

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the November 27, 2007 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. The Chairman called the meeting to order at 7:00 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Don Wineberg
Richard Boren
David Nardolillo
Dean Wagner
Richard Cribb
Richard Allphin

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Wyatt Brochu, Counsel

Planning Board of Appeal

Windridge

A motion was made by Thomas Ginnerty and seconded by Richard Boren to continue the Appeal of Windridge Properties to the December 18, 2007 meeting, at the request of Donald J. Packer, Esq. as the matters are still pending before the Planning Commission.

The motion carried by a vote of 5 - 0.

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

Joseph Logan was absent and Richard Cribb, and Richard Allphin were not seated.

Zoning Board of Review

MINUTES

Minutes of the October 23, 2007 meeting.

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to accept the minutes of the October 23, 2007 meeting as presented.

The motion carried by a vote of 5 - 0.

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

Joseph Logan was absent and Richard Cribb, and Richard Allphin were not seated.

CORRESPONDENCE

A letter requesting a one-year extension of a previously granted variance for Plat 3, Lot 14.

Galvin

A motion was made by Richard Boren and seconded by Don Winberg to grant a one-year extension of the variance previously granted to Brian Galvin for Plat 3, Lot 14.

The motion carried by a vote of 5 - 0.

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

Joseph Logan was absent and Richard Cribb, and Richard Allphin were not seated.

NEW BUSINESS

Windridge

A motion was made by Thomas Ginnerty and seconded by Richard Boren to continue the special use permit request of Windridge Properties to the December 18, 2007 meeting, at the request of Donald J.

Packer, Esq. as the matters are still pending before the Planning Commission.

The motion carried by a vote of 5 - 0.

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

Joseph Logan was absent and Richard Cribb, and Richard Allphin were not seated.

Randall

A motion was made by Richard Boren and seconded by Don Wineberg to grant the request of Allan & Nancy Randall, whose property is located at 61 Narragansett Ave., and further identified as Tax Assessor's Plat 9, Lot 179 for a Special Use Permit under Article 6, Sections 82-600, 82-601, and 82-602 as required pursuant to Table 3-1 (Permitted Uses), to construct a mixed use structure (Office & Retail) and relocate upon said lot an existing structure.

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/condition that this project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 13,182 sq. ft.
2. The applicants have presented 4 witnesses, to wit: William Burgin, Architect, John Lawless, Professional Engineer; and the Randalls, Nancy and Allen, by their presentation, the 4 witnesses have met their burden of proof.
3. The project has been unanimously approved by the Planning Commission.
4. The project requires no zoning variances or deviations from the Subdivision Regulations.
5. The project is compliant with the parking provisions of the Zoning Ordinance.
6. There were no objectors.
7. The applicant's request for connections to the municipal water and sewer systems were approved by the Board of Water and Sewer Commissioners.

8. The Town's Comprehensive Plan favors the mixed residential and commercial uses in the commercial downtown.
9. The scale of this project is within the norms for this area of Narragansett Avenue.
10. The exterior of the new building will comport with the appearance of the other structures in the neighborhood.
11. There are no significant environmental impacts.
12. There will be a pervious crushed stone parking lot.
13. The exterior of the commercial structure will be red cedar shingles.

The motion carried by a vote of 5 - 0.

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

Joseph Logan was absent and Richard Cribb, and Richard Allphin were not seated.

Harris

A motion was made by David Nardolillo and seconded by Richard Boren to grant the request of Martha Harris, whose property is located at Frigate St. & Beacon Ave., and further identified as Tax Assessor's Plat 16, Lot 65 for a special use permit as required by Section 82-314C. (High ground water table and impervious layer overlay district) to allow the installation of a new ISDS and the construction of a single-family house on the site as approved under development plan review by the Planning Commission, and a dimensional variance as required by Section 82-308 (Setback from freshwater wetlands) to allow the installation of a new ISDS within 120 ft. from a freshwater wetland edge wherein 150 ft. is required, and a dimensional variance to locate proposed dwelling 20' from the rear lot line and 20' from the front lot line.

Regarding this request, this Board has determined that this application does (as amended) 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, 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.

In particular reference to ARTICLE 6, SECTION 606, PARAGRAPH 1-4.

This Variance is granted with the following restriction/condition(s):

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. A copy of D.E.M. approvals be provided to the Building Official.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 7,680 sq. ft.
2. The proposed plan complies with all D.E.M. regulations.
3. The proposed building is a one-bedroom house with less than 700 sq. ft. of living space, which is the least amount of relief required.
4. The plan received a unanimous approval from the Planning Board.
5. All increase in run off is contained in the proposed crushed stone driveway.
6. One objector (abutter) was heard in regards to the rear setback, which was resolved by the moving of the structure 10' southerly.

The motion carried by a vote of 5 - 0.

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

Joseph Logan was absent and Richard Cribb, and Richard Allphin were not seated.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:31 p.m.

The motion carried unanimously.