

# FINAL MINUTES

## The Charlestown Planning Commission Held a Regular Meeting on Wednesday January 24, 2018 @ 7:00 PM Charlestown Town Hall, 4540 South County Trail, Charlestown, RI 02813

### 1. Call to Order

The meeting was CALLED TO ORDER by Chair, Ruth Platner at 7:03 p.m.

### 2. Roll Call

Attendee Name	Title	Status	Arrived
Ruth Platner	Chairwoman	Present	
Barbara A. Heavers	Commissioner	Present	
Lewis E. Johnson	Vice-Chair	Present	
Sherry D. Krupka	Commissioner	Present	
Erin P. Russell	Commissioner	Present	
Frances M. Topping	Alternate #1	Present	

Also present was Ms. Weidman; Town Planner, and Mr. Petrarca; Town Solicitor.  
Ms. VanSlyke was absent.

### 3. Minutes Approval

#### A. Wednesday, January 10, 2018

#### Motion

A Motion was made by Ms. Krupka, seconded by Ms. Heavers to approve the minutes of January 10, 2018. All in favor. Vote was unanimous.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Sherry D. Krupka, Commissioner
<b>SECONDER:</b>	Barbara A. Heavers, Commissioner
<b>AYES:</b>	Platner, Heavers, Johnson, Krupka, Russell

### 4. Planning Commission Comments

Ms. Platner noted that the Narragansett Tribe and Invenergy terminated their contract so no water withdrawal will take place.

### 5. Public Comments

No comments.

### 6. APPLICATIONS

#### A. Discussion and/or potential action and/or vote(s) concerning: St. Mary's Parish Center, Development Plan Review, Master/Preliminary Plan; Public Hearing, AP 13, Lot 99, 2079 Matunuck Schoolhouse Road.

## Motion

A motion was made by Ms. Krupka, seconded by Dr. Johnson to open the public hearing for St. Mary's Parish Center, Development Plan Review, Master/Preliminary Plan; AP 13, Lot 99, 2079 Matunuck Schoolhouse Road. All in favor. Vote was unanimous.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Sherry D. Krupka, Commissioner
<b>SECONDER:</b>	Lewis E. Johnson, Vice-Chair
<b>AYES:</b>	Platner, Heavers, Johnson, Krupka, Russell

Barry Goewey, architect who has worked on the project described the proposal as follows:

- It's a one story building.
- 177 Square Feet.
- It's a detached structure matching the architecture of the existing St. James Chapel.
- They proposed a courtyard space between the buildings which will connect with a roofed open breezeway structure.
- The interior space consists of a large conference room, religious education office, a 37X73 multipurpose room.
- There are toilet facilities and storage closets and a church pantry for the distribution and storage of food items used for various ministries (no food will be prepared on the premises).
- Primary use of the Parish Center will be to house the various ministries of the parish and will include religious education, outreach to assist the needy in their community, respect life organization, and a support group for divorced and separated couples.
- They plan to expand the youth groups such as boy scouts and girl scouts.
- They also hold baptisms and funerals.
- It's a 6.19 acre site.
- The foot print of the chapel and the parish center equals to 4.2 percent of the site.
- The existing 108 parking spaces on the west side of the property will remain and is enough to provide parking to both the church and the chapel.
- The dirt driveway on the east side will remain for emergency vehicles only.
- There will be 10 foot dark sky compliant LED lights. Three new fixtures will be located on the east side and one near the entrance close to the chapel under the covered walkway.

Mr. Goewey stated that they have made the required changes since the last meeting and that includes the 15 foot buffer located on the west side of the property. Landscaping has been added as well. They have included a buffering area on the east side of the property where they have an open space. Mr. Goewey said they plan to put minimal landscaping around the building as ground cover and some small decorative trees.

Mr. Goewey stated to the Planning Commission that he had changed the landscaping plan to be natural and organic in nature.

