Memo – Re: Planning Commission Stipends. Received
2. CRMC – Candice Noll - 238 East Shore Rd. Jamestown RI 02835: Plat 4 Lot 1 - Assent – to construct and maintain a residential boating facility with a 1200 lb. boat lift to 71 ft beyond MLW. Received
3. CRMC – MJ Realty Trust – 566 East Shore Rd., Jamestown, RI 02835; Plat 4 Lot 101 – Assent to construct and maintain a 1200 lb. boat lift. Received
4. CRMC - Stephen Evangelista – 330 East Shore Rd., Jamestown RI 02835; Plat 4 Lot 9 – Assent to construct and maintain a residential boating facility with tie off piles to 64 feet beyond MLW. Received.

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 - They met on March 15 and endorsed the annual CDBG Grant prior to the Town Council meeting that night.
 - f. Wind Energy - This committee is not currently active since they delivered their recommendation to the Town Council.
 - g. North Rd. Bike Path Committee – This Committee met on March 1. They will be meeting with the Town Council May 17th, 2010.
4. Sub Committees

PUBLIC HEARING

Notice of Master Plan/Preliminary Public Hearing
Cottrell Farm, 3 lot major subdivision
Plat 9, Lot 534 and Plat 10 Lot 85
83 Hamilton Ave.

John Murphy, Attorney for the applicant, presented. He gave a brief history of the farm and the applicants intent to preserve the farm for the future. Mr. Murphy introduced Bill Warren, Designer, Mike Darveau, RLS, George Gifford, RLA, and Tim Behan, PE.

Attorney Murphy discussed the waivers proposed. He stated that both access points will be brought up to Fire Department standards and a turn around will be provided at the existing farm house. It will be no wider than 14 feet with 4 feet cleared edges and a height clearance of 13' 6".

After the Planning Commission grants preliminary approval the application will go to the Zoning Board for variances for frontage.

Mike Darveau presented the proposed plan. He said there are a small amount of wetlands on the property and the plan was to avoid using wetland area for access. He showed the audience where the access from lot 1 to lot 2 will be. The original farmhouse has town water and the 2 new lots will have wells. DEM has approved septic designs for all 3 properties.

George Gifford presented the access to the site. Driveway from Highland Drive will meander through the right of way and be planted with rhododendron. The driveway will be straight along the Hefflin property and then begin to meander. There will be very little land disturbance with exception of the new home proposed.

Timothy Behan, PE, TJB Engineering. He was hired to look at the driveway and see if it could be rehabilitated to accommodate fire vehicles. The first 900 feet are acceptable with rehabilitation. The last portion needs total reconstruction due to the soils. His report provides specifications for the driveway construction. Mike Darveau reported that the driveway through the wetlands will require only a maintenance permit from DEM. He also reported that the town engineer Michael Gray verbally agrees with Mr. Behans report.

Vice Chair Duncan Pendlebury opened the Public Hearing.

Jerry Kelleher, abutter to property. Is it possible for the larger lots to be further subdivided? Yes.

A discussion ensued with the Planning Commissioners making comments regarding the conditions of approval with amendments being made.

Commissioner Holland made a motion that was seconded by Commissioner Bennett to grant the motion in the Memo from the Town Planner dated March 31 as amended and shown below:

To Grant Master Plan/Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Proposed Site Plan for Victoria A. Valentine & William H. Hutchinson, Plat 9 Lot 534 & Plat 10, Lot 85, 83 Hamilton Avenue, Jamestown, Rhode Island; Property Owner Victoria A. Valentine & William H. Hutchinson, 3 Meadow Lane, Jamestown, RI 02835**; prepared by **Darveau & Associates, Inc., P.O. Box 7918, Cumberland, RI 02864, (401-475-5700; dated revised March 18, 2010** 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. No lots in the subdivision conform to the standards and provisions of the Jamestown Zoning Ordinance. The property is located in three separate zoning districts. The access on Hamilton Avenue is in R-20, the remainder of Plat 9 Lot 534 is in R-40 and Plat 10 Lot 85 is in RR-80. The frontage width for the R-40 district is 150 feet and the frontage for RR-80 is 200 feet. Lot 1 has 40' of frontage on Hamilton Avenue but the frontage is inaccessible due to wetlands. Lot 2 has 46.53 feet of frontage on Hamilton Avenue and is therefore deficient in frontage and Lot 3 has no frontage. A zoning variance for frontage is necessary for final subdivision approval;
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 as long as the proposed system is not located within 150 feet from the edge of any wetland;
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;
6. The subdivision lots have permanent physical access to a public street, namely, Hamilton Avenue and Highland Drive but it is not adequate physical access as required by the regulations. Lot frontage on a public street without physical access shall not be considered compliant with this requirement. See finding of fact #2;
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. The proposed subdivision access is not currently adequate for emergency vehicles. The applicant has

- proposed an engineered solution for driveway access from Hamilton Avenue to lots 1 and 2;
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. Lot 2 has public water and the other two lots have private wells.

