

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the November 22, 2005 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Library, 26 North Road. The Chairman called the meeting to order at 7:08 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Don Wineberg
Richard Boren
Joseph Logan
David Nardolillo
Elizabeth Brazil
Dean Wagner

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Jennifer Azevedo, Counsel

MINUTES

Minutes of the October 25, 2005 meeting.

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to accept the minutes of the October 25, 2005 as presented.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Elizabeth Brazil and Dean Wagner were not seated and Raymond Iannetta was absent.

CORRESPONDENCE

A letter from Peter DiBiase requesting an extension of a previously granted variance.

A letter from Larry Parks dated Nov.10, 2005 re: DiBiase.

DiBiase

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to grant a one-year extension of a previously granted variance to Peter DiBiase for Plat 5, Lot 67.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Elizabeth Brazil and Dean Wagner were not seated and Raymond Iannetta was absent.

OLD BUSINESS

Cingular Wireless

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to continue the request of Cingular Wireless PCS, LLC (Narragansett Electric Co., Owner), to the Dec. 13, 2005 meeting waiting for the Planning Board recommendation.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Elizabeth Brazil and Dean Wagner were not seated and Raymond Iannetta was absent.

Slick

A motion was made by David Nardolillo and seconded by Joseph Logan to grant the request of Connie Slick, whose property is located at 49 Narragansett Ave., and further identified as Tax Assessor's Plat 9, Lot 208 for an amendment to an existing Special Use Permit (Articles 3 and 6) permitting mixed use (professional office and two apartments).

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

This Special Use Permit is granted with the restriction that the number of bedrooms be reduced from 5 to 3.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 6112.1 sq. ft.
2. Approval has been obtained from the Jamestown Planning Board and the applicant has made all changes recommended by that Board.
3. The redesign actually reduces the number of bedrooms from five (5) to three (3) thus reducing the number of occupants.
4. This approval will not affect the health, and welfare of the town or community of Jamestown.
5. The remodel of the front façade will be an enhancement to Narragansett Avenue and the adjacent structures.
6. The applicant had adhered to all aspects of a special use permit granted in 1996 by this Board.
7. This approval is based on the revised plan and drainage calculations and the memorandum presented from the Planning Commission. (Both incorporated by reference.)

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Elizabeth Brazil and Dean Wagner were not seated and Raymond Iannetta was absent.

NEW BUSINESS

STD Builders

A motion was made by Richard Boren and seconded by Joseph Logan to **deny** the request of STD Building Corp., (Mary Lou K. Ball, owner) whose property is located at Ferry Street, and further identified as Tax Assessor's Plat 5, Lot 58 for a special use permit as required by Jamestown Ordinance 82-314C.2. (High ground water table and impervious overlay district) to allow the installation of a new individual sewage disposal system (ISDS) and the construction of a single-family house on the site. The details of the proposed ISDS installation, house construction and this application are on file in the office of the Clerk of the Town of Jamestown Zoning Board of Review.

This Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTIONS 600 and 602.

This motion is based on the following findings of fact:

1. Said property is located in an R 40 zone and contains 14,400 sq. ft.
2. The zoning ordinance provides that any development within sub district A shall require a special use permit per article 6 from the Zoning Board of Review, after review and recommendation by the Planning Commission.
3. The proposed development is within sub district A.
4. Between 3/304 and 9/21/05, the applicant appeared before the Planning Commission on 5 occasions over many hours.
5. The Planning Commission at its last hearing on 9/21/05 did not make either a recommendation to approve or deny the application.
6. The construction of the ISDS system and house will not result in the least disturbance.
7. The closest corner of the lot is approximately 80 feet from an A1 zone.
8. Three adjoining neighbors or adjacent landowners testified in opposition to the application.
9. The applicant testified that historically the lot in question is extremely wet.
10. The opponents voiced their concerns over contamination to their wells if the application is approved.

The motion carried by a vote of 5 – 0.

Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo, and Dean Wagner voted in favor of the motion.

Thomas Ginnerty and Elizabeth Brazil were recused and Raymond Iannetta was absent.

ANDRES

After testimony was heard, due to the late hour, the appeal of Frank Andres was continued to the December 13, 2005 meeting.

ADJOURNMENT

A motion was made and seconded to adjourn at 11:03 p.m.

The motion carried unanimously.