Patsy Delmastro of 127 Waltz Road stated that he is directly north of the new proposed building. His main concern was to have an additional buffer put in, as the cedar trees got eaten up. He planted arborvitae to try and block that, but they died because the cedars wouldn't give them the light to grow. Mr. Delmastro wondered if they would consider putting the buffer also along his boundary line. The distance that would require buffering would be eighty feet.

Mr. Goewey replied that he is certain they could put in some landscaping, but there is probably 225 feet from the back of the building to his property line. He stated that they would have to relocate the shed more to the back and outside the 200 foot radius as that is a requirement of the Board of Health.

Joseph Lamari of Waltz Road expressed his concern about having a buffer around there as well because they can directly see what activities are going on from their deck.

Ms. Platner wondered how the church is defined in terms of the buffer requirement and if falls under commercial or residential.

Ms. Weidman replied that it is an institutional use in a residential zone, but this is an expansion of that use, so they are sensitive to buffering with the neighbors.

Ms. Platner suggested that the shed might give them some privacy as it will block part of the view.

Mr. Goewey suggested putting up a fence from the property line over so the neighbors are not looking at the back of a shed.

Mr. Lamari asked about the outdoor activities during the summer months and that the privacy and noise levels be addressed for the neighbors.

Ms. Platner replied that she does not know that any activity at the church would reach that level, but they could contact the police if it is too noisy.

Jim White of 141 Cross Patch Road (St. Mary's Building Committee) explained that the activity would be dropping off and picking up people and it would also be inside the Parish Center.

Ms. Krupka inquired about the outdoor tent activities.

Mr. Goewey replied that they have a plant sale along with a tag sale located in the front facing Matunuck School House Road. He then asked if Father Paul Desmarais would tell the Commission what the tent revival is about.

Father Paul Desmarais described the annual tent revival as being a 3 day affair that they run at St. James Chapel. The first night is a Christian concert from 6:00- 8:00 p.m., the second night is a 45 minute concert from 6:00 to 6:45 p.m. coupled with a speaker, and on the third night, they move in doors to the Chapel itself where they have a healing service.

Ms. Platner brought up the lighting requirement and that they should have a color temperature not greater than 3000 Kelvins, as they are in the warmer range and not in the bright white range.

Mr. Goewey replied that he will contact the electrician as the lamp can be easily changed.

Ms. Platner then noted Ms. Weidman's "draft" decision letter and that it states additional site lighting should comply with Sec 218-75 D of the Zoning Ordinance and Chapter 155-15 of the Code Ordinance Article 3 "Dark Sky Lighting". Ms. Platner recommended they also include with that condition that LED lamps have a colored temperature of not greater than 3000 Kelvins and a height of not greater than 10 feet.

Ms. Platner stated that during a previous application with Arrowhead Dental, they had requested lights be on motion detectors.

Mr. Goewey replied that they currently use timers as the Chapel closes at 8:00 p.m. and then the lights are off for the evening. The fixtures will be similar to Arrowhead Dental, he said.

Mr. Adam Baker of the public has a home located toward the east and his main concern is with the location of the shed. He wondered if it could be anywhere but the back corner.

Mr. Goewey showed on the plan where they would be willing to put up stockade fence and pick up from the arborvitae so that they will have an additional buffer.

Per Mr. Goewey, they plan to put approximately 10 pieces of 8 foot long (6 foot high, 4X4 posts) stockade fence on the north side in order to do 80 feet and then for the neighbor on the east, they will put probably 2 or 3 pieces of the 8 foot long sections on the return so to meet the existing arborvitae.

Ms. Platner requested that he draw that on his revised plan.

Ms. Platner requested that any proposed signage be submitted to Ms. Weidman.

Mr. Goewey replied that the sign will be raised thin letters mostly in black.

