

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the September 25, 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 6:07 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Don Wineberg
David Nardolillo
Richard Cribb
Richard Allphin

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

Late arrival (6:50): Joseph Logan

Zoning Board of Review

Fernwood Builders

A motion was made by Richard Allphin and seconded by Thomas Ginnerty to **deny** request of Fernwood Building Co., whose property is located at 27 Luther St., and further identified as Tax Assessor's Plat 8, Lot 322 for a variance from Article 3, Section 302 to allow a mixed-use in a CL zone consisting of a residential use and a professional office use and to allow said uses on an 11,200 sq. ft. lot when 15,000 sq. ft. is required for a duplex and 20,000 sq. ft. for professional services and to allow for a building 20.8' from the side line instead of the required 30' for professional office building.

This Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

Fernwood cont.

In particular reference to ARTICLE 6, SECTION 600, PARAGRAPH H, this project will not be in general compatibility with lots in the same or abutting zoning districts.

This motion is based on the following findings of fact:

1. Said property is located in a CL zone and contains 11,200 sq. ft.
2. The request asks for variances, which the Board deems to be excessive for this lot.
3. Although the parking lot will be screened, the automobile traffic generated at this site will adversely affect the neighborhood.
4. The relief granted is not the least relief necessary.
5. Several abutters spoke against the proposal and at least 15 people submitted their opposition in writing.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, David Nardolillo, Richard Cribb, and Richard Allphin voted in favor of the motion.

Richard Boren, Dean Wagner, and Joseph Logan were not present.

Clancy

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to continue the request of David M. Clancy and Jennifer R. Clancy to the October 23, 2007 meeting because everyone did not receive the transcripts necessary.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, David Nardolillo, Richard Cribb, and Richard Allphin voted in favor of the motion.

Richard Boren, Dean Wagner, and Joseph Logan were not present.

Planning Board of Appeal

Windridge

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the two requests of Windridge Properties to the November 27, 2007 meeting at the request of his attorney because they are still before Planning.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, David Nardolillo, Richard Cribb, and Richard Allphin voted in favor of the motion.

Richard Boren, Dean Wagner, and Joseph Logan were not present.

Zoning Board of Review

MINUTES

Minutes of the August 28, 2007 meeting.

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to accept the minutes of the August 28, 2007 meeting as presented.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, David Nardolillo, Richard Cribb, and Richard Allphin voted in favor of the motion.

Richard Boren, Dean Wagner, and Joseph Logan were not present.

CORRESPONDENCE

A letter from Elizabeth Brazil re: Plat 2, Lot 6.

OLD BUSINESS

Smith

A motion was made by David Nardolillo and seconded by Richard Allphin to grant the request of Beth Smith, whose property is located at 86 Orient Ave., and further identified as Tax Assessor's Plat 1, Lot 320 for a Special Use Permit under Article 3, Section 314 (High Ground Water/Impervious Layer Overlay District) to permit the construction of a single-family residence and two car garage, with ISDS and well.

Smithcont.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTIONS 600 and 602.

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 RR80 zone and contains 24,275 sq. ft.
2. Reapplication and design has removed all dimensional and set back variances from the original plan proposed.
3. The Planning Board approved the original set of proposed plans as altered to their suggestions.
4. The plan complies with and satisfies all requirements of the Jamestown High Ground Water Table and Impervious Overlay District 82-314.
5. The proposed residence is consistent in size and scale with other homes in the area.
6. There was a substantial change in the original plans.
7. The architect marked the plans to confirm the plans meet the height requirements of the Jamestown Zoning Regulations.

The motion carried by a vote of 4 - 1.

Don Wineberg, David Nardolillo, Richard Cribb, and Richard Allphin voted in favor of the motion.

Thomas Ginnerty voted against the motion.

Richard Boren, Dean Wagner, and Joseph Logan were not present.

NEW BUSINESS

Randall

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to continue the request of Allan & Nancy Randall to the October 23, 2007 meeting at the request of their attorney because it is still before the Planning Board.

The motion carried by a vote of 5 - 0.

Randall cont.

Thomas Ginnerty, Don Wineberg, David Nardolillo, Richard Cribb, and Richard Allphin voted in favor of the motion.

Richard Boren, Dean Wagner, and Joseph Logan were not present.

Johnstone

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to continue the request of Peter Johnstone to the October 23, 2007 meeting at the request of their attorney.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, David Nardolillo, Richard Cribb, and Richard Allphin voted in favor of the motion.

Richard Boren, Dean Wagner, and Joseph Logan were not present.

Ouimette

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the request of Peter Johnstone to the October 23, 2007 meeting at the request of their attorney because it is still before the Planning Board.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, David Nardolillo, Richard Cribb, and Richard Allphin voted in favor of the motion.

Richard Boren, Dean Wagner, and Joseph Logan were not present.

CMS

A motion was made by Don Wineberg and seconded by Richard Cribb to grant the request of Conanicut Marine Services, whose premises are located on Conanicus Avenue, and further identified as Lot 278, on Tax Assessor's Plat 8, to modify an existing Special Use Permit, under Article 3, Section 82-302 (Table 3-1) and Article 6, Section 82-600, et seq., to permit the installation of a boat washing water collection, treatment, and recycling system, with a concrete collection pad 40' x 80', two additions to the existing south boat

CMS cont.

storage shed, one being 20' x 85', and one being 8' x 10', and the upgrading of the site's electric service from 100 amp to 200 amp.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTIONS 600 and 602.

This modification to a Special Use Permit 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. All conditions and restrictions of prior zoning approvals that are not specifically revised by this approval remain in full force and effect.

This motion is based on the following findings of fact:

1. Said premises are located in the R20 zone, and contain 10.21 acres.
2. The water treatment system is quiet and will improve the environment by decreasing runoff of hazardous material.
3. The applicant is implementing the water treatment system improvement voluntarily, not because it is legally required to do so.
4. The new shed is small and has no windows; it will therefore not adversely affect nearby residences.
5. The electrical service upgrade will permit the use of quieter power washers instead of the current, noisy gas powered ones.
6. Two residents spoke in opposition, particularly concerned about gradual expansion of the applicant's business, however the Board finds that this particular application creates environmental benefits, will reduce noise at the facility for neighbors, and does not create a new line of business that could increase the intensity of utilization of the subject property.

The motion carried by a vote of 5 - 0.

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

Richard Allphin was not seated and Dean Wagner and Joseph Logan were not present.

Lampasona

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to grant the request of Jacqueline & Anthony Lampasona, whose property is located at 15 Bark Ave., and further identified at Tax Assessor's Plat 16, Lot 24 for a special use permit as per Article 3, Section 82:314 to replace an existing house with a new home & new septic system in the High Groundwater & Impervious Layer Overlay District.

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/conditions:

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. The ISDS is constructed in compliance with DEM requirements and the Plan submitted and approved.

This motion is based on the following findings of fact:

1. Said property is located in a R40 (R20) zone and contains 8,757 sq. ft.
2. The Planning Commission unanimously approved the application.
3. The Town Engineer and Environmental Scientist were in support of the plan presented.
4. The existing house is in very poor condition and essentially uninhabitable due to a deteriorated ISDS and poor structural integrity.
5. The proposed residence is in full compliance with regulatory requirements.
6. A new ISDS has been proposed and a permit issued by DEM.
7. There were no objectors and a neighbor spoke in support.

The motion carried by a vote of 5 - 0.

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

Richard Allphin was not seated and Dean Wagner and Joseph Logan were not present.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:52 p.m.
The motion carried unanimously.