

Approved As Written
PLANNING COMMISSION MINUTES
August 19, 2020
7:00 PM

**PURSUANT TO EXECUTIVE ORDER NO. 20-46 EXECUTED BY GOVERNOR GINA
RAIMONDO ON MARCH 16, 2020**
THIS MEETING WILL BE TELECONFERENCED VIA ZOOM:

I. Call to Order and Roll Call

The meeting was called to order via zoom at 7:04 p.m. Planning Commissioner Chair Michael Swistak read the rules and procedures to the audience regarding zoom. The following members were present:

Michael Swistak – Chair
Rosemary Enright – Secretary
Bernie Pfeiffer
Michael Smith

Duncan Pendlebury – Vice Chair
Mick Cochran
Dana Prestigiacomio

Also present:

Lisa Bryer, AICP, Town Planner
Wyatt Brochu – Town Solicitor
Mark Liberati – ESQ.
Christian Belden – Executive Director – Church Community Housing Corp.
Jeff Moniz – Two Step Architecture

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

III. Reports

1. Town Planner's Report

- **Town Council Update** – on Monday night at the town council Public hearing on building height in the special flood hazard area amendment was continued without discussion or presentation until Sept 21, 2020 because there was concern on the part of Town Council members that they may have personal conflicts of interest.

Wyatt Brochu said it is important to note the council action was precipitated by heavy accusations online about certain councilors professions. Councilors took a pause because if you have a bias or interest it needs to be evaluated.

Commissioner Swistak asked if there were 2 members that must recuse can the council continue with 3 members? Yes, replied Brochu.

Commissioner Swistak asked if we should put this back on the agenda for our next meeting? The Planning Commission agreed.

Commissioner Pendlebury said there are a number of us on the planning commission that are of same professions and we are developing the zoning code and that is no different in his mind. Unless of course there is an immediate financial gain. It is unfortunate that we have this gap in time here and that someone may try to move a permit.

Commissioner Swistak asked “If we as a commission still feel the same can we communicate to the council by memo to Mike White and copy the rest that we are disappointed and they should reconsider and come to conclusion?” Solicitor Brochu said he would not phrase it as reconsidering. The Planner was advised to put on this on the next agenda on Sept 2nd for the councils meeting is the 1st.

- **Future meetings** – topics and applications – See above

IV. New Business

1. 53 Narragansett Ave. Jamestown RI - Plat 9, Lot 207, Owner Jamestown Center Partners, Inc./Applicant Church Community Housing Corporation – Conversion of existing building (formerly Bakers Pharmacy) into 9 residential units including 3 Affordable Units – Major Land Development Project, Special Use Permit and Development Plan Review being reviewed as a Comprehensive Permit under Zoning Ordinance, Article 17 – Low and Moderate Income Housing, and Article 11 Jamestown Village Special Development District. Requested Relief:

1. Article 3, Table 3-1 Permitted Uses. Special Use Permit required for Multifamily 3-12 units. 9 units are proposed. Article 3, Table 3-2 Dimensional Regulations. 20,000 square feet required. Site has 16,626 square feet according the deed. Note Article 82-1705 allows for a 30% density bonus, so the site has sufficient square footage under that Article.
2. Article 10 Multifamily Dwellings – Review and Approval
3. Article 11 Jamestown Village Special Development District. Section 82-1101 is applicable because it is a new use, going from mixed use (office/retail/residential) to all residential, and the value of the improvements is more than 50% of replacement cost.
4. Article 12 Parking. Section 82-1202 provides that parking shall be in rear of building.

a. Preapplication Review – Discussion only

Christian Belden will give a presentation. Ms. Bryer said a neighbor participated at the TRC meeting and talked about the wall that was driven into on her property, suggested curb stops, landscaping, open space in the rear of property are the things she addressed and the TRC did also. The TRC also discussed which units will be affordable.

We have the option for peer review of architecture if needed.

Jeff Moniz from Two Hand Studio in Newport, was recognized as expert witness on a motion made by Commissioner Smith and seconded by Commissioner Cochran. So unanimously voted.

Christian Belden said they are proposing to convert the structure from mixed use to all residential, a total of 9 units, 3 affordable, 6 market rate.

They are proposing to reduce the amount of parking from approximately 31 (non-conforming) spaces to 18. They will convert a portion of the rear yard to a playground and green area, replace fencing and add curb stops and signage for private parking. They are proposing to add small porticos for entry. They were referred to former gas station, work on Narragansett Ave for lighting. They have decided to convert the bay windows to decks based on the TRC comments.

Commissioner Cochran asked what the current height is of the structure? It is 35 feet or less. Commissioner Cochran asked about the income limits. Mr. Belden responded that the 3rd unit is an affordable for sale unit and will be sold to a family that earns less than 80% median.

Commissioner Swistak asked what the strategy was for having 2 rentals? Christian Belden said this is responding to the town needs. Is this more work for CCHC doing rentals? Christian answered yes but they do both and are constantly developing both.