Ms. Platner read the Findings of Facts and Conditions of Approval:

**Findings of Fact:**

- A. That the proposed application is consistent with the Comprehensive Plan;
- B. That the proposed application is consistent with the Charlestown Zoning Ordinance, including regulations relating to use, parking and dimensional standards;
- C. That based on the information submitted, and sworn to by the applicant, with all required conditions for approval, there will be no significant negative environmental impact from the proposed application;
- D. That the application does not result in the creation of any new lots;
- E. That the lot is now developed and has direct access to a public road, namely Matunuck Schoolhouse Road;
- F. That based on the information submitted, the application will not impact current drainage flow patterns, and will not increase run-off onto adjacent property;
- G. That based on the information submitted, the application, which involves construction of a new building to complement the existing church, with a new on-site wastewater treatment system and additional landscaping, has designed the development with the most economical and efficient road, utilities and land usage;
- H. That based on the information submitted, adequate public services exist to serve the development; and
- I. That the special requirements of the Charlestown zoning and subdivision regulations and any rules of the RI DEM, and/or any other appropriate state or federal agencies have or will be met.

**Conditions of Approval:**

- 1. That all additional site lighting comply with Section 218-75 D. of the zoning ordinance and Chapter 155 of the code of ordinances, Article III. Dark Sky Lighting, the color temperature of LED lamps shall be no greater than 3000 Kelvin, the height of the poles shall be no greater than ten feet, and all site lights are to be off within one hour after closing;
- 2. That two sections of six foot high stockade fencing be added to buffer neighbors to the north and the east, as described during the public hearing;
- 3. That any proposed signage be submitted to the Town Planner, who shall approve the sign in consultation with the Zoning Officer;
- 4. There will be no underground storage tanks;
- 5. The on-site wastewater treatment system shall be maintained in accordance with the Town of Charlestown Wastewater Management Ordinance;
- 6. The conditions of approval are binding on the applicant, all heirs and assigns and all subsequent land owners; and
- 7. That final plan approval shall be delegated to the Town Planner.

**Motion**

A motion was made by Ms. Krupka, seconded by Ms. Heavers to approve the amended Findings of Facts and Conditions of Approval. All in favor. Vote was unanimous

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Sherry D. Krupka, Commissioner
<b>SECONDER:</b>	Barbara A. Heavers, Commissioner
<b>AYES:</b>	Platner, Heavers, Johnson, Krupka, Russell

**B. Discussion and/or Potential Action and/or Vote(s) Concerning: Goodbody Farm II, 3 Lot Minor Subdivision, Preliminary Plan; Public Informational Meeting, AP 21, Lot 62, 720 Kings Factory Road.**

**Motion**

A motion was made by to open the Public Informational Meeting for Goodbody Farm II, 3 Lot Minor Subdivision, Preliminary Plan; AP 21, Lot 62, 720 Kings Factory Road by Ms. Heavers, seconded by Ms. Russell, all in favor. Vote was unanimous.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Barbara A. Heavers, Commissioner
<b>SECONDER:</b>	Erin P. Russell, Commissioner
<b>AYES:</b>	Platner, Heavers, Johnson, Krupka, Russell

Charee Jackson, Professional Engineer with Jackson Surveying, provided a brief background of the proposed subdivision. She said at some point Gabriel Warren, owner, had partnered with Emilio Arias in the purchase of a share of the property that was sold to them. They later planned to break up the land, so to benefit both parties while also allowing much of the property to be preserved for the future.

She stated that Mr. Warren wanted more buffer on his property, so his first step was an administrative Subdivision. He doesn't have any use or proposed future development in mind. In order for him to save on some of the costs, they decided to find the best suitable area to build on, plus maintain as much of the green corridor that protect the resources on the property. The best buildable lot was considered due to some of the ledge and slopes and constraints in mind. It has allowed them to save the wetlands, the ledges, and the unique features of the property in an open space parcel.

Lot 2 will stay as open space with the intent to donate it to The Nature Conservancy. Lot 1 is a 4 acre lot in a 3 acre zone and there are wetlands and ledge on the site. She said they received an OWTS approval that shows a limit of disturbance outside of the wetland buffers and due to the high water table, they are using an eljen in-drain pump system. Ms. Jackson stated that they had proposed rain gardens to help mitigate runoff that might potentially go toward the wetlands. She informed the Planning Commission that they had completed a soil test on lot 2 to make sure that it is a buildable lot.

