

**Approved As Amended**  
**PLANNING COMMISSION MINUTES**  
**April 4, 2018**  
**7:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

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

The meeting was called to order at 7:00 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	
Michael Smith	

Not present: Dana Prestigiacomo

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cynthia Reppe – Planning Assistant  
Richard Pastore, PE – RP Engineering  
Douglas DeSimone – Douglas Properties  
Michael Darveau, PLS – Darveau Land Surveying  
Mark Liberati, ESQ – Attorney

**II. Approval of Minutes March 7, 2018;** review, discussion and/or action and/or vote

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

**III. Correspondence**

1. FYI – Statement of Completion. Received

**IV. Citizen’s Non-Agenda Item – nothing at this time**

**V. Reports**

1. Town Planner’s Report – Lisa Bryer said at the next meeting Horsley Witten will be here to begin discussing the Zoning Ordinance update and will discuss the use table, definitions and signage.
2. Chairpersons report
3. Town Committees
4. Sub Committees

## VI. Old Business

## VII. New Business

### 1. **Douglas Properties – Plat 14 Lot 115 - Section 82-314, High Groundwater Table and Impervious Overlay District -Sub-District A – recommendation to Zoning Board; review, discussion and/or action and/or vote**

Mr. Richard Pastore is a PE in Ma., Ct. and RI. Several years ago he helped to write the High Groundwater Table Ordinance along with Lisa Bryer's recommendations for the Town of Jamestown. He has been an engineer for the last 30+ years. Commissioner Enright made a motion seconded by Commissioner Pfeiffer to accept Mr. Pastore as an expert witness. So unanimously voted.

Mr. Pastore said this is a typical 7200 sq ft lot in the shores. The house has a 720 sq ft footprint. Commissioner Enright asked about a 200 foot radius map that shows the wells in the area. He has the 200 foot radius for the well with him. He showed the board the plan with the well radius. Commissioner Cochran asked about the DEM approval. It is from when? The construction permit is from 2014. The DEM soil evaluations are from 2006. Commissioner Enright asked about the amount of fill and is it part of our purview? Yes, it is Lisa said.

She asked him about the fill on the plan the revised topography in some cases it is fill. He moved the topo and the water flow is still in the same direction. Will the way in which you have done the topo drive the water into the rain garden? No, the rain garden was sized to handle the roof runoff for the 10yr storm and to handle the difference between pre and post development.

Regarding fill, the ordinance address minimizing fill. In the past the planning commission has tried to minimize to less than a foot. However sometimes lots have to be contoured to accommodate the rain garden. Jean Lambert works with the applicant before it gets to you. ~~Diek~~ **Mr. Pastore** explained the difference between our ordinance and the state stormwater manual. Commissioner Cochran asked if the abutters were notified. Yes, for the variance from DEM they were. The Zoning Board notifies them before the zoning meeting.

Commissioner Swistak said let's talk about the foundation square footage and roof square footage.

Lisa noted that we generally take the foundation footprint as the "impervious cover". This applicant happened to put that figure as well as the impervious cover from the roof, which was a standard 1 foot overhang. So Lisa said we should review this the same way we have been looking at the other applications but we should discuss it when we look at the ordinance. Jean is your guide and she is looking at these applications very conservatively protecting you, the Planning Commission.

Commissioner Swistak made a motion seconded by Commissioner Enright to recommend to the Jamestown Zoning Board, approval of the application of Douglas Properties: AP 14,

Lot 115; P-6, Stern Street, Jamestown, RI; being reviewed under Zoning Ordinance Section 314 - High Groundwater Table and Impervious Overlay District Sub-district A review in accordance with the plan entitled **Drainage Details, Stern Street, Plat 14, Lot 115, Jamestown, RI Sheets 1 and 2. Dated, revised 03/2/18, by Richard L. Pastore, RP Engineering, Inc., 112 Suffolk Drive, North Kingstown, RI 02852.** The recommendation for approval is based on the following findings of facts as amended:

Findings of Fact Section 314

1. Property is 7,200 sf in area.
2. The applicant is proposing to construct a 720-square foot footprint dwelling with a crushed stone driveway.
3. The existing site is undeveloped. Existing impervious cover is 0 sf.
4. Two (2) soil evaluations were conducted on the property. The results indicate a 17 inch seasonal high water table and 96" inches to category 9 soils. The site falls under Sub-district "A" requirements of the High Groundwater Table and Impervious Overlay District. The maximum impervious cover allowed is 10%.
5. The proposed impervious cover is proposed to be 10 percent.
6. The applicant's representative Dick Pastore, PE, recognized as an expert witness, represented the applicant before the Planning Commission on 4/4/18.
7. The applicants engineer has calculated the Water Volume Calculations which addresses stormwater treatment by a rain garden (formerly by leach field under driveway as stated on application) with an approximate area of 390 square feet and a storage volume of approximately 261 cubic feet. The proposed rain garden exceed the required storage volume of 255 cubic feet. The rain gardens provide treatment for the 1" water quality volume and provides storage for the increased storm water runoff associated with a 10-year frequency storm event.
8. Jamestown Engineer Jean Lambert provided correspondence to Chris Costa, Building Official and Lisa Bryer, Town Planner dated March 2, 2018 regarding the Douglas Properties application with respect to Zoning Section 314 (attached) which notes that, the proposal, in her professional judgement, the requirements for development within 82-314 of the Zoning Ordinance have been met.
9. The site includes fill and topographical reconfiguration. The applicant has attempted to minimize the impact of fill on runoff.
10. The applicant was granted a variance by RI DEM in 2014 for the water table. The standard is 24" and the actual depth in 17". Soil evaluations are good in perpetuity according to Mr. Pastore, PE.

