

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the October 22, 2002 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Library, 26 North Rd. The meeting was called to order by the Chairman at 7:03 p.m. The clerk called the roll and noted the following members present:

Richard Allphin
Dennis Grieco
Don Wineberg
Richard Boren
Joseph Logan
Kathleen Managhan

Also present:

Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Bruce Leach, Counsel

MINUTES

Minutes of the September 24, 2002 meeting.

A motion was made by Don Wineberg and seconded by Dennis Grieco to amend page 6 to put parenthesis around (C093502) and accept the minutes of the September 24, 2002 meeting as amended.

The motion carried by a vote of 5 – 0.

CORRESPONDENCE

A letter from Peter DiBiase requesting a continuance to the next regular meeting.

DiBiase

A motion was made by Dennis Grieco and seconded by Kathleen Managhan to continue the application of Peter DiBiase to the November 26, 2002 meeting.

A motion was made by Dennis Grieco and seconded by Don Wineberg to amend the motion to add “barring any unforeseen circumstance. In other words, the fact that you have not received RI DEM-ISDS approval will not be sufficient grounds to administratively continue your petition. Re-application and re-notice would then be required”.

The amended motion carried by a vote of 5 – 0.

A letter from John A. Murphy, Esq. requesting the Board to consider setting a hearing date for all of the SeaDish matters as early as is practical in November 2002.

The Board discussed the matter and decided not to have a special meeting at this time.

NEW BUSINESS

Dutton

A motion was made by Richard Boren and seconded by Richard Allphin to continue the appeal of Michael P. Dutton and Janice Rying-Dutton to the November 26, 2002 meeting pending settlement proposal.

The motion carried by a vote of 5 – 0.

Berry

A motion was made by Don Wineberg and seconded by Kathleen Managhan to continue the application of David Berry to the November 26, 2002 meeting at the request of the applicant due to a scheduling conflict.

The motion carried by a vote of 5 – 0.

Collins

Seated: Richard A., Dennis, Don, Richard B., and Joseph.

A motion was made by Dennis Grieco and seconded by Richard Boren to grant the request of John P. and Holly B. Collins, whose property is located at 19 Walcott Ave., and further identified as Tax Assessor's Plat 9, Lot 574 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to place a shed 9' from the front property line (30' required) and 8' from the side lot line, (10' required).

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This variance is granted with the following restrictions:

1. The fencing along the north and west boundaries will be maintained in substantial conformity to its current character and size.
2. The trees in the northwest corner of the property will be maintained.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 13,700 sq. ft.
2. The applicant is in need of additional storage due to the lack of the basement.
3. The northwest corner of the property is screened from the neighbor to the north.
4. The topography of the lot makes location of the shed elsewhere unreasonable.
5. There were no objectors.

The motion was amended to add "or higher as permitted by the zoning ordinance" to restriction #1. And add restriction "#3 the shed will not have the cupola as depicted in the picture presented by the applicant.

The motion as amended carried by a vote of 5 – 0.

Steggall

A motion was made by Don Wineberg and seconded by Dennis Grieco to grant the request of Philip & Beth Steggall, whose property is located at 41 & 43 Plymouth Rd., and further identified as Tax Assessor's Plat 8, Lot 558 for a variance from Article 3, Section 3-2 (District Dimensional Regulations) to remove temporary building and replace with garage/shed positioned 6' from the west boundary where as 10' is required.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This variance is granted with the restriction that there shall be no plumbing.

This motion is based on the following findings of fact:

1. Said property is located in a R8 zone and contains 10,084 sq. ft.
2. Setting the garage far from the street minimizes the visual impact of the building for the public.
3. Siting the building within the portion of the lot to avoid a variance would have blocked a substantial portion of the natural light in the house.
4. The adjacent lot closest to the garage is vacant and will likely remain so because it lacks frontage on a public road.

The motion was carried by a vote of 5 – 0.

Cellco

After hearing testimony a motion was made by Dennis Grieco and seconded by Richard B. to continue the application of Cellco Partnership to the December 17, 2002 meeting at the request of their attorney for the purpose of further testimony to address screening and noise.

The motion carried by a vote of 5 – 0.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:01 p.m.

The motion carried unanimously.