

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the January 24, 2006 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 7:04 p.m. The clerk called the roll and noted the following members present:

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

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

MINUTES

Minutes of the December 13, 2005 meeting.

A motion was made by Thomas Ginnerty and seconded by Richard Boren to accept the minutes of the December 13, 2005 meeting 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.

Dean Wagner was not seated and Raymond Iannetta was absent.

OLD BUSINESS

Cingular Wireless

A motion was made by Richard Boren and seconded by Thomas Ginnerty to **deny** the request of Cingular Wireless PCS, LLC (Narragansett Electric Co., Owner), whose property is located at 179 Tashtassuc Rd., and further identified as Tax Assessor's Plat 6, Lot 24 for Special Use Permits and Variances from Article 3, Section 82-301 (V) (9) Uses, 82-302 Table 3-2 Dimensional Reg. and 82-305 (B) Exceptions to Height Regs. to install a public utility structure (wireless communications facility) consisting of 12 antennas or 4 antennas of a longitudinal nature instead of 5'4" from pole may be 6" from pole mounted on a 75' high replacement utility pole with necessary accessory equipment located within a proposed shelter within a fenced compound. Said property is located in a RR200 zone and contains 64,468 sq. ft.

Regarding this request, this Board has determined that this application does not satisfy the requirements of Article 6, Section 600.

Regarding the request for a Variance, this Board has determined that this application does not satisfy the requirements of Article 6, Section 606, 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 not satisfy the requirements of Article 6, Section 602.

This motion is based on the following findings of fact:

1. Said property is located in a RR200 zone and contains 64,468 sq. ft.
2. The applicant alleges that there is a significant gap in coverage and a 75' pole will satisfy the gap to serve its existing and potential customers.
3. The applicant's evidence has not met its burdens.
4. Section 802-101 (5) of the zoning ordinance provides for the protection of the natural, historic, cultural and scenic character of the town or areas therein.
5. The Planning Commission on 10/5/05 voted 6 - 0 to not recommend approval to the Zoning Board based upon the location in or adjacent to the Windmill Hill National Historic District and RT 138 is a scenic corridor.
6. The proposal is not consistent with the Comprehensive Plan.

7. A 75-foot tower in this area will have a negative visual impact.
8. If in fact there is a gap, which the applicant has not proven, the 75-foot tower in this location is not the only feasible plan for closing the gap.
9. The applicant has not made a sufficient effort to investigate alternate sites.
10. The district within which the tower is proposed is rural in nature and within a Town Historic District.
11. There was testimony that there was viable alternative approaches to providing sufficient coverage.
12. The hardship from which the applicant seeks relief results primarily from a desire to increase its phone network, attract customers and realize a greater financial gain.
13. Two objectors testified that the proposed tower would be incompatible with the surrounding area.
14. A letter from the Conanicut Island Land Trust is opposed to the application.

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.

Dean Wagner was not seated and Raymond Iannetta was absent.

#### NEW BUSINESS

##### Galvin

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to grant the request of Brian Galvin whose property is located at 509 Seaside Dr., and further identified as Tax Assessor's Plat 3, Lot 14 for a variance from Article 7, Sections 705 and Article 3, Table 3-2 to build a new house in the footprint of the existing house which will be 19' from the front lot line (30' required) and 7' from the southerly lot line (10' required).

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 6,700 sq. ft.
2. The structure will occupy the same footprint as the existing structure and complies with other regulations.
3. The proposal will result in installation of a new ISDS system, already approved.
4. The plan proposes a design and construction materials consistent with the area and representing an improvement to the existing dwelling
5. One neighbor spoke in support, there were no objectors.

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.

Dean Wagner was not seated and Raymond Iannetta was absent.

#### ADJOURNMENT

A motion was made and seconded to adjourn at 10:40 p.m.

The motion carried unanimously.