

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the March 25, 2008 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 7:04 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
Wyatt Brochu, Counsel

Zoning Board of Review

MINUTES

Minutes of February 26, 2008

A motion was made by and seconded by to accept the minutes of the February 26, 2008 meeting as presented.

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

No correspondence

NEW BUSINESS

Oldewurtel

A motion was made by David Nardolillo and seconded by Thomas Ginnerty to grant the request Marianne Oldewurtel, whose property is located at 20 Pemberton Ave., and further identified as Tax Assessor's Plat 8, Lot 616 for a dimensional variance from Article 3, Section 82-302, Table 3-2 (District Dimensional Regulations) to construct a second story addition to an existing single-family dwelling which will be 17' from the front (westerly) lot line instead of the required 30'.

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 1.

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 CL zone and contains 24,720 sq. ft.
2. The new structure will remain with the existing non-conformance which is 17', 30' being required.
3. The existing house and foundation will be come an integral part of the new home.
4. Most homes in the area are nonconforming concerning front setback.
5. The plan has approval from the Town Planner.
6. There were no objectors.

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

Nothing to report at this time.

EXECUTIVE SESSION

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to go into executive session.

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.

Zoning Board of Review

The meeting was called back to order at 8:10.

Perotti

A motion was made by Thomas Ginnerty and seconded by Richard Allphin that pursuant to the Decision of the Rhode Island Superior Court, dated March 11, 2008, in the matter entitled Perotti v. Town of Jamestown Zoning Board of Review, C.A. No. N.C. 2007-0323 and related Order, which is to be approved by our Solicitor, and which, upon filing and entry with the Rhode Island Superior Court, a certified copy shall be attached to our Decision as Exhibit A, to grant the special use permit application made by John J. Perotti, dated January 20, 2007, pursuant to the Town of Jamestown Zoning Ordinance Article 6, Sec. 82-600, Special Use Permits, and Article 3, Sec. 82-314, High Groundwater Table and Impervious Layer Overlay District. Pursuant to the Decision and Order of the Rhode Island Superior Court, reversing our Decision dated April 24, 2007, which was recorded in the Town of Jamestown Land Evidence Records on June 4, 2007 in Book 623 at Page 23, the application for a special use permit to construct a three-bedroom, two-car garage, single-family dwelling on the property located on Ship Street, and delineated as Tax Assessor's Plat 15, Lots 73 and 74, and to install associated advanced individual sewage disposal

system and private well, porches, and driveway, is hereby approved. To be built in accordance with the plans submitted. This decision is conditioned upon and subject to our Solicitor approving the proposed Order, and the Applicant filing the Order with the Rhode Island Superior Court forthwith for Entry. The Applicant shall provide this Board with a certified copy of the entered Order to attach to our written decision as an exhibit.

The motion carried by a vote of 5 - 0.

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

Don Wineberg, Richard Boren, Dean Wagner were not seated.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:13 p.m.

The motion carried unanimously.