

PLANNING COMMISSION MINUTES

October 4, 2006

7:30 PM

Jamestown Library

The meeting was called to order at 7:36 p.m. and the following members were present:

Gary Girard	Victor Calabretta
Betty Hubbard	Barry Holland
Jean Brown	Michael White

Not present:
Richard Ventrone

Also present:
Lisa Bryer, AICP – Town Planner
Cynthia Reppe – Recording Clerk
Amy Barclay – Trattoria Simpatico
Steven King – Engineer
Edward Furtado
James Donnelly
Mr. and Mrs. Lavallee
Charlotte Zarlengo

I. Approval of Minutes from September 6, 2006

A motion was made by Commissioner Calabretta and seconded by Commissioner Hubbard to accept the minutes as written. So unanimously voted. Commissioner Holland abstains.

II. Correspondence

1. CRMC – Insignificant Alteration Permit – John Somyk 628 George Washington Highway, Lincoln, RI ; Plat 5 Lots 175 & 194, Jamestown RI. Received.

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

IV. Reports

1. Town Planner's Report

Lisa Bryer stated that Town Solicitor Larry Parks will attend the Oct 18th meeting. Lisa Bryer and Commissioner Brown interviewed 2 local architects. Mr. Jim Estes who offered 60 hours of service for no fee per year, asked some questions about insurance etc and decided to withdraw his application. Mr. Ron DiMauro who also decided to offer the same amount of hours at no charge will be awarded the bid at Monday nights Town Council meeting. Lisa will be working on a proposed ordinance regarding charging professional services fees back to the applicant. Construction will start next week on the new Town Hall.

2. Chairpersons report
3. Town Committees
 - a. Harbor
 - b. Fort Getty
 - c. Buildings and Facilities
 - d. Others
4. Sub Committees

Commissioner White reported that the tree inventory done on September 23rd was very successful.

Commissioner Girard asked to take New Business first tonight and the commission agreed.

V. New Business

1. **Trattoria Simpatico, 13 Narragansett Ave. – request to amend previous development plan approval**

Amy Barclay presented the plan to the Planning Commission and explained that they are requesting a permanent approval to erect a seasonal canopy so they do not have to come back to the Town Planner and Building Inspector on a yearly basis. Commissioner Hubbard asked a question about the windows if they were there last year and Ms. Barclay said they were. The canopy will be dark green and measure 20' x 30' with cathedral windows. It will be erected in Autumn and removed in late spring.

A motion was made to approve the request by Commissioner Brown and Commissioner Calabretta seconded the motion to amend the current development plan approval to allow a seasonal, 20 ft. by 30 ft. dark green canopy with sides that have cathedral windows. This canopy will cover the sitting area near the bar and bar seats and will be erected in the fall and removed in the spring to replace the existing canopy in that area. This approval does not increase the number of seats approved for this facility. Any significant changes to the size, color or type will require further Planning Commission approval. So voted:

Gary Girard – Aye	Victor Calabretta – Aye
Betty Hubbard – Aye	Barry Holland – Aye
Jean Brown – Aye	Michael White – Aye

Motion carries by a vote of 6-0

Commissioner Calabretta recused himself for the next issue.

VI. Old Business

1. Evelyn F. Furtado – 2 lot Subdivision with Waivers for private roadway – Plat 8, Lot 753 – Luther Street – Preliminary Decision - continued

Changes made by the Engineer Steven King were presented to the Planning Commission. They moved the driveway by 15 feet. The fire chief gave a memo to the Planning Commission stating that the Fire Department does not have a problem with the plan and the Hammerhead design. Attorney Jim Donnelly asked a few questions, is the Hammerhead design able to accommodate large trucks turning around? Yes, replied Mr. King.

The abutters the Lavallee's do not want a connection to the property next door. Mr. King stated that the applicant will object to that and it being put in part of the conditions of approval.

Commissioner Hubbard wants to put this in the conditions of approval. Town Planner Lisa Bryer

suggested that if the commission agrees that the road adequacy should be reviewed at that time in the future. Commissioners Holland and Brown expressed that they do not think this should be addressed at this time.

Attorney Jim Donnelly's opinion is that it should be addressed now.

Commissioner Girard stated he thinks that if it will come before us in the future it can be looked at then.

Commissioner Hubbard agrees with Attorney Donnelly and understands what he is saying. She was against this design in the beginning.

Commissioner White made a motion to approve and Commissioner Brown seconded the motion: "To Grant Preliminary Plan approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled "**Minor/Administrative Subdivision between A.P. 8 Lots 753 and 318, Jamestown, Rhode Island; Prepared for Evelyn F. Furtado, 28 Luther Street, Jamestown, Rhode Island; Sheet 1 – Subdivision Plan, Sheet C-1 Existing Conditions dated 5-2-06, Sheet C-2 Existing Conditions Supporting Data dated 5-2-06, Sheet C-3 Grading and Utility dated revised 5-24-06, Sheet C-4 Plan & Profile Sections & Details dated 5-24-06, Sheet C-5 Details dated 5-24-06;** Plans prepared by: **Steven J. King, Professional Engineer, 1259 Lafayette Road, North Kingstown, RI 02852;** 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 both lots will be serviced by Town Sewer;
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, Luther Street;
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 will be serviced by public water.

B. Waivers from the Subdivision and Land Development Regulations

The Planning Board agrees to grant the following waivers:

Article 13.B.4 , Pavement surface, 20' wide compacted gravel road is proposed.

Article XIII.B.8., Turn Around Cul-de-sac – proposing hammer head turnaround.

