

Approved As Amended 7-7-10
PLANNING COMMISSION MINUTES
June 16, 2010
7:30 PM
Jamestown Town Hall
93 Narragansett Ave.

The meeting was called to order at 7:35 p.m. and the following members were present:

Barry Holland Susan Little
Duncan Pendlebury Michael Smith
Michael Swistak
Richard Lynn – arrived at 7:40

Not present:
Nancy Bennett

Also present:
Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
John Murphy – Attorney
Michael Darveau – Professional Land Surveyor – Darveau & Associates, Inc.
William Warren – Warren Design Group
Steve Ostiguy – Church Community Housing Corporation
Brigid Ryan – Church Community Housing Corporation
Chris Fabiszak – Church Community Housing Corporation

I. Approval of Minutes June 2, 2010

A motion was made by Commissioner Pendlebury and seconded by Commissioner Holland to accept the minutes as written. So unanimously voted.

II. Correspondence

1. FYI – CRMC newsletter. Received
2. CRMC – DiGregorio – Residential assent – to construct & maintain a 1200 lb. boat lift on an existing .residential boating facility located at 80 Orient Ave Jamestown Plat 1 Lot 132. 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 – Commissioner Little stated they added 3 moorings
 - 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
4. Sub Committees

V. Old Business

1. **Cottrell Farm, 3 lot major subdivision- Plat 9, Lot 534 and Plat 10 Lot 85 - 83 Hamilton Ave. – Final Approval**

Attorney John Murphy stated they have worked closely with the Planning Department on this subdivision and the Town Planner has presented the commission with the draft motion for consideration.

The applicant has proposed to dedicate land to satisfy the subdivision requirement instead of payment of a fee in lieu of land dedication. This land consists of an outright gift of land that the applicant will deed to the Conanicut Island Land Trust (CILT). The CILT President is reviewing the plan and bringing it before his members.

John Murphy stated he worked with Town solicitor Wyatt Brochu on the easements for both access and the well for lot 3.

Commissioner Pendlebury would like to discuss the Stanton Rd. issue. They have worked out a roadway for lot 3. Will the land dedication interfere with that part of the road? No.

Commissioner Holland is concerned with what will happen if the Land Trust turns it down. Mr. Murphy stated they will give it to the town. It can be done as part of an administrative subdivision and the land trust has a very good stewardship for their properties. The Conservation Commission would be a good steward for the land also. Mr. Murphy cannot see the land trust turning it down. If that were the case, it would be deeded outright to the CILT with a conservation easement to the Town on it. Solicitor Brochu said the plan has to be amended to show it's an administrative subdivision also on the plan. This is the applicant's responsibility and they are aware of it and agree.

Mr. Murphy said they have revised the easements and Mr. Brochu has approved them. The planner just received the confirmation today but does not have a copy of the final easements so it shows as a condition of final approval.

A motion was made by Commissioner Holland and seconded by Commissioner Smith:
To Grant Final 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 June 7, 2010** based on the following Findings of Fact and subject to the following Conditions of Approval:

A. **Findings of Fact**

The Commission makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan. The Comprehensive Plan's overriding goal is to protect Jamestown's rural character. This subdivision does that by limiting development to three lots on 32 acres and renovating the original farm house as well as restoring the farm fields that have since succeeded to forest land. This is consistent with the Cultural and Historical Resources Policy #1 which states "Preserve and restore historic sites of Jamestown. The dedication of land for public open space purposes is consistent with the conservation and open space Policy #2 to "promote creative strategies for land conservation" specifically to actively encourage private property owners to donate land for conservation purposes and to actively encourage acquisition of conservation easements or development rights.
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 was received from the Zoning Board on April 27, 2010.
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; Subdivision suitability has been received for this subdivision and as proposed, will not be within 150 feet from the edge of a 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 as listed below.
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. Lots 1 and two are significantly oversized for the zoning district. Registered Land Surveyor Mike Darveau has placed drill holes along the stone wall between lot one and two and at both property corners on the stone wall dividing lot two and three.
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. A variance was received by the Jamestown Zoning Board for street frontage and access to the lots on April 27, 2010. The Fire Marshall and Town Engineer have reviewed and accepted the subdivider's access road specifications. As shown in the report by TJB Engineering, LLC, Timothy J. Behan, PE dated April 1, 2010 which provide for the following recommendations:

Recommendations:

The following recommendations should be implemented into the project:

1. Construct driveway in accordance with the provided details. Two construction details are provided, one for new or total reconstruction of the driveway and the other for reconstruction of the existing driveway from sta. 0+00 to 9+00.
2. Construct driveways in accordance with the material specifications provided below:

Gradation Requirements (percent passing)		
Sieve	Bank Run Gravel:	Processed Gravel:
1.5"	100%	-
¾"	80-100%	100%
½"	68-91%	-
No.4	46-70%	50-78%
No.8	34-54%	37-67%
No.40	13-35%	13-35%
No.200	3-10%	4-15%

3. The driveway needs to be a minimum of 12' wide with a 4' clearance on both sides for a total cleared way of 20'. There should be no ditches, trees, vegetation, protruding rocks, etc.... in the clear zone unless approved by the Fire Department.
4. All overhead obstructions including tree limbs shall be removed to provide a 13'-6" clearance.
5. Minimum outside edge turning radius of gravel driveway shall be 43 feet. All driveway alignments shall be designed to accommodate this turning radius.

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 subdivision through its design and low density maintains the bucolic character on this site.
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. The Town Engineer has reviewed and approved the plans for this subdivision.
9. All lots in the subdivision have access to sufficient potable water for the intended use. The wells on Lots 1 and 2 have been tested for potability and yield. Total coliform was absent and well yield meets the RI Department of Health standards.

