

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the November 8, 2005 Meeting

A special 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 7:03 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty  
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 September 27, 2005 meeting.

A motion was made by Richard Boren and seconded by Thomas Ginnerty to amend the minutes of September 27, 2005 on page #4, No.4 from "1056 sq. ft. & 20%" to "576 sq. ft. & 11.5%", and accept the minutes as amended and reflect the amendment in the decision letter.

The motion carried by a vote of 5 – 0.

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

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

CORRESPONDENCE

A letter from attorney Peter Brockmann requesting to continue the STD Builders application to the next regular meeting.

STD Blds.

A motion was made by Thomas Ginnerty and seconded by Richard Boren to continue the application of STD Builders to the November 22, 2005 meeting at the request of their attorney.

The motion carried by a vote of 5 – 0.

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

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

OLD BUSINESS

Dolos

A motion was made by Richard Boren and seconded by Thomas Ginnerty to dismiss the request of Maria Dolos, whose property is located at 23 Narragansett Ave., and further identified as Tax Assessor's Plat 9, Lot 568.

The motion carried by a vote of 5 – 0.

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

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

NEW BUSINESS

Arthur

The request of Doris R. Arthur, whose property is located at 6 Baldwin Ct., and further identified as Tax Assessor's Plat 9, Lot 537 was withdrawn by their attorney Mark Liberati.

## Reves

A motion was made by Richard Boren and seconded by Joseph Logan to grant the request of Stamatis Reves/John Somyk, whose property is located at Seaside Dr., and further identified as Tax Assessor's Plat 16, Lot 232 for a variance from Section 82-308 (Setback from Freshwater Wetlands) to construct an individual disposal system (ISDS) which will be 125' from a wetland, (150' being the requirement) and a special exception from Section 82-314 (High Groundwater Table and Impervious Layer Overlay District) for development within Sub district A.

Regarding this request, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600.

Regarding the request for a Variance, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 606, and PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 602.

This Variance is granted with the following restrictions:

1. The permanent easement restrictions set forth in the 9/29/01 Conservation Commission memo are incorporated into this approval.
1. This variance is granted subject to CRMC approval with the same setback configuration. If CRMC requires a location of the ISDS that is closer than 125 feet, the application is denied without prejudice and the will need to reapply to this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 14,962 sq. ft.
2. The septic system cannot be placed in any area of the property that would meet the 150' wetland setback.
3. The house size plans have been reduced a number of times. The square footage is 2400 sq. ft. with a footprint of 1200 sq. ft.
4. The size of the house is compatible with the size of the homes in the neighborhood.
5. The lot is larger than the majority of lots in the Jamestown Shores area.
6. The garage will be under the house.
7. The Jamestown Conservation Commission unanimously recommended approval.
8. Any surface water run off is in the opposite direction from the wetland, the property in question is west of Seaside Drive and the wetlands are east of Seaside Drive.
9. The Planning Commission recommended approval.
10. Although there were two objectors, there did not appear to be a causal relationship between their objections and the proposed project.

The motion carried by a vote of 4 – 1.

Thomas Ginnery voted against the motion.

Richard Boren, Joseph Logan, Elizabeth Brazil, and Dean Wagner voted in favor of the motion.

David Nardolillo was recused.

Don Wineberg and Raymond Iannetta were absent.

### Bilow

A motion was made by Joseph Logan and seconded by Richard Boren to grant the request of Jay S. Bilow, whose property is located on Mizzen Ave., and further identified as Tax Assessor's Plat 15, Lot 234 for a special use permit as required by Jamestown Ordinance 82-314C (High Ground Water Table and Impervious Layer 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 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 a R40 zone and contains 7,200 sq. ft.
2. The Planning Commission voted 4 – 0 to recommend approval.
3. The requirements for storm water control and ISDS treatment have been satisfied.
4. The building footprint is 14.0% of the lot area.
5. No setback variance is required.
6. There were no objectors.

The motion carried by a vote of 4 – 1.

Thomas Ginnerty voted against the motion.

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

Elizabeth Brazil was recused.

Don Wineberg and Raymond Iannetta were absent.

Slick

A motion was made by David Nardollillo and seconded by to 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) and a variance from the provisions of Section 82-1204(A) pertaining to the dimensions of parking spaces.

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 following restrictions:

1. The number of bedrooms be reduced from 5 to 3.
2. An approval on the drainage system is obtained from the town engineer before any construction commences.

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 has adhered to all aspects of a special use permit granted in 1996 by this Board.

After discussion by the Board, David Nardolillo withdrew the motion.

A motion was made by Richard Boren and seconded by David Nardolillo to continue the request of Connie Slick to the November 22, 2005 meeting with consideration of approval based on receipt of a drainage plan approved by the Town Engineer.

The motion carried by a vote of 4 – 1.

Thomas Ginnerty voted against the motion.

Richard Boren, Joseph Logan, Elizabeth Brazil, and David Nardolillo voted in favor of the motion.

Dean Wagner was not seated, and Don Wineberg and Raymond Iannetta were absent.

### ADJOURNMENT

A motion was made and seconded to adjourn at 10:00 p.m.

The motion carried unanimously.