B. Waivers from the Subdivision and Land Development Regulations

The Planning Board agrees to grant the following waivers:

1. The subdivider shall not be required to construct a street to provide frontage for the subdivision lots as required in Article XIII and shall be permitted to utilize the existing gravel driveway to access Lots 1 and 2 and the right of way from Highland Drive for Lot 3;

C. Findings of Fact for Granting Waivers

In Support of the waivers, the Board makes the following findings of fact:

1. The subdivision of these lots into 3 lots is a significant reduction in permitted density and benefits the Town of Jamestown by encouraging the rural character espoused in the Comprehensive Plan as well as the creation and preservation of farmland, even if only in the short term;
2. The applicant has demonstrated that access to the new lot is adequate for emergency vehicles;
3. For the reasons stated above, the request for "Waivers" to the Subdivision Regulations is reasonable and within the general purposes and intents of the Subdivision Regulations; and,
4. That providing waivers to the Subdivision Regulations is in the best interest of good planning practice and design as evidenced by consistency with the Comprehensive Community Plan.

D. Conditions of Approval

1. The approval is for a total of 3 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. Prior to final approval the applicants engineer shall verify in writing that the proposed driveway is able to provide adequate and safe access to the subdivision lots. In addition the Jamestown Fire Marshall and the Town Engineer shall concur with the design as proposed by the applicant's engineer;
5. Prior to final approval, well reports shall be provided to the Planning Department with verification that the wells for lots 1 and 3 meet the standards for safe drinking water yield and quality;

6. The right of way which runs from Highland Drive to Lot 3 shall be privately owned and maintained in perpetuity and shall provide adequate access for emergency vehicles as specified by the Jamestown Fire Marshall which shall be noted in the Final Approval;
7. The driveway that serves lots 1 and 2 shall be privately owned and maintained by Lots 1 and 2 and shall provide adequate access for emergency vehicles as specified by the Jamestown Fire Marshall which shall be noted in the Final Approval;
8. Any clearance or disturbance of the Wetland or Wetland Buffer shall comply with the RI Department of Environmental Management rules and regulations;
9. Prior to Final Approval, the applicant must provide a signed easement, acceptable to the Town Solicitor, for access over Lot 2 in favor of Lot 1. This easement shall be recorded contemporaneously with the Final Plat;
10. This approval shall be recorded by the applicant with the Office of the Town Clerk and the Planning Office shall post the approval within 30 days of the date of approval; and,
11. This approval shall expire one year from the date of approval by the Planning Commission.

So voted:

Nancy Bennett - Aye

Barry Holland – Aye

Susan Little - Aye

Duncan Pendlebury - Aye

Michael Smith - Aye

Motion carries by a vote of 5-0

Commissioner Pendlebury closed the Public Hearing.

V. Old Business – nothing at this time

VI. New Business

1. Walter Wetmore – Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table – Impervious Layer Overlay District – Plat 3, Lot 103 – 10 Umiak Ave. - Recommendation to the Zoning Board

Peter Brockmann, Attorney for the applicant presented along with John Lawless, P.E.

This application also requires a special use permit stated Mr. Brockmann.

A motion to accept John Lawless as an expert witness was made by Commissioner Smith and seconded by Commissioner Holland. So unanimously voted.

John Lawless testified as follows:

- The advantex is the state of the art system for removing nitrogen. The OWTS is rated for a two bedroom. The system also has pathogen removal capability. He stated that the system meets the ordinance standards.
- No wetland buffers occur on the site.
- The drainage system will handle the 10 year storm for the difference between pre construction and post construction.
- The application minimizes fill and grading
- He testified that the proposed application meets all the standards of Section 314.

- No variance will be required and the existing non conforming garage will be removed.

Commissioner Bennett brought up an existing shed that is in the area of the proposed leaching field.

The applicant committed to removing it because it would put the property over the impervious cover limit. She also was concerned about the quality of the new well since it will be in the location of the old OWTS.

Solicitor Wyatt Brochu suggested that the Planning Commission voice their concern in the approval and the applicant provide information to the Zoning Board.

Commissioner Little is concerned about grading around the garage to the south. Where is the swale? It is along the south property line.

A discussion ensued with the Planning Commissioners regarding Conditions of Approval and Findings of Fact.

Commissioner Bennett made a motion that was seconded by Commissioner Smith:

To make a Recommendation to the Zoning Board to approve the Zoning Ordinance Section 314 Sub District A Application for Special Permit of Walter Wetmore, 10 Umiak Avenue, Plat 3 Lot 103 with the following Finding of Facts and subject to the following Conditions of approval:

Finding of Fact:

- The OWTS expiration date is 5 years from the date of approval of 1-26-07;
- Gutters and Downspouts are not part of prefab house plans, which are integral to the drainage system; and,
- The location of the proposed well is near the existing leach field to be abandoned. The Planning Commission is concerned with the water quality of the new well and that it may be impacted by the old system.

Conditions of Approval:

- The project engineer shall certify to the Town Planner and the Building Official in writing that the installation of the following elements have been completed properly with an as-built drawing prior to the issuance of a certificate of occupancy:
- The foundation is built as approved with holes in the foundation walls as shown on the approved plans;
- Gutters and downspouts shall be provided and connected to the drainage system;
- The grading on site is constructed in conformance to the approved plan with special attention to the swale on the southern property line so that it does not shed additional water onto the abutting property; and,
- The shed in the northeast corner of the property shall be confirmed and if it exists, removed prior to the issuance of a certificate of occupancy.

There were no members of the audience present to comment on this application.

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So voted:

Nancy Bennett - Aye

Barry Holland – Aye

Susan Little - Aye

Duncan Pendlebury - Aye

Michael Smith - Aye

Motion carries by a vote of 5-0

A motion was made by Commissioner Holland and seconded by Commissioner Little to adjourn the meeting at 9:35 p.m. So unanimously voted.

Attest:

Heather Lopes

This meeting was digitally recorded