

**Approved As Written**  
**PLANNING COMMISSION MINUTES**

**May 6, 2015**

**7:30 PM**

**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 7:33 p.m. and the following members were present:

Michael Swistak – Chair                      Duncan Pendlebury – Vice Chair

Rosemary Enright – Secretary              Mick Cochran

Michael Jacquard                              Bernie Pfeiffer

Michael Smith

Also present:

Lisa Bryer, AICP – Town Planner

Cynthia Reppe – Planning Assistant

Wyatt Brochu – Town Solicitor

Christian Infantolino - Attorney

Rob Lambert, Architect – Burgin Lambert Architects Inc.

Jeff & Kathy Cammans, Applicants - 40 West Bay View Dr.

Jim & Lisa Rafferty ,Applicants – Del Nero Cleaners - 11A Clinton Ave.

**II. Approval of Minutes April 15, 2015**

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

**III. Correspondence – nothing at this time**

**IV. Citizen’s Non Agenda Item**

Don Richardson was acknowledged at the end of the meeting and he noted that he should have spoken at the non-agenda item section. He said the reason he is here is because at the Financial Town Meeting the town is going to make a decision on the Fire Station and he wants to know why it has not been to the Planning Commission and Zoning Board. Ms. Bryer said the procedure would be after the funding is in place then they will go to Planning and then to Zoning. Permits cannot be applied for until after the funding is secured. Without the funding, there is no project or application.

The Planning Commission engaged in a discussion related to putting the discussion on the next agenda. The Solicitor indicated that without an active application before you, there is nothing to discuss and that this is not on the agenda and should not be discussed any further.

## V. Reports

1. Town Planner's Report – She attended the National Planning Conference in Seattle, Washington since the last meeting. We will not be having a meeting July 1, 2015.
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. New Business

### **1. Cammans – Plat 8 Lots 25 and 649 - 40 West Bay View Drive – Development Plan Review per Article 11 - Jamestown Village Special Development District. Undersized Lot and Pool and Terrace in front Yard, Recommendation to Zoning Board**

Mr. Rob Lambert Architect representing Jeff and Kathy Cammans. He presented the Commission with the plans for this application and explained the site plan. They are planning to place the pool and terrace in the front yard to maximize their view of the water. The way the lot is situated it warrants putting the pool in the front yard.

Commissioner Pendlebury said the Zoning Board is going to ask “what is the hardship for asking us to put the pool in the front yard?” Attorney Christian Infantalino said we are dealing with Table 11-3 that states a terrace cannot be in the front yard. The hardship is the uniqueness of the lot. The end of West Bay View Dr. does not really fit with the Jamestown Special Development District. The regulations discuss a number of things you must comply with said Commissioner Pendlebury.

The basic hardship is it does not make sense to put a wall in the view of the house due to the uniqueness of the site. From a zoning standpoint it does not address a hardship.

The Planning Commission makes a recommendation to zoning.

A discussion ensued with Commissioner Pendlebury and Christian Infantolino regarding opinions of uniqueness of lots. Is the lot across the street in common ownership asked Commissioner Swistak. Was the purchase of the lots all together? Yes they chose not to separate the lots and the other lot is not buildable. Rob Lambert said they are talking about possibly combining the lots. They are trying to be forthright by saying this is what they want to do.

Commissioner Swistak asked Mr. Brochu if we decide today that the location of the pool and terrace is OK will this set a precedent in other areas? Brochu said no. It would not set any legal precedent even though it may be perceived as such. The applicant did make us aware of the site plan and at zoning they will have to present evidence to the zoning board but that is up to them and the applicant will have to meet the criteria for zoning.

Commissioner Swistak asked Mr. Lambert is he thinks the Jamestown Special Development District is problematic? Lambert answered that for the town it is fine but for this particular piece of land it doesn't always fit with regards to the house.

Commissioner Smith said, what if you drew your plans in strict conformance with the zoning laws he thinks then it would show the hardship, do it as a comparison for the Zoning Board.

Commissioner Swistak asked, if this house were outside of the JSDD then it would be OK? Yes more than likely.

Commissioner Cochran asked a question about landscaping. Is there any public access to the water? No there is not. Swistak asked about the views and screening. What are the plans for landscaping will there be screening for the neighbors? Would you be inclined to put screening in? Lambert said we can put more screening in with regards to landscaping. They would not object to more landscaping being a condition of approval.

Commissioner Pendlebury said if we are going to include a location like this in the village district maybe we should not have made West Bay View Dr. part of this but we are sitting here and we have a zoning code that is our document we need to work within the structure we are given, in the future we need to rethink the different areas.

Mr. Cammans said if the pool is in the back there are more abutters that would view the pool, it is more private and less public notice of the pool in the front yard. Commissioner Cochran said zoning should have the option of trading off something for something. Bryer said if you want to look at the standards that this is being reviewed under look at her draft motion. The TRC said they met all the standards that they are asking relief for and she noted it in the draft motion. You are looking at the accessory structure in the front yard. You can make a recommendation. Commissioner Smith sees a hardship. You have a waterfront lot for the view. Everything in this house is oriented to the view.

