

Approved As Written 6-2-2010
PLANNING COMMISSION MINUTES
May 19, 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:

Michael Swistak	Nancy Bennett
Barry Holland	Susan Little
Richard Lynn	Duncan Pendlebury
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Michael Gray – Town Engineer
Wyatt Brochu – Town Solicitor
Mary Meagher – Architectural Designer
Dan Cotta - Engineer
Michael Darveau – Land Surveyor
Peter Brockmann – Attorney
Peter Twombly – Architect

I. Approval of Minutes May 5, 2010

A motion was made by Commissioner Pendlebury and seconded by Commissioner Holland to accept the minutes as written. So voted: 6-1 abstention.

II. Correspondence

1. FYI – Memo – Narragansett Bay Research Reserve Presentation. Received

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

IV. Reports

1. Town Planner's Report – The town planner would like to address the commission at the end of the meeting.
2. Chairpersons report
3. Town Committees
 - a. Harbor
 - b. Fort Getty
 - c. Buildings and Facilities
 - d. Tree Preservation and Protection
The Committee will be planting an elm tree at Trattoria for Arbor Day.
 - e. Affordable Housing Committee

- f. Wind Energy
 - g. North Rd. Bike Path Committee
4. Sub Committees

V. Old Business

VI. New Business

1. **David Maurice - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table – Impervious Layer Overlay District – Plat 16, Lot 28 – 130 Frigate St. – Recommendation to the Zoning Board**

Mary Meagher is representing the applicant David Maurice. Dan Cotta is the Engineer for this project. Mary Meagher gave a brief synopsis of her qualifications. She has a masters degree in Architecture from MIT and has 23 years experience.

A Motion to qualify Mary Meagher as an expert witness was made by Commissioner Swistak and seconded by Commissioner Smith. So unanimously voted.

Ms. Meagher said that the applicant's family is a wonderful multi generational family from Jamestown. They purchased an additional lot to create a lot approximately 22000 sq. feet. When the applicant added a garage a few years back he did a stormwater system even though it was not required at the time. The proposed renovations will not have a negative impact on the neighbors, instead it will be an improvement. They are installing a new septic system even though the current one is still functioning quite well, reducing the square footage of the home and also they are reducing the impervious area of their property with the proposed plan.

A discussion ensued with the Planning Commission regarding the 120 sq. ft. one time exemption which Town Planner Lisa Bryer explained the intent of the ordinance was that it was a one time 120 sq ft. Solicitor Wyatt Brochu will discuss this with Mr. Brown, Zoning Enforcement Officer prior to the Zoning Board hearing. The commission also discussed the porch material and the existing cisterns.

With regards to the percentage of lot coverage permitted by ordinance Section 314; because of the fill being brought in previously the property falls into the onerous 9% impervious cover since it is measured from "original grade". Michael Gray Town Engineer has no issues with this plan because there is a net decrease in runoff with the stormwater controls and the new OWTS will provide improved water quality to the site and area. Even if you add the overhang back in that Commissioner Bennett questioned it is still a net decrease in impervious cover.

Commissioner Swistak asked, "do cisterns last forever, do they require maintenance?" Mr. Maurice stated it worked fine the last few months during these storms. They will be also be seeking setback relief from zoning.

A motion was made by Commissioner Swistak and seconded by Commissioner Smith to recommend approval to the Zoning Board on the application of David Maurice for a Special Use Permit – Zoning Ordinance Section 314 Sub District A Review, High Groundwater Table – Impervious Layer Overlay District – Plat 16 Lot 28 – 130 Frigate St.

The Planning Commission also recommends approval of the variance for lot coverage calculated at 14.8%, and for setback relief due to existing non conforming conditions related to the siting of the building based on the following:

Findings of Fact

1. Applicant has reduced the Impervious footprint of the building
2. The Applicant is providing an upgraded septic system(OWTS) with new technology
3. Foundation length has been reduced
4. Pre-existing onsite water management system/cisterns
5. The applicant will replace Impervious Driveway with a Pervious Driveway
6. The total Impervious coverage has been reduced by 27.5%
7. The Planning Commission has questioned and received information from the Town Engineer Michael Gray supporting approval of the application

Conditions of Approval

1. It is the applicants responsibility to determine what relief they need to meet Zoning
2. The applicant will confirm with the Zoning Enforcement Officer to determine that the calculations for impervious lot coverage are correct(overhang of shed)
3. Except for the variance requested by the applicant the project as proposed complies in all other aspects of the Zoning Ordinance

So voted:

Nancy Bennett - Aye

Barry Holland - Aye

Richard Lynn - Aye

Michael Smith - Aye

Motion carries 7-0

Susan Little - Aye

Duncan Pendlebury - Aye

Michael Swistak - Aye

Lisa Bryer recused herself and left the table.

2. Mark Smith – Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table – Impervious Layer Overlay District – Plat 15, Lot 84 – Starboard Ave. - Recommendation to the Zoning Board

Peter Brockmann, attorney representing Mark Smith on his application for a Special Use Permit presented the application and stated it is a vacant lot of 21,600 sq ft. they are seeking a recommendation from Planning to proceed to the Zoning Board. Mr. Brockmann introduced Michael Darveau, RLS, who is part of the team.

A motion was made by Commissioner Swistak and seconded by Commissioner Smith to accept Michael Darveau as an expert witness. So unanimously voted.