Ms. Platner noted that earlier during the meeting, Ms. Jackson wanted to address an item in the Conditions of Approval.

Ms. Jackson replied that in regards to number 1 of the draft conditions, she wants to clarify that they are not referring to the bounds being set on all boundary corners to every angle change along Kings Factory Road.

Ms. Weidman replied that when they did the administrative subdivision, they did not add any bounds for the new lot number 61.

Per Ms. Jackson replied that the front corners will be drill holes because it is stone wall, the rear corners will be rebar and caps as it is beyond the wetlands. A drill hole set for the rear boundary of lot 2, adjoining lot 61 has been discussed between the parties and there is no objection. There is also no objection between lot 2 and lot 3.

Gabriel Warren, property owner, stated that he had been in discussions with Karen Jarret of the Charlestown Land Trust and with Scott Comings of The Nature Conservancy. One or both will have title to the property, therefore it's going to be protected in perpetuity.

Ms. Platner went over the following Findings of Facts and Conditions of Approval.

### **Findings**

- A. The proposed subdivision is consistent with the Comprehensive Plan;
- B. The proposed subdivision is consistent with the Charlestown Zoning Ordinance;
- C. There will be no significant negative environmental impact from the proposed subdivision based on the plans, information submitted, and sworn to by the applicant, with all the required conditions for approval;
- D. The subdivision will not result in the creation of an individual lot with physical constraints to development such that building on such lot would be impractical or impossible;
- E. All lots have the minimum required frontage on a public road, Kings Factory Road;
- F. The subdivision will preserve the natural terrain and drainage flow patterns to the maximum extent practicable;
- G. No individual lot is located or designed in a manner that will result in flooding on that lot;
- H. The applicant has designed the development with the most economical and efficient road, utilities and land usage;
- I. Based on the information submitted, adequate public services exist or will be installed as part of the development; and
- J. The special requirements of the Subdivision and Land Development Regulations and any rules of the RI DEM and/or any other appropriate state or federal agencies have or will be met.

### **Conditions of Approval**

- 1. Bounds are to be set at all lot boundary corners, including at the four corners of lot 1, at the rear boundary of lot 2 with adjoining Lot 61, and at the front boundary of lot 2 with lot 3;
- 2. Permanent field markers, consisting of wood or metal posts of at least three feet in height and adequately labeled, shall be placed at two locations along the wetland buffer on lot 1;
- 3. There shall be a note on the final plan and part of the recorded deed for lot 1, that the lot owner will be bound by the limit of disturbance delineated on the plan "Proposed Onsite Wastewater Treatment System for Lot 1 - Goodbody Farm II";
- 4. The applicant will provide a sufficient fee-in-lieu of land dedication;
- 5. The On-site Wastewater Treatment System (OWTS) shall be maintained in accordance with the Town of Charlestown Wastewater Management Ordinance;
- 6. There shall be no underground storage tanks;
- 7. All other necessary Federal, State and local permits are obtained;

8. The conditions of approval are binding on the applicant, all heirs and assigns and all subsequent land owners; and
9. Final plan approval shall be delegated to the Town Planner.

**C. Discussion and/or Potential Action and/or Vote(S) Concerning: The Village at Maple Lake, Major Lake, Major Land Development, Low and Moderate Income Housing Comprehensive Permit; Pre-application Discussion, AP 29 Lot 46, 6 Maple Lake Road.**

**Motion**

A motion was made to sit as the local review board for low and moderate income housing application: The Village at Maple Lake, Major Land Development, Low and Moderate Income Housing Comprehensive Permit; Pre-application Discussion, AP 29, Lot 46, 6 Maple Lake Road. Motion was made by Ms. Krupka, seconded by Ms. Russell. All in favor. Vote was unanimous.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Sherry D. Krupka, Commissioner
<b>SECONDER:</b>	Erin P. Russell, Commissioner
<b>AYES:</b>	Platner, Heavers, Johnson, Krupka, Russell