A motion was made by Commissioner Swistak and seconded by Commissioner Smith “to approve the Development Plan for 40 West Bay View Drive to construct a new house, Plat 8 Lot 25 per 82-1106C.

The building and site plans shall be approved as shown on the plans submitted by Burgin Lambert Architects titled Cammans Residence, 40 West Bay View Drive dated 3-23-15, Including Site Plan and Building Layout, First Floor Plan, Second Floor Plan, South and West Exterior Elevations, North and East Exterior Elevations, Garage Exterior Elevations, Section and Details, and Building Section III. The application also contains an Existing Conditions Plan dated 1-15-15 by DiPrete Engineering.

The approval is based on the following findings of fact:

1. The lot is undersized at 17,161 square feet in an R-20 District requiring 20,000 square feet.
2. The new building will be used as a residence;
3. The plans meet the standards presented in 82-1106C.3. a through d and f, as noted in the Jamestown Zoning Ordinance 82-1106C. The application does not meet standard e. as follows since the pool and terrace are considered an accessory structure:
  - e. Garages and Ancillary Structures (page 13-14 in the Village Design Guidelines). The design of the outbuilding should be harmonious with that of the main house and designed in a way that does not compete in scale or volume with the primary building mass. Garage doors (page 20 in the Pattern Book) deserve design attention and single 16’ or larger wide doors should be avoided.;
4. The plan proposes off street parking via a driveway/garage;
5. The applicant has hired DiPrete Engineering to prepare drainage calculations in preparation for submittal to CRMC. The site utilizes at the lowest elevation along West Bay View Drive to handle runoff from the site. No drainage improvements exist for existing house;

6. The proposed Pool and Terrace has been determined to be an accessory structure/outbuilding and has a setback requirement of 20 feet plus the building setback, which is 30 feet for a total of 50 feet. The pool and terrace do not conform to those setbacks;
7. The proposed development plan does not alter the general character of the surrounding area and is not inconsistent with the Jamestown Comprehensive Plan;
8. The proposed house has been approved by the Technical Review Committee at the April 15, 2015 meeting;
9. The applicant was represented by Rob Lambert, Burgin Lambert Architects who presented the application and Attorney Christian Infantolino;
10. The applicant also owns a non buildable lot across West Bay View Drive;
11. The applicant proposed that the unique nature of the lot also warrants a unique design of the home;
12. There were no abutters, objectors or supporters in attendance;  
So voted:

Michael Swistak – Aye  
Rosemary Enright – Aye  
Michael Jacquard - Aye  
Michael Smith - Aye

Duncan Pendlebury – Nay  
Mick Cochran - Aye  
Bernie Pfeiffer - Aye

Motion carries 6 Ayes -1 Nay

Commissioner Smith recused and left the table.

**2. Del Nero Inc. – Plat 9, Lot 212 – 11A Clinton Ave. – Change of Use -Jamestown Special Development District**

Lisa Bryer said they have been to the Technical Review Committee and they approved this. Commissioner Enright said the change of use does not affect the parking, there is no disagreement with what is going to be done there. There will be no signage. Their hours will be M-F from 7a.m.-5p.m. and Sat 8a.m.-3p.m. Commissioner Enright said it will look much nicer being used as a business then its current use. If they are going to want an exterior sign in the future they will need to get a permit for it.

Commissioner Enright made a motion and it was seconded by Commissioner Cochran “to approve the Development Plan for 11 A Clinton Avenue to be utilized as a dry cleaning pick up and drop off location per 82-1106C.

The building and site plans shall be approved as shown on the plans submitted by the building owners Jim and Lisa Rafferty for Del Nero Inc.

The approval is based on the following findings of fact:

1. The applicant, Del Nero Cleaners is proposing to utilize 300 square feet, or a portion of a multi unit building known as High Tide Center;
2. The 300 square feet will be utilized as a dry cleaning pick up and drop off location;
3. No additional parking is required – the parking requirement will remain the same as previous use;

4. The proposed use has been approved by the Technical Review Committee at the April 15, 2015 meeting;
5. No exterior signage is being proposed and if exterior signage is needed in the future a sign permit will be required;
6. The hours of operation will be Monday-Friday 7a.m.-5 p.m. and Saturday 8a.m.-3p.m.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Michael Jacquard - Aye

Michael Smith - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Bernie Pfeiffer - Aye

Motion carries 7-0

#### **VII. Old Business – nothing at this time**

Commissioner Smith rejoined the Commission.

#### **VIII. Adjournment**

A motion to adjourn was made by Commissioner Pfeiffer and seconded by Commissioner Cochran at 8:40 p.m.. So unanimously voted.

Attest:



Cynthia L Reppe

This meeting was digitally recorded