

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the November 25, 2008 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 7:01 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Richard Boren
Joseph Logan
David Nardolillo
Dean Wagner
Richard Cribb

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Wyatt Brochu, Counsel
Michael Gray, Town Engineer
Lisa Bryer, Town Planner
Christopher Orton, Counsel

MINUTES

Minutes of October 28, 2008

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to accept the minutes of the October 28, 2008 meeting as presented.

The motion carried by a vote of 5 -0.

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

Richard Cribb was not seated, Don Wineberg arrived late, and Richard Allphin was absent.

CORRESPONDENCE

A letter re: VP Ent. Will be read at that time.

NEW BUSINESS

Prior

A motion was made by Thomas Ginnerty and seconded by Dean Wagner to grant the request of David Prior, whose property is located at 35 Clarke St., and further identified as Tax Assessor's Plat 9, Lot 95 for a variance from Article 3, Section 82-302, Table 3-2 (District Dimensional Regulations) to construct a landing and stairs for the front entry door at 10' from the front line instead of the required 15'.

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 restriction/condition:

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 R8 zone and contains 6,600 sq. ft.
2. That the present stairs are not conforming to present code requirements.
3. That the lack of a top landing presents an unsafe condition.
4. That there are no reasonable alternatives to the proposed plan.
5. There were no objectors.

The motion carried by a vote of 5 -0.

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

Richard Cribb was not seated, Don Wineberg arrived late, and Richard Allphin was absent.

The Zoning Board of Review adjourned and reconvened as the Planning Board of Appeal. 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

PLANNING BOARD OF APPEAL

V.P. Enterprises Appeal

A motion was made by Richard Boren and seconded by Don Wineberg to **deny** the Appeal of V.P. Enterprises, LLC, whose address is 1350 North Main Rd., and affirm the decision of the Planning Commission made on May 21, 2008 denying the application of V.P. Enterprises, LLC to subdivide Lot 61 on Tax Assessor's Plat 1 and a tiny portion of Lot 244 on Tax Assessor's Plat 1 into 2 lots. Said property is located in a R80 zone and contains approximately 177,246 sq. ft.

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 recused, Richard Cribb was not seated, and Richard Allphin was absent.

The Board did not believe that they are the venue to solve the problem and there was no mistake made by the Planning Commission in rendering their decision.

Hayes Appeal

A motion was made by Joseph Logan and seconded by David Nardolillo to **dismiss** the appeal of John A. Hayes, whose property is located at Bark Avenue, and further identified as Tax Assessor's Plat 16, Lot 15 to appeal the Jamestown Planning Commission's adverse advisory opinion under section 82-308, Setback from freshwater wetlands. Said property is located in a R40 zone and contains 9,388 sq. ft.

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

Mr. Boren felt that there were judicial issues, as the Planning Commission members who made the decision did not hear all the testimony. Mr. Brockmann stated he would go to Superior Court for a declaratory judgment.

The Planning Board of Appeal adjourned and reconvened as the Zoning Board of Review. 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

Zoning Board of Review

NEW BUSINESS

Hayes

A motion was made Thomas Ginnerty and seconded by Don Wineberg to continue the application of John A. Hayes to the January 27, 2009 meeting at the request of Peter Brockmann, attorney for the applicant.

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

Ryng-Dutton

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to continue (1) the appeal and (2) the request for a variance of Janice Ryng-Dutton to the December 16, 2008 meeting.

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

D'orsi

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to continue the request of Scott & Deborah D'Orsi to the December 16, 2008 meeting.

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

Solicitor's Report

Nothing at this time.

EXECUTIVE SESSION

Nothing at this time.

ADJOURNMENT

A motion was made and seconded to adjourn at 9:10 p.m.
The motion carried unanimously.