Kenneth McGunagle Esq. began the discussion by describing the property as follows:

- It has 3 two family residential buildings and an auto mechanics garage in a C2 Zone.
- It is a legal non-conforming use, the units are currently unoccupied and in a fairly bad state of disrepair.
- The proposal involves replacement of the three existing homes comprised of 6 units and the construction of an architecturally similar fourth building with 2 units.
- The garage that fronts on South County Trail will have possible uses such as a medical or accounting office or antique center.
- The Village at Maple Lake will consist of 7 two bedroom units and 1 three bedroom unit with 6 unit market rate and 2 units affordable on an approximate 1.38 acre parcel.
- The project will be serviced by onsite private wells and an upgraded septic design to meet the Department of Environmental Management (DEM) standards.
- The deed restricted units will remain affordable at or below 80% average median income for 30 years and monitored by the Housing Land Trust.

Mr. McGunagle introduced the engineer of the project, Mr. Richard Bourbonnais from GaroFalo Associates.

Mr. Bourbonnais stated that he is a civil engineer and a landscape architect and has been in practice since 1990 or so. He described the following about the proposal:

- The existing site is about 60,000 square feet.
- It fronts on both South County Trail and Maple Lake Farm Road.
- There are 3 well defined access points, one for the commercial and for the residential, one off of Maple and one off of South County Trail.
- There are 6 dwelling units in 3 structures. Each structure has an 1100 to 1200 square foot footprint. Each one is a duplex and the commercial up front is about 1900 square feet.
- There are currently 2 septic systems on the site that appeared to be operating properly until it was vacated in recent years.
- They want to maintain a similar layout to what's already existing.
- They would like to put back the 6 dwelling units in 3 structures and then add the additional structure in a comparable size to the original structures.
- They would like to reconstruct the 1900 square foot building up front in the same footprint as it exists today and also maintain the current access that exists.
- They want to maintain the access to the commercial structure in the back, but they might want to keep a garage door in the front.

- They would develop a community septic system as they have good ground water and they will add another residential well in the same area as the existing well.
- The project will need permitting for an onsite wastewater treatment system (OWTS),
- The project will need a physical alteration permit (PAP).

Mr. Bourbonnais noted that if they exceed an acre of disturbance, they would be obtaining a RI Pollutant Discharge Elimination System (RIPDES) permit, or if they decide to infiltrate the ground water underground, they would require an underground injection control (UIC) permit.

The applicants Glen and Gretel McCrory approached the podium and talked briefly about their plan and asked for the Planning Commissions feedback as to what they are looking for.

Ms. Platner asked where the parking would be for the Commercial use.

Ms. McCrory replied that parking would be on the back side.

Ms. Platner stated that the amount of parking for the residential is going to limit the commercial use.

Mr. Bourbonnais replied that they understand that.

Ms. Platner wondered if the commercial property would be using one of the 2 residential wells.

Mr. Bourbonnais replied that there are businesses that require a public well, but they are planning to stay under that threshold.

Ms. Platner wondered what is grandfathered.

Ms. Weidman replied that the Zoning Department has determined that the 3 residential units are still valid. The commercial use has been reverted to residential storage, so they felt based on their review, the commercial use had stopped some time ago and that the building was used for storage. She said they consider the whole parcel residential at this point and they are non-conforming uses.

Discussion ensued about the design of the houses and Ms. Platner stated that mill housing is an important part of the history for the Kenyon area and that she was under the impression that they were going to rehabilitate them. Ms. Platner said in her opinion, the design should be respectful of the Kenyon historic district and it ought to reflect the mill design.

Ms. Platner then talked about affordable housing law.

Ms. Platner wondered how they would keep people from encroaching on the Maple Lake property.

