

Approved As Written
PLANNING COMMISSION MINUTES
Sept 5, 2018
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order 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 Prestigiacommo

Also present:

Lisa Bryer, AICP – Town Planner
Wyatt Brochu – Town Solicitor
Cinthia Reppe – Planning Assistant

II. Approval of Minutes Aug 15, 2018; review, discussion and/or action and/or vote

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

III. Correspondence – nothing at this time

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

V. Reports

1. Town Planner’s Report

Ms. Bryer reported that the town closed on 91 Carr Lane, 5.5 acres protected through a grant from DEM. The town is planning to enter into a purchase and sales agreement with CCHC for the remaining residential lot for affordable housing. It will be on the council agenda on September 17th.

Horsley Witten will be here for next meeting to discuss Zoning and in October for Sustainability plan.

2. Chairpersons report

Swistak asked if the cell tower proposal will come here to planning Lisa said it depends on where it is and if it may need height variance, they are looking into whether it needs planning approval. Could be a TRC review. Bryer reported that the council decided there should be a formal procedure for accepting public art, they are taking resumes for the committee. Smith said he heard

the opposition isn't to the art it is to the location. Swistak said the Town Council should be cautious. The Planning Commission is the keeper of the comp plan. It should not go to another committee and should come here to us. Anyone is welcome to apply. Pendlebury said it should be part of a master plan and should be related to goals and ambitions of the town. Commissioner Swistak asked about tax lots. There are 34 remaining that are not protected with a conservation easement.

3. Town Committees
4. Sub Committees

VI. Old Business

1. **Zoning Ordinance Update - review, discussion and/or action and/or vote**
 - a. **Short Term Rentals**
 - b. **Accessory Family Dwelling Units/Accessory Dwelling Units**
 - c. **Guest Houses**

Lisa Bryer, Town Planner briefly presented the difference between all the types of units including Bed and Breakfast Dwellings.

It was noted that the Town had a previous ordinance proposal for B&Bs that allowed them with more stringent criteria than the underlying zoning, including lot size, parking etc. There was a discussion about there being no incentive to fund and run a B&B. It is more lucrative to have a short term rental. Will AFDU/ADU be a better option? Ms. Bryer said there needs to be an adjustment to the way an AFDU size is calculated. It should appear to be accessory to the main house and if the main house has a significant amount of living space underground then the AFDU will appear large compared to the main house. Commissioner Pendlebury said it is very generous percentage.

Wyatt said you have to be very careful on this issue with zoning it can only be permitted by zoning and once it is a permitted use it is entitled to relief. Superior court is more permissive than restrictive. Look at the neighborhood impact.

There have been whole neighborhoods that turn into short term rentals when allowed by zoning. Short term rentals should require registration of the unit if the owner is not on site. Smith thinks short term rental is rampant on Jamestown.

Owner occupied units were discussed. Swistak did does not think there is a difference between owner occupied and non-owner occupied. In terms of neighborhood impact, it is generally a big difference when the owner is on site. We allow B&B's so if we expand that role and then only allow short term rentals either owner occupied or for longer periods of time like for 1 or 2 weeks then that may be better. Commissioner Pfeiffer noted that it is still a commercial use in a residential neighborhood.

Town Planner Lisa Bryer is looking for a consensus. No short term -nobody put hands up for this. Everyone agrees it needs to be regulated. Minimum stay any thoughts on that, impossible to regulate Swistak said.

The ordinance says less than 30 days. Cochran says there should be a substantial fine for the first event. Wyatt noted there is different enforcement path for zoning and the code of ordinances.

B&B – Do B&B’s pay a tax? Lisa said they are taxed on the business inventory and property value. Wyatt says there is more variety of when and how people rent under the short-term rental model. It could be rented all summer or a room rented where as a B&B is more of a business. If it goes up to 10 rooms it should be determined by lot size. Mr. Brochu asked are we on a permissive track or restrictive track? This is what the planning commission needs to decide on tonight. Its one thing when the town does not regulate it so there is no town involvement but another thing when you address it and it is not enforced. We need a mechanism in town to follow up on it.

VII. New Business – nothing at this time

VIII. Adjournment

A motion to adjourn at 9:00 pm was made by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

Attest:



Cinthia L. Reppe
Planning Assistant