

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the January 28, 2003 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Melrose School, 76 Melrose Ave. The meeting was called to order by the Chairman at 7:07 p.m. The clerk called the roll and noted the following members present:

Richard Allphin
Thomas Ginnerty
Don Wineberg
Raymond Iannetta
Joseph Logan
Kathleen Managhan

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

MINUTES

Minutes of the November 26, 2002 meeting.

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to accept the minutes of the November 26, 2002 meeting as presented.

The motion carried by a vote of 5 – 0.

Minutes of December 17, 2002.

A motion was made by Thomas Ginnerty and seconded by Kathleen Managhan to accept the minutes of the December 17, 2003 meeting as presented.

The motion carried by a vote of 5 – 0.

CORRESPONDENCE

A letter to Maryanne Crawford from Herbert DeSimone, Jr. re: C.A. NO.N-2001-187 dated January 13, 2003.

OLD BUSINESS

Cellco

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to continue the application of Cellco Partnership to a special meeting on February 4, 2003 at the request of Joseph Hall, attorney for the applicant, due to lack of quorum for this application.

The motion carried by a vote of 5 – 0.

NEW BUSINESS

Dutton

A motion was made by Thomas Ginnerty and seconded by Kathleen Managhan to continue the appeal of Michael P. Dutton and Janice Ryng-Dutton to the February 25, 2003 meeting at the request of their attorney, as they have submitted a variance application.

The motion carried by a vote of 5 – 0.

Seadish

A motion was made by Thomas Ginnerty and seconded by Raymond Iannetta to continue the application of SeaDish, Ltd. to the February 4, 2003 special meeting, at the request of the attorneys, due to lack of quorum for this application.

The motion carried by a vote of 5 – 0.

Tournas

A motion was made by Thomas Ginnerty and seconded by Raymond Iannetta to continue the appeal of George Tournas to the February 4, 2003 special meeting, at the request of the attorneys, due to lack of quorum for this appeal.

The motion carried by a vote of 5 – 0.

Seadish Appeal

A motion was made by Thomas Ginnerty and seconded by Raymond Iannetta to continue the appeal of SeaDish, Ltd. & 14 Narr. Ave. to the February 4, 2003 special meeting, at the request of the attorneys, due to lack of quorum for this appeal.

The motion carried by a vote of 5 – 0.

Seated: Richard A., Thomas, Don, Raymond, and Joseph.

Clancy

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to grant the request of David & Jennifer Clancy, whose property is located at 382 North Rd., and further identified as Tax Assessor's Plat 7, Lot 22 for a variance from Article 3, Section 306 (Authorized Departures From Yard Reg.) to install an 8' high wooden fence.

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 coverage vegetation be planted and cultivated on the roadside of the fence.

This motion is based on the following findings of fact:

Clancy cont.

1. Said property is located in a RR200 zone and contains approx. 1.5 acres.
2. That there is an 18" grade decline from the proposed location of the fence to the road 20' away.

3. That the house is located 20' from North Road and that there is substantial vehicle noise that will be buffered by the proposed fence from their kitchen and yard entertainment area.
4. There were no objectors.
5. That there are no nearby neighbors.

The motion carried by a vote of 5 – 0.

Branch

A motion was made by Raymond Iannetta and seconded by Thomas Ginnerty to grant the request of Joseph & Rita Branch, whose property is located at 8 Clarke's Village Rd., and further identified as Tax Assessor's Plat 12, Lot 91 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to add a second floor addition to an existing dwelling which will be 23' from the front lot line, 30' being the requirement.

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

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 10,000 sq. ft.
2. The applicants are seeking to add a second floor to the footprint of the existing building with no further encroachment to take place.
3. The second floor is needed to create a handicap bathroom and laundry room on the first floor.
4. The addition of the 2nd floor will result in a home with approximately 1800 sq. ft., which is in keeping with the surrounding neighborhood and will not alter the character of the neighborhood.
5. The relief given is the least relief necessary.
6. One neighbor spoke in favor of the petition and one neighbor spoke against the petition.

The motion carried by a vote of 5 – 0.

