

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the February 27, 2007 Meeting

PLANNING BOARD OF APPEAL

A meeting of the Zoning Board of Review sitting as the Planning Board of Appeal was held at the Jamestown Library, 26 North Road. The Chairman called the meeting to order at 7:07 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Don Wineberg
Richard Boren
Joseph Logan
Dean Wagner
Richard Allphin
Lisa Bryer, Town Planner
A. Lauriston Parks, Planning Board Counsel

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

Appeal of Roger & Maryjane Lavallee

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the appeal of Roger and Maryjane Lavallee to the March 27, 2007 meeting. Briefs are to be filed by the attorneys within 2 weeks to Counsel, and he will respond to the Board.

The motion carried by a vote of 4 - 1.

Thomas Ginnerty, Don Wineberg, Joseph Logan, and Dean Wagner voted in favor of the motion.

Richard Boren voted against the motion.

Richard Allphin was not seated and David Nardolillo and Richard Cribb were absent.

Adjournment

A motion was made and seconded to adjourn at 7:38 p.m. The motion carried unanimously.

ZONING BOARD OF REVIEW

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 7:39 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Don Wineberg
Richard Boren
Joseph Logan
Dean Wagner
Richard Allphin

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

MINUTES

Minutes of the January 23, 2007 meeting.

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to amend the minutes on page #3, restriction #1., to add "ft." after 6 and before arborvitaes. The minutes of the January 23, 2007 meeting were accepted as amended.

The motion carried by a vote of 5 - 0.

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

Richard Allphin was not seated and David Nardolillo and Richard Cribb were absent.

CORRESPONDENCE

A letter from Margaret L. Hogan, Esq. requesting that the Perrotti application be continued to the March 27 meeting because one of the witnesses is not available.

Perrotti

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the application of John Perrotti to the March 27, 2007 meeting at the request of their attorney.

The motion carried by a vote of 5 - 0.

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

Richard Allphin was not seated and David Nardolillo and Richard Cribb were absent.

NEW BUSINESS

Musumeci

A motion was made by Richard Boren and seconded by Don Wineberg to grant the request of Lynne & Armand Musumeci, whose property is located at 260 Capstan St., and further identified as Tax Assessor's Plat 3, Lot 97 for a variance from Article 82, Section 302 Table 3-2 (District Dimensional Regulations) to construct additions to an existing dwelling which will be 25'3" from the front (southerly) lot line, 30' being the requirement, and 13'11" from the corner (easterly) lot line, 20' being the requirement and 15' 10" from the Umiak lot line, 20' being 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 Variance is granted with the following restrictions:

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. The project renovation be limited to 2 bedrooms.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone (R20 setbacks), and contains 7,098 sq. ft.
2. The present house is in need of substantial renovations, including the roof.

Musumeci cont.

3. The vinyl siding is moldy and needs replacement.
4. No one opposed the application.
5. An abutting neighbor spoke in favor of the application,
6. The front porch addition and entryway is the least relief necessary.
7. DEM has approved the ISDS for a 2-bedroom home.
8. The renovations will promote a high level of quality in design in the renovation of this home as set forth in 82-101 (11).
9. The front brick stairway will be removed.

The motion carried by a vote of 4 - 1.

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

Thomas Ginnerty voted against the motion.

Richard Allphin was not seated and David Nardolillo and Richard Cribb were absent.

Baker/Kneib

A motion was made by Thomas Ginnerty and seconded by Dean Wagner to continue the appeal of Mark Baker and Elizabeth Kneib to the April 24, 2007 meeting. Council was requested to submit a memorandum to the Board.

The motion carried by a vote of 5 - 0.

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

Richard Allphin was not seated and David Nardolillo and Richard Cribb were absent.

Flood

A motion was made by Don Wineberg and seconded by Joseph Logan to grant the request of Peter Flood, whose property is located at 864 East Shore Rd., and further identified as Tax Assessor's Plat 2, Lot 222 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a second floor addition to an existing garage which is non-conforming by dimension being 13.74' from the side lot line (southerly) wherein 20' 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 Variance is granted with the following restrictions:

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. The approved project may only be constructed in accordance with the plans submitted at the hearing and showing a maximum height of 25 feet.
3. The exterior siding is to be red cedar shingles and generally match the exterior materials presently on the main house.
4. Neither the garage nor the living areas may contain cooking facilities.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 101,334 sq. ft.
2. The owner could build the 25 foot high version of the structure as of right in many places on the existing property, given that the existing structure was misplaced through no fault of the applicant, renovating the existing garage consumes the fewest resources for the same result and is therefore the least relief necessary.
3. One abutter wrote a letter in support of the application.

The motion carried by a vote of 4 - 1.

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

Thomas Ginnerty voted against the motion.

Richard Allphin was not seated and David Nardolillo and Richard Cribb were absent.

Sheahan

A motion was made by Richard Boren and seconded by Thomas Ginnerty to continue the request of Charles A. Sheahan, Sheahan Way LLC, to the March 27, 2007. The applicant was requested to bring expert witnesses and address the requirements for relief in the Zoning Ordinance.

The motion carried by a vote of 5 - 0.

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

Richard Allphin was not seated and David Nardolillo and Richard Cribb were absent.

ADJOURNMENT

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

The motion carried unanimously.