The sub divider shall not be required to construct the street as required in Article XIII and shall be permitted to construct a private street as shown on the referenced plans. This road will be privately owned and maintained per condition of approval #4 below;

C. Findings of Fact for Granting Waivers

In Support of the waivers, the Board makes the following findings of fact:

1. For the reasons stated above, the request for "Waivers" to the Subdivision Regulations is reasonable and within the general purposes and intents of the Subdivision Regulations whereas the subdivision regulations allows for the creation of private streets; and,
2. That providing waivers to the Subdivision Regulations is in the best interest of good planning practice and design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance. The following excerpts, goals, and policies from the Comprehensive Plan support the waivers granted:

Both new and existing roads should remain rural in character and should not be made over to conform to urban norms implemented elsewhere.

Jamestown's largest land use issue is potable water. The Island has experienced consistent seasonal droughts for decades. Although this issue has threatened to become a growth and development issue, it has not significantly deterred either to date. The Town Council and the Board of Water and Sewer Commissioners, with the assistance of the Water Study Committee should continue to search for alternative means of expanding the Town's water system capacity to meet current needs. Jamestown's growth rate should be managed to insure that the Town's water capacity is able to adequately supply future population growth.

Given the overwhelming sentiment of the residents, who responded to the 1998 Community Survey, it seems apparent that maintaining the rural character is the primary goal of the Town. In addition, the Island's natural environment and its small Town character are the most desirable qualities of Jamestown. The 1998 Community Survey confirmed the importance of maintaining the Island's rural character, natural environment and small Town character.

Goal #1 : Provide a high quality of public services to the community that protect the health, safety, and welfare of all residents.

Goal #2: Provide orderly and efficient arrangement of public services and facilities that support the existing and future needs of the community.

Policy #4: Manage growth to ensure there are adequate public services and facilities to accommodate Jamestown's growing population.

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 as required by Article IIID of the Jamestown Subdivision Regulations shall not be required for this subdivision as long as condition of approval #5 is recorded.
3. Granite monuments shall be placed at all corner points at the new property line;
4. The Town Solicitor shall review and approve homeowners association documents including the Road and Utility Ownership and Maintenance Agreement and the covenant noted in Article IV C.2.c. of the Subdivision and Land Development Regulations stating that the Town of Jamestown shall not be asked or required to accept or maintain the private

- streets within the parcel for a period of 99 years from the date of recording prior to final approval. These documents shall be recorded contemporaneously with the final plat;
5. The Town Solicitor shall review and approve a legal document restricting further subdivision of the two subdivision lots prior to final approval. This document shall be recorded contemporaneously with the final plat;
 6. The Planning Commission delegates Final Review to the Town Planner with the signature of the Planning Chair to appear on the Final Record Plan;
 7. The Subdivision Plan shall be recorded with the Town Clerk;
 8. Amended plans shall be submitted for Final Approval showing:
 - a) moving the fire hydrant from the cul-de-sac to the west side of the property at Luther Street as recommended by the Fire Chief in his Memo dated October 4, 2006; and
 - b) moving the road and right-of-way as shown on the amended site plan C-3A dated 9-28-06.
 9. **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,**
 10. This approval shall expire one year from the date of approval by the Planning Commission unless granted Final approval.

So voted:

Gary Girard – Aye

Betty Hubbard – Nay

Barry Holland – Aye

Jean Brown – Aye

Michael White – Aye

Motion carries by a vote of 4-1

Commissioner Calabretta returns to the table.

2. Proposed Amendments to Zoning Ordinance Section 314 – High Groundwater Table Ordinance and Impervious Layer Overlay District

Town Planner Lisa Bryer reviewed the changes with the Planning Commission and read from her memo some of the questions that were presented the last few times this issue was discussed.

The Solicitor agrees that the Zoning Ordinance is the right place for this type of regulation.

The applicant must go to DEM for the ISDS approval first, not to the town. If DEM does not give the applicant approval for the ISDS they would have come before Planning for no reason and the applicant potentially has to go back and forth from the Town to the State multiple times. We are trying to streamline this process not make it more complicated.

We are currently addressing sub district A as 0-18 inches and there is no reason to change the regulations to not address the more critical water tables such as 0 inches as suggested by resident Charlotte Zarlengo. This would provide a loop hole if we do not provide standards. As Lisa goes through the ordinance itself she will explain the changes that were made.

A discussion regarding wetlands ensued with questions as to who has the authority to reject an application. The state has the authority to reject applications but it is the Planners understanding that the Town has veto power on all wetland applications for alteration of wetlands.

Commissioner Hubbard questioned taking out the sq. footage of the lot that includes the wetland. In the ordinance it does state that freshwater wetlands should not be included in the total sq. footage when calculating impervious coverage.

Commissioner Hubbard reviewed all of the past applications and the table provided for review is similar to what the Planning Commission has approved in the past if not stricter.

Commissioner Brown stated anytime we can give the applicant guidance from the beginning it will serve the public better.

Commissioner Holland wants it to say this is the highest you can apply for but there is no guarantee it will be approved.

Commissioner Calabretta stated this is very strict, after Charlotte Zarlengo commented the proposed changes are weakening the ordinance.

A question to ask Town Solicitor Larry Parks is if this means that they will be automatically approved if they stay within the allowable percentage of impervious cover. They will still have to meet all other standards in the ordinance regarding minimum impact, drainage and fill etc.

Town Planner Lisa Bryer read a possible proposal standard regarding grading and filling.

Commissioner Hubbard would like it emailed to them so they can review it at the next meeting and they should discuss this with Town Solicitor Larry Parks. The Planner will put it in the next packet.

The Planning Commission and the Town Planner have questions that will be forwarded to the Town Solicitor for the next meeting.

A motion to adjourn was made by Commissioner Brown and seconded by Commissioner Calabretta at 9:10 p.m. So unanimously voted.

Attest:

Cynthia Reppe

This meeting was recorded on 1 micro-cassette