DiBiase

A motion was made by Richard Allphin and seconded by Raymond Iannetta to grant the request of Peter A. DiBiase, whose property is located at Ship & Spanker Streets, and further identified as Tax Assessor's Plat 15, Lot 67 for a variance from Article 3, Section 308 (Setback From Freshwater Wetlands) to construct an ISDS 75' from the RI D.E.M. Verified Forested Wetland.

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

In particular reference to Article 600, Paragraph I, and Section 606, Paragraph 1.

This variance is granted with the restriction that the driveway to the residence shall be constructed of a pervious material.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 28,800 sq. ft.
2. RI DEM approved the proposed amended location of the ISDS due to the lower water table despite being closer to delineated wetlands than the original application.
3. The location of the ISDS at the original proposed location was rejected by DEM due to the higher water table, despite being further away from the delineated wetlands.
4. The site sought by the applicant was picked by DEM as the only place to locate a septic system on the subject property.
5. The location of the ISDS further from the delineated wetland was further complicated by 2 existing wells on abutting property.
6. The proposed septic system, AdvanTex, is appropriate for use in areas with topography similar to that of the subject property.
7. The use will be a permitted single-family residence.
8. Given DEM ruling, there is no reasonable alternative location for the ISDS for the petitioner to enjoy the legally permitted use of the property.
9. The hardship and necessity for the variance is due to the unique topography of the petitioner's lot.
10. The Board was presented with no evidence to contradict the expert testimony presented by the petitioner concerning environmental compatibility and safeguards provided to protect surrounding properties.

Dibiase cont.

The motion carried by a vote of 4 – 1.

Don Wineberg voted against the motion.

Trattoria

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to grant the request of Trattoria Simpatico, Inc. (RSLIP, LLC owner), property is located at 13 Narragansett Avenue, and further identified as Tax Assessor's Plat 9, Lot 603 for a Special Exception from Article 3, Section 301, Table 3-1 VI C3 and Article 6, Section 603 to increase the kitchen area by 378 sq. ft. by razing the structure which contains the existing kitchen (147 sq. ft.) and constructing a new structure which will contain a total of 525 sq. ft.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600 and 602.

This special use permit is granted with the restriction that there will be no outside kitchen after the construction of the new kitchen.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 15,337 sq. ft.
2. That the present kitchen facility is outdated and inadequate.
3. The new kitchen will replace the present indoor and outdoor kitchen.
4. No changes to the operation of the restaurant will result other than that connected with the new kitchen.
5. The town planner has approved the parking plan.
6. There were no objectors.

The motion carried by a vote of 5 – 0.

Brazil

A motion was made by Richard Allphin and seconded by Thomas Ginnerty to grant the request of William Brazil Jr. et ux Elizabeth B., whose property is located at 883 East Shore Rd., and further identified as Tax Assessor's Plat 2, Lot 7 for a variance from Article 3, Section 3-2 (District Dimensional Regulations) to construct a front porch addition which will be 14' from the front lot line instead of the required 40', and 12' from the northerly (side) lot line instead of the required 30'.

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 any stairs build in conjunction with the proposed new porch will be no closer to the east property line than will be the proposed porch.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 30,000 sq. ft.
2. Many years ago there was a similar front porch, at the time the house was built in 1874.
3. Several nearby houses have porches, which are about the same distance from the east property line as the proposed porch.
4. The applicant stated that he intends to have the design of the porch reflect the historic significance of the house and of the area.
5. The north side encroachment is no greater than that for the present house.

The motion carried by a vote of 5 – 0.

Seated: Thomas, Don, Raymond, Joseph, and Kathleen

Sellars

A motion was made by Don Wineberg and seconded by Thomas Ginnerty to grant the request of Prudence C. Sellars, whose property is located at 48 Clarke St., and further identified as Tax Assessor's Plat 9, Lot 56 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a 5 x 10' single floor addition on the north side of house 3'-0" from north property line, wherein 7' 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 motion is based on the following findings of fact:

1. Said property is located in a R8 zone and contains 5,685 sq. ft.
2. The proposal doesn't increase the amount of intrusion into the side yard; it only extends the length of the existing intrusion by 10 ft.
3. There is a basement bulkhead that prevents the bathroom from being placed behind the house.
4. No neighbors spoke in favor or against the proposal.
5. The addition is only a single floor and will use materials and design that matches the existing house.

The motion carried by a vote of 5 – 0.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:25 p.m.

The motion carried unanimously.