

PLANNING COMMISSION MINUTES

December 1, 2004

7:30 PM

Jamestown Library

The meeting was called to order at 7:32 p.m. and the following members were present:

Gary Girard	Andrew Kallfelz
Victor Calabretta	Betty Hubbard
Barry Holland	Jean MacGregor Brown
William Kelly	

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Recording Clerk
Michael Gray – Town Engineer
Peter Brockmann – Attorney
Stanley Szczsponik Jr. – Engineer, Vanasse Hangen Brustlin, Inc.-
Sue Moberg – Vanasse Hangen Brustlin, Inc.
Steven Cotroneo
Andrea Colognese and Doriana Carella
Elizabeth Ghiseline - Architect
Guido F Carella - Architect

I. Approval of Minutes from November 17,2004

A motion was made by Commissioner Holland and seconded by Commissioner Kelly to approve the minutes as written. So unanimously voted. Commissioner Kallfelz abstains.

II. Correspondence

1. CRMC – Assent – Osprey Creek LLC 297 Cowesett Ave, West Warwick, RI 02893; construct a residential boating facility to consist of 4’x 192’ fixed timber pier, a 3’x15’ ramp and a 10’x15’ float. The terminus of the pier will extend to 122 ft beyond mean low water. Located at 486 East Shore Rd. Plat 4 Lot 39. Received
2. CRMC – Assent – RI DOT 2 Capitol Hill, Providence, RI 02908; to modify existing Assent for Jamestown Bridge demolition/disposal permit to include 2 additional open water bridge debris disposal sites, for purpose of creating additional artificial reef structures. Received
3. CRMC – Assent – Donald and Harriet MacAllister 864 East Shore Rd., Jamestown, RI 02835; to construct a residential boating facility to consist of a 4’x158’ fixed timber pier with 4’x 20’ lower access (terminal) platform. The terminus of the dock will extend to 75 ft beyond mean low water. Plat 2 Lot 222. Received
4. FYI – memo to Town Council from Planning Commission Re: Land Bank and Affordable Housing Trust Act Received

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

IV. Reports

1. Town Planner's Report

At a Zoning for Affordable Housing workshop that Town Planner Lisa Bryer attended, everyone complimented our plan and it was used several times as an example for different innovative strategies that we suggested in our Affordable Housing Plan.

Commissioner Calabretta arrived at 7:36 p.m.

Commissioner Kelly would like to send a letter of Appreciation and Gratitude for the tremendous job that Town Planner Lisa Bryer did on the Affordable Housing Plan to the Town Administrator with a copy to go in Town Planner Lisa Bryer's personnel file. The Planning Commission is in support of this and Commissioner Kelly will write the letter.

2. Chairperson's report

Commissioner Girard wants to discuss the matter of the lack of decorum at the last meeting. He stated "we as a planning commission need to work together on issues and demonstrate courtesy to each other during the meetings." Commissioner Girard discussed the Recusal issue with Town Solicitor Larry Parks and Mr. Parks said there is no need for any individual on the board to recuse themselves during these issues, unless they were given special treatment. Commissioner Kelly stated he thinks it was not an unreasonable request, regarding the recusal issue. He stated that getting these issues out in the open will be a better way to approach this.

3. Town Committees

a. Harbor

b. Fort Getty

c. Buildings and Facilities

They will be meeting next Monday at 7:00 p.m.

d. Others

4. Sub Committees

V. Old Business

1. Manning Major Subdivision- Cedar Lane-Extension of Master Plan Review Period

The Planning Office received a letter from Attorney John Murphy asking for and extension until February 2nd 2005. Commissioner Hubbard made a motion to accept the extension, seconded by Commissioner Calabretta. So unanimously voted.

2. Straight Property Minor – 2 lot – Subdivision – Hull Cove Street and Beavertail Road – Preliminary Action

Attorney Peter Brockmann introduced Stanley Szczsponik Jr. an Engineer with Vanasse Hangen and Brustlin, Inc. to present the revised plan. The fill has been substantially diminished and a bottomless sand filter system will be used to reduce the required fill. Sue Moberg showed the separation between the wells and septic system. Commissioner Hubbard asked about the well drillings, they were submitted again and Town Planner Lisa Bryer said that one of the wells is producing _ gallon per minute at 500 feet, the other one 1 gallon per minute. Commissioner Hubbard agrees with additional conditions made by the town engineer. Town Planner Lisa Bryer would like to add as a condition of

approval to record the grading plan and as built and finish grading on the lot. The owner should submit an as built survey that includes the finish grading on the subject lots prior to the issuance of a certificate of occupancy from the building official. Commissioner Calabretta brought up a letter from the Pomfrets regarding a well near the lot line. Mike Gray stated that they located the well and it is proposed to be far enough away. Attorney Peter Brockmann said they will check this out and it could be made a condition of approval. Commissioner Calabretta stated that they should identify that the location is outside the 100 foot radius, and then come back or make this a condition of approval.

