

**Approved As Written**  
**PLANNING COMMISSION MINUTES**  
**September 1, 2021**  
**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	Dana Prestigiacomio

Also present:

Lisa Bryer, AICP – Town Planner  
David Petrarca, Esq. – Town Solicitor  
Cinthia Reppe – Planning Assistant  
Christian Infantolino, Esq. – Attorney  
Bill Munger – CMS/Freebody  
Chris Powell  
Dennis Webster  
Alec Broers

**II. Old Business – nothing at this time**

Commissioner Swistak and Commissioner Smith recused for the next agenda item and sat in the audience.

**III. New Business**

- 1. CMS boatyard, Freebody LLC, Conanicus Avenue. Plat 8 Lot 278 (260 Conanicus Avenue) and 760 (115 Bayview Drive), Minor (Administrative) Subdivision requiring amendment to the special use permit in place for that facility. Conditional Subdivision Approval, Recommendation to the Zoning Board: review, discussion and/or action and/or vote**

Town Planner Lisa Bryer said this application has been reviewed twice by the TRC on July 16<sup>th</sup>, July 28<sup>th</sup> and a site visit was also done on July 21<sup>th</sup>. This application has been deemed complete. It is being reviewed as a conditional Administrative application which needs Zoning Board approval. I am not able to review this application administratively since it needs Zoning Board relief therefore it is at the Planning Commission.

The site visit was very useful and really helped that is why there are so many pictures in the report. You will be making a recommendation for the subdivision and then it will go to zoning for the amendment to the special use permit.

Town Solicitor David Petrarca said this is at the pre-application stage and when it comes back in 2 weeks it will be properly advertised on the agenda, there will be no votes tonight.

Attorney Christian Infantolino represents the applicant. They have had numerous zoning requests, denials and approvals since 1982. Business has evolved over the years. They have been operating with all of the conditions set forth in the zoning histories and have included what was granted or denied since the inception. You should have the narrative, historical narrative including all the past zoning letters and maps. The wetlands map and report has not been signed off by DEM nor verified yet. There is a schematic site use plan, to show there will be more than enough area to do what is needed on the boat yard site. Other 2 things submitted this evening are photos that Mr. Munger will use today in his presentation. After this proposed subdivision it is still twice the size of any other boatyards here.

It pushes the commercial use further away and makes it go back to residential use. The property has cisterns and it feeds the entire site with the water they use and solar panels. It is a very environmentally thought out boatyard. The purpose of this subdivision is to reduce the land of the boatyard itself. In 40 years of operation, the boats have increased in size and the large boats are not stored on this site because of restrictions with hauling over the last 15 years. There will be no changes to the current operation. There is no town water hookup but there is town sewer. The proposed plan meets all the parking requirements. The parking will be off site marina parking but not the ferry but it will still be used for special event parking.

Currently no plans to develop the new lot, it will be residential. There will be less abutting residential properties to the boatyard; only 8. Commissioner Cochran said there are 14 abutters from his calculation, Infantolino showed him there are 10 to the boatyard, reducing down to 3 abutters of the commercial lot. The southerly lot will have 6.9 acres. He explained 5 sheds on property and the client does have enough moving around ability to adequately move the boats around.

Mike Darveau professional land surveyor, he had been asked to reconfigure the lot lines and they performed a class 1 survey. They are proposing to change the square footage of each lot. They have 100 feet of frontage for the R20 zone. The second lot fronts on Bayview. They prepared a schematic layout asked for by the TRC at a meeting. They based their layout on parking for 50 offsite spaces, they have outlined that there is sufficient space. 10 employee spaces and 30x10 parking spots. There is sufficient parking for everything they need.

Pendlebury asked if the parking spots to the north along the property line that are labeled boat-float-dock storage area should be restricted to boat only? Otherwise that would increase the amount of spaces over what is permitted by Zoning. Infantolino said the zoning approval is limited to 50 off site marina customers and employee spaces. This does not limit the number of special event spaces. Lisa Bryer said that she recalls it is for 50 total parking spaces. She read, 50 spaces for the marina customers from May 1- Oct 1. A discussion ensued about parking spaces and