Mr. Bourbonnais replied that there is a 15 foot easement on 2 properties for a potentially shared access.

Ms. Platner stated that in her view, it doesn't fit the rural nature or the industrial age of buildings. She then said that she likes the architecture that is currently there. The style of the buildings on the plan and the pavement don't fit the historical nature of the Kenyon Historic District. Ms. Platner stated that they have a ways to go on the design and the impact on the site. They also need to know about the groundwater flow.

Deborah Pirhonen of 3972 South County Trail stated that she is familiar with the area and the trespassing. She said there is always garbage and septic spilling into the road. She expressed that it has been a nightmare and that she is concerned about additional housing being put in. Ms. Pirhonen then recommended that the applicant talk to the people in the area and see how they feel.

Ms. McCrory replied that they are trying to improve the site and that she is welcome to see some of their other properties and what they have done to them. She then stressed that they would never rent to anyone with whom they think would destroy their property. Ms. McCrory said she takes their feedback seriously and would be happy to form a relationship with her. Ms. McCrory said that they started clean up right away and they are trying to improve it.

Ms. Topping asked what the addresses of her places in North Kingstown are.

Ms. McCrory replied that it is 665 Ten Rod Road, 655 Ten Rod Road, 16 Mark Drive and 18 Mark Drive.

Mr. McCrory stated that the property was filthy, but they want to build beautiful apartments and they are going to have a lot of character.

Glenn McCrory Sr. talked about the quality Glen (his son) and Gretel's work and that they have great attention to detail. He said the plans resemble a historic building and are not modern and contemporary buildings. He said maybe the black and white drawings are making it look that way, but it is totally the opposite. He then said they are welcome to contact the building inspector in North Kingstown as he will tell you that they give attention to detail on everything they build.

### **Motion**

Motion was made by Ms. Krupka, seconded by Dr. Johnson to extend the meeting to 10:15 p.m. All in favor. Vote was unanimous.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Sherry D. Krupka, Commissioner
<b>SECONDER:</b>	Lewis E. Johnson, Vice-Chair
<b>AYES:</b>	Platner, Heavers, Johnson, Krupka, Russell

## **7. PLANNING PROJECTS and DISCUSSION**

### **A. Discussion and/or Potential Action Concerning: Second Alternate to the Planning Commission**

#### **Motion**

A motion was made for Ms. Platner to write a letter of recommendation to the Town Council regarding Kathryn O'Connor application for second alternate to the Planning Commission. Motion made by Ms. Russell, seconded by Ms. Heavers. All in favor. Vote was unanimous

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Erin P. Russell, Commissioner
<b>SECONDER:</b>	Barbara A. Heavers, Commissioner
<b>AYES:</b>	Platner, Heavers, Johnson, Krupka, Russell

### **B. Discussion and/or Potential Action Concerning: Comprehensive Plan Update**

Ms. Weidman stated that she received a letter from the state saying that the Transportation chapter is ready to go and meets all state guidelines.

Ms. Weidman stated that they are making headway with the map of conservation land, so when that gets pulled together with a table, they can send The Natural Resources Chapter to the state with the changes.

Ms. Weidman stated that CRMC and the coastal Resources Center (URI) will be getting additional grant money related to mapping and analysis of sea level rise and might possibly be able to assist the town with the Natural Hazards chapter as they are looking for communities that will fold in this new technology into their Natural Hazard planning.

## **8. PLANNING ISSUES and CONCERNS**

**A. Planner Comments**

No comments

**B. Solicitor Comments**

No comments

**9. Adjournment**

A motion was made by Ms. Krupka, seconded by Ms. Russell, and approved unanimously to adjourn the meeting. All in favor. Vote was unanimous.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Sherry D. Krupka, Commissioner
<b>SECONDER:</b>	Erin P. Russell, Commissioner
<b>AYES:</b>	Platner, Heavers, Johnson, Krupka, Russell

Respectfully submitted,  
Barbara Beauchaine, Planning Commission Clerk