A motion was made by Commissioner Kallfelz and seconded by Commissioner Calabretta to approve this plan based on the following Findings of Fact and subject to the following Conditions of Approval:

A. Findings of Fact

The Board 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;
3. 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 each of the proposed systems are located outside of the 150 foot wetland buffer;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with all required conditions for approval;
5. 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;
6. All subdivision lots have adequate and permanent physical access to a public street, namely, Hull Cove Street and Beavertail Road;
7. The subdivision provides for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, and for suitable building sites that contribute to the attractiveness of the community;
8. The design and location of building lots, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion;
9. All lots in the subdivision have access to sufficient potable water for the intended use. Both lots have private wells.

B. Conditions of Approval

1. The approval is for a total of 2 lots;
2. That payment of a fee in-lieu-of land dedication shall be required for this subdivision 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. Granite monuments shall be placed at all corner points at the new property line;
4. The Coastal Resource Management Council shall be notified of any work within the jurisdictional limit of the CRMC;

5. The Planning Commission delegates Final Review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plan;
6. The Property Line Plan and the Grading Plan shall be approved and recorded with the Town Clerk;
7. The approved grading plan shall be recorded with the deed to each property
8. The owner of each lot should submit an as-built survey, subsequent to lot development that includes the finish grading on the subject lots, prior to issuance of a certificate of occupancy from the building official;
9. It shall be verified that the location of the well on Plat 12, Lot 174 is outside the DEM 100' foot minimum separation from the proposed ISDS. The well location shall be shown on the final grading plan.
10. This approval shall be recorded with the Town Clerk within 30 days of receipt and the proof of such recording provided to the Town Planner; and,
11. This approval shall expire one year from the date of approval by the Planning Commission unless granted Final approval.

So voted:

Gary Girard – Aye

Andrew Kallfelz – Aye

Betty Hubbard – Aye

Victor Calabretta – Aye

Jean Brown – Aye

William Kelly – Aye

Barry Holland – Aye

Motion carries by a vote of 7-0

3. Application for Cotroneo Residence – Spindrift St. – Plat 5 Lot 277 - Zoning Ordinance Section 314 - High Ground water table/ Impervious Layer Overlay district - Sub-District A review – Recommendation to Zoning Board - continued

Mr. Cotroneo addressed the board with the revised plans that Mr. Campopiano submitted. Michael Gray Town Engineer said the commissions concerns regarding the cistern were addressed and a more conservative approach has been taken. Commissioner Hubbard asked what the situation would be in a situation like this week with all the rain we have had, would it be full to overflowing? Yes is what Mr. Gray answered, it would have overflowed. Smaller depressions on the surface are better. Commissioner Hubbard asked for an as built grading plan before, what about minimal landscaping, what if the house changes hands and the new owner doesn't like the landscape design and changes it what recourse do we have. A recommendation to the zoning board could be made with this as a condition to the plan. No permit is required for landscaping your property so you would have to make the subsequent owners aware of the grading plan that was originally approved. The only way is to have the plan be recorded with the deed, stated Lisa Bryer. Commissioner Brown asked if they add more gravel would that be recommended? Mike Gray said no more gravel is needed. A motion was made by Commissioner Calabretta and seconded by Commissioner Holland to recommend approval to the zoning board with a condition being that the grading plan be recorded with the deed. So voted:

Gary Girard – Aye

Andrew Kallfelz – Aye

Betty Hubbard – Aye

Victor Calabretta – Aye

Jean Brown – Aye

William Kelly – Aye

Barry Holland – Aye

Motion carries by a vote of 7-0

VI. New Business

1. Application for Andrea Colognese & Dorian Carella – Gondola Ave. – Plat 16 Lot 351 - Zoning Ordinance Section 308 Review – Setback to Freshwater Wetlands Recommendation to Zoning Board

Mr. Colognese introduced the architect Elizabeth Ghiseline who presented the board with a model of the property and some 3 dimensional graphics to describe what she is presenting. A retaining wall is being proposed. Septic is at elevation of 57 feet and she said the bathrooms have to be located above that. The retaining wall will have to be roughly 8 feet high stated Commissioner Holland. The zoning regulations state that no structure is to be higher than 6 feet from natural grade. Commissioner Calabretta asked if all of that fill is to park the cars and have access to the home. Commissioner Hubbard stated the height requirement is 35 feet and Ms. Ghiseline stated it is well beneath that. Commissioner Calabretta's initial reaction was that he was impressed with the minimal amount of grading. Michael Gray stated the Town owns an 18 inch metal pipe very close to the wall that collects the street drainage, there should be an easement there too. Commissioner Kelly can they make the wall rip rap? Commissioner Calabretta thinks it is sited right and they just need to try to keep it as close to the ground as possible instead of being 8 feet high. Elizabeth Ghiseline stated they will do everything possible to make the changes the commission is asking for. Commissioner Girard suggested they take the suggestions that were made and come back. From the street it won't look like a typical 2 story house. They will come back and then the planning commission will make a recommendation to the zoning board.

A motion was made by Commissioner Calabretta and seconded by Commissioner Holland to adjourn the meeting at 9:09 p.m. So unanimously voted.

Attest:

Cynthia L. Reppe

This meeting was recorded on 1 micro-cassette