Commissioner Swistak asked about a note from TRC to narrow access to the driveway slightly. He noted that it is a little bit of a challenge because of the incline if you narrow it will trash trucks and cars be able to pass? Christian said they will do whatever the town wants. Island Rubbish will push the dumpsters to the truck they said.

The town lost retail space when Bakers closed. Did CCHC ever consider a commercial retail or office mixed use? Yes they did but no one came forth. He has people lining up for the residential. Lisa Bryer said nobody contacted her about office space.

Commissioner Swistak asked about the rear of property to Hammett Court. The town did a lot of work on drainage. Is there a drainage issue in the rear of the building? Mr. Belden has not heard anything but they are removing impervious surface so it should make a huge improvement. Commissioner Pendlebury said he has not heard anything more in recent years but heard from the Bushes shortly after Hammett Court went in that there was flooding in their yard.

Are the construction estimates provided up to date? Yes, Christian said. November or December start is what they are looking at. They are on track and it will be 9 months but he is scheduling 10.

When do you expect to be back for the next phase? Christian said as soon as possible. They are ready.

Lisa Bryer said we will be having a public hearing, which requires notification to abutters, and in the paper. Will the right of way on sidewalk be impacted Swistak asked? No only if they make driveway entrance narrow but he doubts it would impact the sidewalk for any length of time. Ms. Bryer asked what is the proposed width? Lisa Bryer said the parking lot will have a lot less traffic than it did before.

Attorney Mark Liberati asked how committed are you to 18 spaces? They are proposing 2 spaces per unit Christian Belden said.

Swistak noted that the TRC minutes include discussion of Architectural features and Design Guidelines are mentioned. Where is the discussion headed, did you look at that and will you be making changes?

Christian said what you see before you is what is being presented, beyond what you see on the plans that is it. Hardy board which is what is there now, they talked about replacing hardy plank with clapboard or shingle.

Commissioner Pendlebury noted some of the issues that were brought up at TRC; the bay windows, the porticos do not have a look that is market rate. He would like it to represent a market rate building. He thinks the little porches need some additional detail to respond to the handbook and it could make it a better elevation. The existing entrance to the old Bakers he thinks it looks like you are entering Bakers or a commercial building. Christian Belden noted it has market rate apartments now. They used 138 Narragansett as a template to create the porticos and they added railings. He is open to ideas. They discussed peer review.

Commissioner Pendlebury said he does not want to delay the project. The color of the building he hopes it does not come out gray like the renderings. Pendlebury does not think a peer review is necessary just a few minor upgrades. Commissioner Pendlebury is willing to put some red-marks on the plan and give them to CCHC.

The Planning Commissioners briefly discussed the relief necessary but that will be part of Preliminary and Master Plan review.

b. Request to review the application as a Comprehensive Permit for affordable housing under Zoning Ordinance Article 17 – Low- and Moderate-Income Housing – Review, Discussion and/or action/and or vote

A motion was made by Commissioner Smith and seconded by Commissioner Enright to review the application as a Comprehensive Permit for affordable housing under Zoning Ordinance Article 17 – Low- and Moderate-Income Housing. So unanimously voted:

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

Duncan Pendlebury – Aye
Mick Cochran - Aye
Dana Prestigiacomio - Aye

c. Request to combine the Master Plan and Preliminary stages of review including the Public Hearings – Review, Discussion and/or action and/or vote

A motion was made by Commissioner Smith and seconded by Commissioner Enright to combine the Master Plan and Preliminary stages of review including the Public Hearings.

A discussion ensued as to the pros of doing this. Attorney Liberati said often times when dealing with these applications you are looking for state permits for other approvals and we do not have any of that here it is all the same information and we do not need that here.

So unanimously voted:

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

Duncan Pendlebury – Aye
Mick Cochran - Aye
Dana Prestigiacomio - Aye

Commissioner Swistak said in the past we have had a proforma review. Ms. Bryer said that was when it was a for profit developer. She is not sure that review was all that useful or a value to us. If you have questions we should do it. Christian Belden said they have to submit a proforma to RI housing for this, he met with his site inspector on site a few days ago, he went through the scope of work and the proforma and the inspector thought it all made sense.

Is the building vacant? No there are 2 occupants now and a commercial occupant.
Will they vacate? It was not their desire and he is working with the remaining occupants to keep them in the building.

Commissioner Swistak asked Solicitor Wyatt Brochu did we miss anything? No, he said Attorney Liberati will have everything in order for preliminary and master and he thinks 1st meeting of Oct. is a more realistic time frame.

Commissioner Cochran would like to see the redline recommendations as part of the packet, Pendlebury suggests if he makes red-marks he will send to Lisa and she will send around. We could have an early TRC so that if changes have to be made there will be time.

V. Adjournment

A motion to adjourn at 8:45 p.m. was made by Commissioner Smith and seconded by Commissioner Enright. So unanimously voted.

Attest:


Cynthia L. Reppe