Mr. Darveau explained the existing conditions regarding this vacant wooded lot. The property fronts on 3 streets. A 3 bedroom dwelling is proposed with 7.8 % lot coverage which puts it under the 8% limit. The water tables taken from the test holes are between 4-14 inches. Decks will be pervious. He explained all the stormwater and runoff conditions. The foundation is 12 inches above water table. A small rain garden is proposed.

The planning commissioners asked Mr. Darveau questions regarding the downspouts and inspection ports which pertain to maintenance of the stormwater infiltration unit. Mr. Darveau said it is typically lock and leave. There are gutters going down to downspouts, if you want a cleanout at the end of each trench that's fine and not a bad idea he said. Commissioner Bennett asked why he did not calculate the runoff over the doors. Because the amount is insignificant.

Commissioner Swistak referred to Mr. Gray's report with regards to the raingarden. What happens if it's not maintained? Mr. Gray said he recommends plants that do well in wet conditions. The applicant is going to work with URI. There is a new handbook that has not been approved yet that is moving towards recommending certain types of plants and the applicant is willing to take a look at it.

A motion was made by Commissioner Swistak and seconded by Commissioner Holland to recommend approval to the Zoning Board on the application of Mark Smith – Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table – Impervious Layer Overlay District – Plat 15, Lot 84 – Starboard Ave. based on the following:

Findings of Fact

1. Although this is a challenging lot with regards to the water table the applicant has created a 5 zone stormwater plan to optimize water distribution and infiltration
2. The Planning Commission has interviewed Town Engineer Michael Gray and ascertained that the application does meet the requirements of Section 314.

Conditions of Approval

1. Drainage system as illustrated on plan be maintained and the maintenance requirements recorded with the plan
2. Infiltration system shown on the drainage plan will include inspection portals.
3. The applicant will consult with DEM and URI to select appropriate plantings for rain garden

So voted:

Nancy Bennett - Aye

Barry Holland - Aye

Richard Lynn - Aye

Michael Smith - Aye

Motion carries 7-0

Susan Little - Aye

Duncan Pendlebury - Aye

Michael Swistak - Aye

Lisa Bryer returns to the table.

3. Marine Ave. Group – 2 lot Minor Subdivision – Plat 9, Lot 426 – Marine Ave., Westwood Rd., Maple Ave. - Preliminary Review and Approval

Peter Twombly, Architect and principal with Estes/Twombly. A motion was made by Commissioner Smith and seconded by Commissioner Bennett to accept Mr. Twombly as an expert witness. So unanimously voted.

This lot is currently an open field approx 70000 sq feet in size that will be divided in 2 lots. The owners will each build a primary residence. They currently have a pending application to CRMC that needs town approval first. They are planning crawl spaces only because of the high water table. This lot has town water and sewer available. The driveways will be gravel for water control. This subdivision keeps with the lot sizes within the neighborhood and is consistent with the Comprehensive Plan too.

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

To Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Minor Subdivision Plan; Marine Avenue Group Subdivision; AP 9 Lot 426, Marine Avenue, Jamestown, Rhode Island; Owner Ms. Karen Neri, 1300 Kingsbury Grade, Gardnerville, NV 89460 and Jay and Pam Hansen, 501 Ridge Road, Orange CT 06477; prepared by Northeast Engineers and Consultants, Inc. 55 John Clarke Road, Middletown, RI 02842 (401-849-0810; dated April 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 and/or satisfactorily addresses the issues where there may be inconsistencies;
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance;
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 will be serviced by Public Water and Sewer;
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. All subdivision lots have adequate and permanent physical access to a public street, namely, Marine Avenue. Lot frontage on a public street such as Westwood Drive or Maple Avenue, without physical access shall not be considered compliant with this requirement;
7. The subdivision provides for safe circulation of pedestrian and vehicular 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 building lots, utilities, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use. Both lots have access and approval to public water.

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 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 shall be placed at all corner points at the new property line;
4. The Coastal Resource Management Council approval shall be required prior to final approval;
5. The Planning Commission delegates Final Review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plan;
6. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat; and,
7. This approval shall expire one year from the date of approval by the Planning Commission unless approved and recorded in the Office of the Town Clerk.

So voted:

Nancy Bennett - Aye

Barry Holland - Aye

Richard Lynn - Aye

Michael Smith - Aye

Motion carries 7-0

Susan Little - Aye

Duncan Pendlebury - Aye

Michael Swistak - Aye

IV. Reports

1. Town Planner's Report - continued

Town Planner Lisa Bryer would like to reiterate for all planning commission members when she gives a recommendation on an application it is for your benefit. There will be times that you do not agree with my recommendation or the Planning Commission does not always agree with each other. It is all part of the process. When the Planning Commission makes a decision and not all commissioners are in agreement that is ok, it is a majority vote that ultimately decides. If there is an issue with a decision or application, it should be discussed with the Planning Commission first. There must be coordination and cooperation within the commission or the process does not work. As painful as the process is, it makes for a better board.

Commissioner Little was wondering to whom the Comprehensive Plan Survey will be sent, specifically the summer residents? It will be available online and also be sent out locally in the Jamestown Press. The benefit to the survey being done at this time of year is most summer residents will be here for the survey.

A motion to adjourn at 9:32 p.m. was made by Commissioner Smith and seconded by Commissioner Holland. So unanimously voted.

Attest:



Cynthia L Reppe

This meeting was digitally recorded