**Recommended Conditions of Approval**

1. A Special Use Permit for Section 314 is required from the Zoning Board of Review;
2. An as-built plan should be provided at the completion of construction to the Building Official depicting the size and location of the house, size and location of the rain gardens, and verifying the elevations and grading shown on the proposed site plan.

3. The OWTS must be inspected and maintained as required by the Town Onsite Wastewater Management Program. A maintenance contract must be recorded in the land evidence records and a copy of the recorded document shall be submitted to the Planning Department.
4. The Operation and Maintenance (O & M) Plan (reproduced in 8.5" x 11" for the stormwater mitigation (rain gardens) shall be recorded in the Office of the Town Clerk with the Zoning Approval and evidence of such shall be provided to the Zoning Enforcement Officer. A copy of the recorded Operation and Maintenance requirements shall be submitted to the Planning Department.
5. An erosion and sediment control permit will be required from the building official prior to commencement of construction. Erosion and sediment controls shall be installed at the down gradient limit of disturbance as shown on the site plans. Erosion controls shall be maintained until final stabilization is achieved on the site.

So unanimously voted:

Michael Swistak – Aye

Rosemary Enright – Aye

Bernie Pfeiffer - Aye

Duncan Pendlebury – Aye

Mick Cochran - Aye

Michael Smith - Aye

**2. Ronald E. and Mary G. Long Plat 2 Lot 86, 840 East Shore Rd. and Collins Terrace – Minor two lot Subdivision without street creation - review, discussion and/or action and/or vote**

Attorney Mark Liberati presented the case for the Longs and Mr. Darveau represented the applicant. This lot was subdivided in 1969.

A motion to accept Mr. Darveau as an expert witness was made by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

Mr. Darveau said the lot is located at 840 East Shore Rd. and the lot goes down to Narragansett Bay. He showed the planning commission the plan and explained it. They moved the lot line over the stone wall so the lot can have the required frontage of 60 feet on the cul-de-sac. Shown on parcel B is a 3200 square foot house that will fit within the setbacks without CRMC variances. There is an approved septic from CRMC within the CRMC setback area but they will have to go back to CRMC and DEM if they decide to utilize that plan. We are showing the septic outside of CRMC jurisdiction. Commissioner Pendlebury asked about the easement but it is on the neighbors property Mr. Darveau explained.

Commissioner Enright was on the TRC we all looked at the property and she asked about the stonewall. The owners have agreed to put an easement on the new lot and they will maintain the stonewall. What does this do to the 60 ft frontage? Mr. Liberati said it does not impact the frontage and that there is sufficient frontage.

Commissioner Swistak made a motion seconded by Commissioner Cochran to Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Minor Subdivision Property Line Plan and Minor Subdivision Site Plan for Ronald E. and Mary G. Long, for Plat 2 Lot 86, 840 East Shore Road, Jamestown, Rhode Island**; prepared by **Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, RI 02864, 401-475-5700; dated Feb. 27,**

**2018** based on the following Findings of Fact and subject to the following Conditions of Approval:

**A. Findings of Fact**

The Planning Commission makes the following findings:

1. The subdivision is consistent with the requirements of the Jamestown Comprehensive Plan;
2. Each lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance. The property is zoned RR-80 and both lots will be over 80,000 square feet in size and the existing dwelling will meet the required setbacks for that zone. The new lot was formerly a separate lot, created by the subdivision of Land of Gray, Inc. in 1968. 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 OWTS is not located within 150 feet from the edge of any freshwater wetland. General note number 6 states that No freshwater wetlands are present on site, or within 200 feet of the subdivision property;
3. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval. The CRMC Coastal Feature and jurisdictional limit have been identified on the Subdivision Site Plan;
4. 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 Subdivision Site Plan depicts a large dwelling is able to exist on the lot even with the CRMC restriction and setbacks;
5. All subdivision lots have adequate and permanent physical access to a public street, namely, East Shore Road and Collins Terrace;
6. 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. The applicant has agreed to preserve all the stone walls on the site, in particular on the west and east side of the new lot;
7. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion. There is evidence of siltation behind the stone walls on the upslope side. The slope of the new lot is significant and erosion control will be important on the new lot during site work and development;
8. All lots in the subdivision have access to sufficient potable water for the intended use. The existing house is serviced by private well and the new lot will also be serviced by private well.
9. The applicants were represented by Attorney Mark Liberati and Professional Land Surveyor Michael Darveau who were accepted as expert witnesses.
10. Mr. Darveau testified that the site will accommodate at least a 3200 sq. ft. (80'x40') dwelling without encroachment into the CRMC jurisdictional setback including sufficient area for a well and OWTS.

**B. Conditions of Approval**

1. Two lots are being created with this subdivision;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision for the new lot only 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. The stone walls on and at the property line of parcel B shall be protected and maintained by easement, as offered by the applicant which will be reviewed by town staff and solicitor prior to final approval;
  4. The applicant shall be diligent with erosion control during site work and construction and the Building Official may require a higher degree of control due to the evidence of siltation behind both stone walls;
  5. The Coastal Resource Management Council shall be notified if any clearing of vegetation or disturbance is to occur within the 200-foot jurisdictional limit of the CRMC;
  6. 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 line;
  7. The Planning Commission delegates final plan review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plat;
  8. This approval shall be recorded with the Town Clerk within 30 days of signature; and,
  9. This approval shall expire one year from the date of approval by the Planning Commission unless within that year final approval is granted as noted above.

So unanimously voted:

Michael Swistak – Aye  
Rosemary Enright – Aye  
Bernie Pfeiffer - Aye

Duncan Pendlebury – Aye  
Mick Cochran - Aye  
Michael Smith - Aye

### VIII. Adjournment

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to adjourn the meeting at 8:00 pm. So unanimously voted.

Attest:

  
Cynthia L. Reppe