B. Waivers from the Subdivision and Land Development Regulations

The Planning Commission granted the following waivers during Preliminary Approval:

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 Commission 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 has been determined to be \$23,270.45 and shall be paid prior to recording of the final plan. In lieu of a fee, the applicant shall dedicate the land shown on the Site Plan as 12,756 square feet (.29 acres). The CILT or the Town of Jamestown shall accept the dedication with a permanent conservation easement to the Town of Jamestown that prevents future improvement of Stanton Road in that area and future farming of that area. The applicant shall prepare the necessary plan changes for subdivision related to the dedication of land.
3. The remaining potability results for the two wells tested will be submitted to the Planning Office for review and approval prior to recording of the Final Record Plan.
4. 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 per finding of fact #6.
5. The driveway that serves lots 1 and 2 shall be privately owned by Lot 2 and maintained by Lots 1 and 2 and shall provide adequate access for emergency vehicles as specified by the Jamestown Fire Marshall per finding of fact #6.
6. The applicant's Attorney shall coordinate with Town Attorney Peter Ruggiero and provide changes to the easements for access over Lot 2 in favor of Lot 1 and for a well easement from Lot 2 to Lot 3 as needed. These signed easements shall be recorded contemporaneously with the Final Plat.
7. 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,
8. This approval shall expire one year from the date of approval by the Planning Commission.

So **unanimously** voted:

Barry Holland
Richard Lynn
Michael Smith

Susan Little
Duncan Pendlebury
Michael Swistak

New Business

2. Comprehensive Permit – Church Community Housing Corp. - 13 Swinburne St. – Pre-application

Stephen Ostiguy, Executive Director of Church Community Housing Corporation will be presenting the 13 Swinburne St. application. He introduced Brigid Ryan and Chris Fabiszak of CCHC and Registered Land Surveyor Mike Darveau. Mr. Ostiguy gave the commission background on Church Community Housing Corp. They provide affordable housing opportunities for homeownership and rental in Newport County. They own the Bayside apartments which are currently being rehabbed in Jamestown in addition to a few single family homes that are owned. They have over 800 units they have created in RI. Church Community along with the town have been trying to find something in Jamestown for the past several years and either water or archeology issues get in the way.

This lot was originally 3 separate lots in the 1950's, they are proposing to subdivide it back into 3 separate lots, the land will remain in CCHC name as a 99 year lease and the homes will be sold to make it affordable. Approximate income for a family of 4 would be \$57,000 per year to qualify for a house.

They are seeking relief from lot size and width and several sections of Article 11.

Mr. Ostiguy introduced Michael Darveau who gave a presentation of the proposed cottages and the existing dwelling. The parking for each site will be adjacent to each building. The parking for the existing house will be behind the house. He explained the drainage to the Planning Commission and the infiltrators. This will include an inspection port and a maintenance plan.

The next step is public hearing and preliminary approval; it will proceed as a minor subdivision with variances. The Town Planner Lisa Bryer went through in her report the comprehensive permit applications process, this is not a recommendation to zoning the planning commission will have final approval of the project including variances.

Commissioner Pendlebury asked who maintains the property? The homeowner is responsible and part of the land lease with Church Community Housing refers to rules that must be adhered too which may include stipulations from the Planning Committee approval.

Commissioner Little asked about the existing house and whether or not that will be updated or torn down. Mr. Ostiguy said they always prefer to rehabilitate but if it not cost effective they would build a new home.

Commissioner Smith asked "Did you look at a duplex arrangement?" Mr. Ostiguy said that ownership with duplexes is not as desirable in general; single family housing is preferred. What happens at the end of 99 years, whenever it gets sold or the 99 years expires, it starts again.

Discussion ensued regarding the infiltration systems. The Planner stated that she suggested that they develop a drainage plan since the house on North Road already has erosion issues from when they built their house, they cut into the bank and did not provide for drainage. A drainage plan is not required unless public improvements are planned. But since these lots were smaller than normal, it is a good idea.

Town Solicitor Wyatt Brochu said any conditions pertain to the homeowner of the property and the permit itself runs with the land including the approval of the plan, the recommendation would be to require applicants to produce and record with the plan. The requirement will run with the land but they have a ground lease with the applicant, any violation of municipal code, they get sited.

Church Community Housing has been in existence since 1993. They have never had a foreclosure even through this whole housing crisis currently going on.

For the last 5 years the Town has put 50,000 per year away for affordable housing development costs which is part of the Affordable Housing Trust. We had intended on using this funding for so many different projects, but none have panned out so far. This application will go to the Affordable Housing Committee for their stamp of approval and then to the Town Council. The town will contribute \$200,000 for this project.

The timeline for this phase to final design they have to meet requirements by the September 2010. The first public hearing will be July 21st, and then Final could be administrative if the Planning Commission agrees. Drainage and parking off street are the main concerns. Mike Darveau's plan is preferred over the sketch by DiMauro Architects which shows only one parking spot. The funding sources are identified in the packet. Mike Darveau will work with Town Engineer Mike Gray on drainage for the existing house. The Planning Commission's charge is granting subdivision and variance approvals. Commissioner Pendlebury added, this is a great plan; hopefully it will work.

A motion to adjourn was made by Commissioner Smith and seconded by Commissioner Pendlebury at 9:00 p.m. So unanimously voted.

Attest:


Cynthia L Reppe
Planning Assistant

This meeting was digitally recorded