where the boats are parked. Pendlebury said there a lot more spaces than 50. Pendlebury's question was are you willing to say that is the purpose of this, meaning you are crafting space for marine related items to be parked. Infantolino said it is storage. Commissioner Pendlebury said car parking is shown in the center. Infantolino said it may be a flex space for special events. Pendlebury asked how are you going to control this so there is not a massive parking lot there? Infantolino said it will be a flex storage area. The issue is if it is not a special event it will be in violation then it is sent to the zoning officer. Pendlebury said I leave it on the table as a concern. Bryer asked if they are asking for an increase of parking spaces in the special use permit? He said no. She noted that they currently have 50 for marina customers and employees. Infantolino stated that they are permitted 50 by Special Use Permit that but there is no limit on special event parking and stated that floats will go up in the area by the bridge. Enright what will be done with that dog leg? She was told Boats trailers. At this point in time parking will be where they delineated. Sometimes in spring and fall they might have to jockey them and put cars and boats other places but it is rare that cars will be there but they could use it for special event parking. Save the bay event is a time of a special event for parking. Commissioner Enright is concerned that the dogleg is an entry or exit off of Bayview. Bill Munger said he will put a residential gate there and he does not want anyone entering that way, but Enright wants it specified that there will be a locked gate. Mr. Munger wants complete control of the yard. She wants it as a condition and he agreed.

Commissioner Enright asked Mike Darveau about the southern proposed property line and why is it not straight? He said the reason being is the existing sheds placement and they are going around that. Enright believes there should be straight lines, she does not think it is a necessary reason. Pendlebury said you are supposed to do this in an orderly process and stay within the dimensional requirement for access to the building.

Darveau said the jagged lines keep the proper distance from the buildings. The distance from the property lines is needed for circulation around the buildings (35-40').

Pendlebury noted the proposed buffer easement of 10 feet but there is not a lot of explanation of what the buffer is, planted or landscaped? There is an existing 125 ft easement from the residential land to the boatyard as it currently sits. Pendlebury thinks this needs more consideration and a recommended buffer would be 20 feet and it should be a tightly landscaped buffer. Pfeiffer and Enright agree and it should be on the boatyard property. Bryer agreed. The original buffer could go away and in his mind the buffer along the commercial lot becomes more important. Does anyone else have anything to say about it.

Commissioner Pfeiffer said that the 125 easement was established as an agreement between neighbors in 1998 and it's not clear to him what happens to it when you split that commercial lot? Enright agrees there should be a wider buffer between the commercial and residential. The 125-foot buffer is an agreement between the Websters and the Mungers. Munger and Infantino said that there is no plan to change this at this point. Pfeiffer stated that he needs to provide a buffer and the planning commission has the ability to make a strong recommendation.

Bill Munger owner of CMS Boatyard/Freebody LLC presented pictures tonight of the different boatyards in Jamestown. He wants to relocate his boat storage operation to the northeast corner. He is aware of noise issues from the bridge and the bridge and turnpike, his business is largely a passive operation and boats usually stay 4-6 months. CMS is vastly different from the other

boatyards because masts have to be removed before they are transported, and to him all operations are done inside the buildings there.

He did a comparison with the boatyards in town.

Commissioner Pendlebury wants the applicant to come back with landscaping of what you are going to plant. Commissioner Enright said it would be preferable if they are native to the area.

In closing Munger thanked them for their support and said Lot 760 can provide lots of opportunities.

Commissioner Cochran asked if owners can maintain and work on their boats there? You can do light maintenance but nothing more or you have to go inside. He also expressed concern about the quality of the soil going back to residential from a road bed.

Eventually they might want to do something or have somebody else come in and do something with lot 760 but right now he has no immediate plans. The Planning Commission has the opportunity to review it at that point.

Commissioner Pendlebury said that the planner's memo had some questions, like landscape buffer zone etc. he is bringing it up because they will be listed as conditions of approval for the draft motion, at least some of them will be conditions. The ones that we left include will there be additional lighting for instance. Munger noted that they took down some lights there are some dark holes that need to be replace but it will be downlit.

Mr. Munger asked if the Jamestown boatyard is something that would be a good example. Commissioner Enright wants native plants, she wants a screen not a privet hedge. Pendlebury said that the Zoning Ordinance says when using a buffer, a compact planting screen not less than 5 feet high or fences etc. It needs to be compact to do a good job of being opaque.

Chris Powell - Mt Hope Ave. - He has lived here for 47 years and was 27 years on the conservation commission. The original 100 foot buffer from the boatyard was required by Zoning, then 125' is what Websters negotiated to the south border and it is a vegetative and sound buffer. Trees do a better job of attenuating noise. The narrower the buffer the more noise. Over the years the passive boatyard overall is a good neighbor, quiet, lots of environmental upgrades and a good steward for the environment. The change down to 5 acres will squeeze all the uses into 1/2 the space. Granted it is the largest boatyard on the island. They have some issues on the current proposal and he does not want to see the buffer disappear. It is for sale now and we do not know who will buy and what they will do. Access to Bayview is a concern. He thinks what they originally had there has changed a lot and may change even more with new owners.

