

## **TOWN COUNCIL**

April 6, 2005

A special meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:05 PM by Council President Kenneth Littman.

The following members were present:

Julio J. DiGiando  
Guy J. Settipane  
Claire W. Ferguson

absent: David J. Long

Also present:

Arlene D. Petit, Town Clerk  
A. Lauriston Parks, Town Solicitor  
Lisa Bryer, Town Planner  
Michael Gray, Town Engineer  
Frederick W. Brown, Zoning Official

Planning Commission members present:

Gary A. Girard, Chair  
Victor V. Calabretta  
Barry S. Holland  
Betty Hubbard  
Andrew Kallfelz  
William A. Kelly  
Jean MacGregor-Brown

### **PUBLIC HEARING**

- 1) Proposed amendment to Section 82-103 (definitions), 308 (setbacks to freshwater wetlands) and 314 of the Jamestown Code of Ordinance relating to the high ground water table and impervious layer overlay district

Council President Littman opened the public hearing at 7:09 PM.

Town Planner Lisa Bryer gave an overview of the ordinance in general and addressed each proposed change to the existing ordinance.

Section 103 the definitions section; Section 308 relating to the setbacks to freshwater wetlands and Section 314 relating to the high ground water table and impervious layer overlay district.

Ms. Bryer noted that the overlay district referred to in Section 314 has not changed from when it was adopted in 2003. The overlay district includes Conanicut Park, part of Plat 2, all of Plat 1, the Jamestown Shores area which is Plat 3A, a portion of Plat 5, Plat 14, Plat 15 and a portion of Plat 16.

### Section 103

Section 103 amends the definitions; specifically to major repair of an ISDS, seasonal high-ground water table is being amended to be more consistent with RIDEM and wetland – freshwater is amended to clarify the setbacks to freshwater wetlands.

### Section 308

Subsection A of Section 308 clarifies where the 150 foot buffer begins.

### Section 314

Proposed amendments to Section 314 relate specifically to the high ground water table and impervious layer overlay district and were reviewed by the Town Planner in detail.

Council President Littman opened the hearing to public comments at 7:20 PM.

Daniel Lilly, Seaside Drive, suggested that the Council cease issuing permits while considering the proposed ordinance amendments.

Charlotte Zarlengo, Seaside Drive, stated that she was in support of the proposed amendments and encouraged the Council to not allow special use permits to get around the ordinance.

Leo Errara, Riptide Street, commended the Planning Commission and the Council on the proposed changes to the ordinance.

Judy DiBello, Spanker Street, suggested that the terminology for the amount of fill is too broad and needs additional identification.

Donna Cote, Spindrift Street, stated that when new ISDS are installed on small lots the hill that is created allows water to runoff onto neighboring properties.

Phillip Zarlange, Seaside Drive, urged the enforcement of the 150 foot setback provision.

Debra D'Agostino, Steamboat Street, inquired if the administrators of the ordinance actually go on site to view the new developments.

Ralph Pecchiar, Yawl Avenue, informed the Council that the property owner on an abutting lot is allowing debris to be dumped there causing water to drain onto his property.

Randall Tyson, Seaside Drive, asked if there was any scientific data to support the use of this ordinance in one limited area of Jamestown and not require it island wide.

Sav Rebecchi, Sail Street, stated that he could not support the ordinance as it applies to existing homes. Mr. Rebecchi gave a presentation to the Council.

Paul Hines, Seaside Drive, questioned why the ordinance only applies to the Shores area when there are other areas that are worse. Mr. Hines showed a slide presentation of wet lots.

Daniel Capuano, East Shore Road, inquired if there will be other areas of the island included in the ordinances in the future.

Randall Tyson asked members of the Council if they had intended this ordinance to encompass developed properties.

Daniel Lilly suggested additional research on the proposed ordinance with a moratorium on issuing permits until the research was completed.

Sav Rebecchi questioned the fairness of allowing only 15% impervious surface coverage and continued on to explain how difficult and in some instances impossible for an existing homeowner to comply.

There being no further public comments, the Council reviewed each section of the ordinance, as follows:

Sec. 82-103. Definitions (adopted with Section 314) Motion to accept as presented.		
Section 2. Subsection A of Section 82-308 A. Motion to accept as presented.		
Sec. 82-314. High ground water table and impervious layer overlay district		
Fifth paragraph, third line	The decision as to whether a particular lot is located... The Town determines to be sufficient <i>and</i>	Change <i>and</i> to <b>and/or</b>
Paragraph following the criteria for test hole location chart, fourth line	But such development may be relieved by <i>the administrative review committee</i>	Change <i>administrative review committee</i> to <b>zoning enforcement officer after review with the town planner and the town engineer</b>
B. Development within sub-district B., first paragraph, third line	Standards will be reviewed administratively by the <i>building official and town planner</i>	Change <i>building official and</i> to <b>zoning enforcement officer after review with the town planner and the town engineer</b>

The hearing being duly held and no further changes made, it was moved by Councilor DiGiando, seconded by Councilor Settiane to adopt as modified the proposed Jamestown Zoning Ordinance Amendments related specifically to Section 82-103, 308 and 314. So unanimously voted.

There being no further business before the Council the special meeting was adjourned at 9:35 PM.

Attest:

Arlene D. Petit  
Town Clerk

c: Town Council Members (5)  
Town Administrator  
Town Solicitor  
Administrative Circulation