

PLANNING COMMISSION MINUTES

September 6, 2006

7:30 PM

Jamestown Library

The meeting was called to order at 7:35 p.m. and the following members were present:

Gary Girard	Victor Calabretta
Betty Hubbard	Jean Brown
Richard Ventrone	Michael White

Not present:

Barry Holland

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Recording Clerk
James Donnelly – Attorney
Ed & Claire Furtado
Steven King – Engineer
Mr. & Mrs. Lavallee
Daniel & Jean Lilly
Brian Goldman – Attorney
John Caito – Professional Engineer
Ed Pimentel – Certified Planner
Peter DiBiase
Joseph DiBiase

I. Approval of Minutes from August 16, 2006

A motion was made by Commissioner Hubbard and seconded by Commissioner Calabretta to accept the minutes as written. Sounanimously voted.

II. Correspondence

1. FYI – Memo to Zoning Board Re: Elaine. Received
2. FYI – Memo to Zoning Board Re: Petit. Received
3. FYI – Memo to Zoning Board Re: Donnelly. Received

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

IV. Reports

1. Town Planner's Report

Town Planner Lisa Bryer reported that the Town Hall and Planning Offices will be closed Sept. 14,15 and 18th to move the offices to the Country Club while the new Town Hall is being constructed.

2. Chairpersons report

Planning Commission chair Gary Girard reported that a letter was hand delivered to each Planning Commissioners house on Friday Sept. 1st, from Attorney James Donnelly regarding the Furtado application. He represents the abutters, the Lavallee's.

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

Commissioner Jean Brown reported that the shores association through the Parking Committee is asking for a permit to be issued for Parking at Shores Beach.

Commissioner Calabretta recused himself for the next issue.

V. Old Business

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

Town Planner Lisa Bryer advised the Planning Commission that she revised the draft motion and added language to it regarding the findings of fact for the waivers. She received correspondence from Attorney James Donnelly on Tuesday morning, representing the Lavallee's who directly abut the property to the west, and subsequently spoke with Town Solicitor Larry Parks and he gave some clarification on which of the issues were pertinent to this application. Lisa Bryer clarified that the waivers do not have to be a hardship and that the Planning Commission may approve them simply because they provide better site design and demonstrate better planning as stated in the Subdivision Regulations. She also discussed the variance that the Lavallee's had received previously on their property as it relates to their objection regarding becoming a corner setback along the new road instead of a side yard setback. Mr. Parks said that the trees within the right of way at the west property line may become a site issue and Fred Brown noted that he would only require pruning of the trees on a complaint driven basis. This private road will service only the two residences being proposed.

The Planning Chair opened the discussion up to the commissioners. Discussion ensued regarding whether it was feasible or necessary to have the private road directly adjacent to Douglas Street. Attorney James Donnelly made a presentation. Steven King, Engineer asked for a continuance until the meeting on Oct 4th.

Commissioner Calabretta comes back to the table.

2. Daniel and Jean Lilly - Zoning Ordinance Section 314 Sub District A Review, High Ground Water Table-Impervious Overlay District, Section 308, Setback to Freshwater Wetlands, AP 5 Lot 205, Proposal to redevelop house at 132 Beach Avenue Recommendation to Zoning Board – continued

Attorney Brian Goldman representing Daniel Lilly told the Planning Commission that they have modified the plans to what the Planning Commission had discussed at the last meeting. They have eliminated the basement and removed the porch roof and feel they have made this plan the least disturbance to the property.

Engineer John Caito presented the changes to the plan and answered some questions from the Planning Commissioners. Commissioner Calabretta asked about the existing leaching field that was going to be removed.

Commissioner Hubbard asked about the plans, there appears to be a 3rd floor. Mr. Bob Hartly from Tri County Homes said this is a storage area. They have abandoned the basement and that is why they need to have a storage area. Commissioner Ventrone asked if it can be worded to eliminate any possibility of a 3rd floor that would be used for something other than storage. A motion was made by Commissioner Calabretta and seconded by Commissioner Hubbard to send a positive recommendation to Zoning. So unanimously voted.

Commissioner Hubbard recused herself and left the table for the next issue.

VI. New Business

3. DiBiase– AP 5 Lots 52 & 53 – Zoning Ordinance Section 314 Sub District A Review, High Groundwater Table and Impervious Layer Overlay District, proposal for new house on Beach Avenue - Recommendation to Zoning Board

Richard Johnston attorney representing The DiBiase's stated the plan as proposed meets all of the dimensional variances.

Peter DiBiase has lived here for a long time and he and his wife have purchased property in this area over the last several years. If their request is granted for the building of the house, they will sell some of their lots to the town to protect the environmental sensitive areas. Mr. Johnston stated that all the immediate neighbors and abutters are in support of this plan and he provided correspondence for the record from the abutters.

Engineer John Caito presented the plan and showed that the intent is to merge the 2 lots and build 1 single family home. He explained the engineering. The lot was developed so that the structure fits into the topography. They have positioned the house to take advantage of the view corridor.

Ed Pimentel – Certified Planner made a presentation to the Commissioners regarding the consistency with the Comprehensive Plan and the Zoning Ordinance.

Commissioner Ventrone made a motion to send a positive recommendation to the Zoning Board that was seconded by Commissioner Calabretta subject to the merging of the lots and the sale of AP 15, lot 67 to the Town, as formally offered by Peter DiBiase to the Town of Jamestown.

Commissioner Brown commended the DiBiase's on such a wonderful plan and presentation, this was also stated by Commissioners White and Girard. Mr. DiBiase praised the board for the joint workshop on the high groundwater ordinance and felt it was very helpful in understanding the ordinance.

A motion to adjourn at 9:00 p.m. by Commissioner Brown and seconded by Commissioner Calabretta. So unanimously voted.

Attest:

Cynthia Reppe

This meeting was recorded on 1-micro-cassette