Dennis Webster Mt Hope Ave – Bill and May have done an exceptional job, and the business is important to the economy of this community. He wanted to support this proposal, but thinks it doesn't have enough detail in it to do that. There are 2 things he wants to examine, the claim that the 4.6 acres being added to the other is no longer needed. The 1 acre of outdoor storage is just being moved to the north and tightened. 2.2 acres is being used as a buffer zone for the residential properties. It has made them a good neighbor for 40 years. 3/10ths of an acre is used for access to

Conancius Ave. This leaves only 9/10 of an acre that doesn't have a current use. The proposal to move part of the operation to the north end of the property looks like access to Bayview Dr. He knows Bill has committed to not use it but 5-15 years from now how will a new owner feel about that. They don't want more traffic on Bayview. Other concern is the visuals of having boats, trailers and floats stored that close to the residential streets. The proposed setback is only 30'. Looking at a 2003 letter from Fred Brown, one of the few complaints was boats being stored on the driveway at Conancius Avenue but it was quickly resolved. It is has always been well hidden and I would think hard before you change that. He would like to support this some time in the future but cannot now without all the information.

Alec Broers 32 Mt Hope Ave- they came to Jamestown in the 60's, we have seen an increase of boating on this island, his boat is at Clarks Boatyard. CMS has done an outstanding job, there is a limit to size of expansion. He feels we should not be looking to reduce boatyard space on the island. The problem with this proposal is they are concerned as to what is going to happen in the future. He is not providing any details on that. this is just a beginning proposal. He knows that residential land is worth more money right now.

Mr. Infantolino is responding in general. He has several violations over the years and over the years he has gotten the approvals and has complied, and the access off of Bayview will be honored. Mr. Munger mentioned earlier the fear of unknown. He is proposing to push all that activity away from residential and it will be smaller they are asking to be treated the same as the other boatyards. He will be pushing it more towards The RI Bridge and Turnpike property.

Commissioner Pendlebury asked how would you feel about planting a buffer on Bayview Dr. except for the gated area. He asked them to address that on the plan. Will this area be available to emergency vehicles Pendlebury asked? Munger said yes.

Commissioner Pendlebury asked Attorney Infantolino if he is clear on what he needs for the next meeting. Provide clarity as to what buffer and access gate plantings will be. Please provide a complete application so we can complete the discussion on a vegetative buffer plan. This should be addressed before the next meeting: clarity on access to Bayview Drive with locked gate, clarity of vegetative buffer within the 30 feet to Bay View Drive and south of the boat yard. The gate on Bayview Dr. deed restriction and condition of approval it has to stay there permanently.

Town Solicitor Petrarca said the draft deed should reference and be subject to the Planning Commission's decision and conditions of approval to reconfigure the lots. It should also be subject to and cross reference the conditions as shown on the plan. In other words, the deed references the conditions of approval.

Commissioner Prestigiacomo asked if Planning Commission should provide recommendations on additional lighting? If they change any of the lighting Christian Infantolino said they have to come before us.

Munger said the bridge lighting lights his property and anything they do would be downlighting. Lisa Bryer noted there is concern of future uncertainty related to lighting and it should be addressed on the plan if you want to increase. They will go with bridge lights for now, Mr. Munger said.

Commissioner Cochran said under Sec 13 regarding the current easement the way he reads it says that this easement expires. Infantolino said he has not looked at this and he understands people are concerned about the easement and buffer. The only thing that can go there is residential. Cochran said they would like to know, the neighbors are looking for specificity on whether the recorded easement is going to stay on site. We need to look at that and make sure it doesn't terminate or is there a way to maintain it. The applicants attorney should review the documentation and when you come back you can describe how the easement breaks if it does?

Commissioner Pendlebury said the easement and buffers were put in place for a specific use so when zoning looks at this what do they do and what do we recommend? He needs clarification before he can move forward. Commissioner Cochran said the 125" easement is wanted by the residents. Commissioner Prestigiaco said next time please come back with the answer to that. if your intention is not to make any changes to the easements currently then make it clear, say that.

Chris Powell – he would be interested in splitting the easement so that it is assigned to each resident that it abuts. He will consider that.

Come back and see us in 2 weeks with the information submitted in time for the packet. We will put together a conditional approval for that meeting.

#### **IV. Correspondence**

1. FYI – Memo to Zoning Board of Review – 53 Narragansett Ave. Gino DiFante. Received
2. FYI – NEEP – Zero Energy Plan – Community Resiliency, Energy Efficiency Framework. Received

#### **V. Approval of Minutes August 4, 2021: 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 Swistak recused.

#### **VI. Citizen's Non-Agenda Item – nothing at this time**

#### **VII. Reports**

1. Town Planner's Report
  - Future meetings – topics and applications- nothing at this time

#### **VIII. Adjournment**

A motion was made by Commissioner Enright and seconded by Commissioner Cochran to adjourn the meeting at 9:25 p.m.

Attest:

  
Cynthia L Reppe

