

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the May 22, 2007 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 7:03 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
Richard Cribb
Richard Allphin

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

MINUTES

Minutes of the March 27, 2007 meeting.

A motion was made by Thomas Ginnerty and seconded by Richard Boren to amend the minutes to move the names of Lisa Bryer, Gary Girard, and Richard Ventrone from the first paragraph to the next line down as also present and accept the minutes of the March 27, 2007 meeting as amended.

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, Richard Cribb, and Richard Allphin were not seated.

Minutes of the April 24, 2007 meeting.

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to amend the minutes on page 7, on the second paragraph after line Item 8. That paragraph should be "This Board has determined that

this application does **not** satisfy the requirements of Article 6, Section 606, section 602."

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, Richard Cribb, and Richard Allphin were not seated.

After more discussion of the amendment to the minutes, a motion was made by Don Wineberg and seconded by Joseph Logan to move the minutes back to as drafted.

No vote taken.

Mr. Ginnerty wanted to make sure the Board had the procedure correct, and asked to revisit the Perotti matter and reverse the prior amendment.

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to accept the minutes of the April 24, 2007 meeting as presented originally.

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, Richard Cribb, and Richard Allphin were not seated.

CORRESPONDENCE

Nothing at this time.

OLD BUSINESS

Baker/Kneib

A motion was made by Thomas Ginnerty and seconded by Richard Boren to continue the appeal of Mark Baker and Elizabeth Kneib to the June 26, 2007 meeting at the request their attorney Christopher J. Behan.

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, Richard Cribb, and Richard Allphin were not seated.

NEW BUSINESS

Windridge Properties

A motion was made by Thomas Ginnerty and seconded by David Nardolillo that the Board did not have jurisdiction to hear this matter that is presently before us because it violates the procedure set forth in the ordinance, Section 82-1101 Development Plan Review "No person shall build or expand any of the uses requiring development plan review until a written statement of approval is received in accordance with this article. The review board shall be the planning commission."

The motion carried by a vote of 4 - 1.

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

Richard Boren voted against the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

Eastern Resorts

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to continue the application of Eastern Resorts Co. LLC to the June 26, 2007 meeting at the request of their attorney Quentin Anthony.

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, Richard Cribb, and Richard Allphin were not seated.

Baron

A motion was made by Joseph Logan and seconded by Don Wineberg to grant the request of Rosemary C. Baron, whose property is located at North Bay View Dr., and further identified as Tax Assessor's Plat 1, Lot 219 for a Special Use Permit under Article 3, Section 314 (High Ground Water/Impervious Layer Overlay District) to construct a single-family dwelling.

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 restriction/condition(s):

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. The exterior will be wood shingles or wood clapboard.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 11,000 sq. ft.
2. The planning Board has recommended approval.
3. Excess storm water will be contained on the property by stone-filled patio as required by the ordinance.
4. No setback or other variances are required.
5. One person spoke in favor of the application.
6. One person spoke against the application, doubting the effectiveness of the storm water plan to prevent increased erosion on his property, but no evidence was provided to support this position.

The motion carried by a vote of 4 - 1.

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

Thomas Ginnerty voted against the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

Nilsson

A motion was made by David Nardolillo and seconded by Thomas Ginnerty to grant the request of Lennart & Linda Nilsson, whose property is located at 6 Ocean Ave., and further identified as Tax Assessor's Plat 8, Lot 39 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to replace porch which will be 4' from corner side lot line (westerly) instead of 20' as required.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

In particular reference to ARTICLE 6, SECTION 606, PARAGRAPH 2/3.

This Variance is granted with the 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 R20 zone and contains 1.2 acres.
2. The property will be restored to its original historic size and condition dating to early 1900s.
3. There are many letters of support from abutters and neighbors.
4. The renovations will have no effect on the health, morals, and welfare to residents and citizens of the Town of Jamestown or the general character of surrounding area.

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, Richard Cribb, and Richard Allphin were not seated.

SOLICITOR'S REPORT

The Solicitor talked to the Board about procedure.

ADJOURNMENT

A motion was made and seconded to adjourn at 9:37 p.m. The motion carried unanimously.