

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the August 26, 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 7:03 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
Michael Gray, Town Engineer
Wyatt Brochu, Counsel

MINUTES

Minutes of July 22, 2008

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to accept the minutes of the July 22, 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

A letter from Beth Smith requesting a one-year extension of a previously granted variance.

Smith

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to grant a one-year extension of the previously granted variance of Beth Smith.

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.

PLANNING BOARD OF APPEAL

The Zoning Board of Review sitting as the Planning Board of Appeal made a motion to continue the appeal of V.P Enterprises, LLC to the September meeting at the request of Joseph Palumbo 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, Richard Cribb, and Richard Allphin were not seated.

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

Zoning Board of Review

Dalrymple

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to continue the Dalrymple request for a variance to the September 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, Richard Cribb, and Richard Allphin were not seated.

OLD BUSINESS

Bard

A motion was made by Joseph Logan and seconded by Thomas Ginnerty to **deny** the request of Mark A. Bard, whose property is located at Clarke's Village Rd., and further identified as Tax Assessor's Plat 12, Lot 87 for a variance from Article 3, Section 82-302(District Dimensional Regulations) to construct a single family residence with a 15' front yard setback instead of the required 30'.

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

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 16,800 sq. ft.
2. The actual buildable area of the lot available is 8500 sq. ft. because of the topography.
3. The proposed footprint is 1643 sq. ft. which is a large percentage of the buildable area (approx. 19%).
4. The proposed house size is not the least relief necessary.
5. Numerous objectors spoke in opposition to the application.
6. No one spoke in favor of the application.
7. There are serious concerns about erosion which would be exacerbated by a foundation.
8. There are concerns about storm water control.

The motion was amended to add:

9. Expert testimony by Mr. Pastore stated that the plans presented were inadequate, that in his opinion there would be substantial storm water runoff that would be affected by this dwelling causing erosion to the barrier because it would be redirected from a sheeting flow across the property to a directed runoff.
10. He also testified that there was substantial risk of crashing waves that would exceed the velocity line, which cuts across almost the middle of this property.
11. Mr. Frisella testified as the engineer for the applicant. His plan indicated that the coastal feature has eroded over a number of years by both storm water runoff and wave action. This testimony seemed consistent with Mr. Pastore's

testimony on the subject. No plan was presented by the applicant to address erosion.

12. Mr. Pastore also testified that the width of the house would exacerbate the amount of funneling of the storm water runoff and that a smaller house would create less funneling of that effect.
13. Members of the Board knew of many houses in the coastal areas and other areas of Jamestown that are no more than 20 feet wide which is far less than this particular application.

The motion carried by a vote of 5 -0.

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

Don Wineberg, Richard Boren, and Richard Allphin were not seated.

NEW BUSINESS

Piccoli

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to **deny** the request of David & Gilda Piccoli, whose property is located at 584 East Shore Rd., and further identified as Tax Assessor's Plat 2, Lot 84 for a variance from Article 3, Table 3-2, (District Dimensional Regulations) to construct an addition which will be 12.9' from the northerly lot line (30' required).

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

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 61,820 sq. ft.
2. The house presently contains 4700 sq. ft. of living space, a large dwelling.
3. The second floor now contains 3 bedrooms, a large family room, and a large library plus bathrooms.
4. The relief sought is to add a bedroom to the second floor and add a family room to the first level for which a variance is required.

The motion did not carry by a vote of 2 - 3.

Thomas Ginnerty and Don Wineberg voted in favor of the motion.

Joseph Logan, Dean Wagner, and Richard Cribb voted against the motion.

Richard Boren, and Richard Allphin were not seated.

David Nardolillo was recused.

Piccoli

A motion was made by Dean Wagner and seconded by Joseph Logan to grant the request of David & Gilda Piccoli, whose property is located at 584 East Shore Rd., and further identified as Tax Assessor's Plat 2, Lot 84 for a variance from Article 3, Table 3-2, (District Dimensional Regulations) to construct an addition which will be 12.9' from the northerly lot line (30' 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/conditions:

1. The applicant shall not add a second floor to the addition.
2. 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 61,820 sq. ft.
2. Based upon the design of the existing structure, the applicant cannot use the existing space to satisfy his need for an additional bedroom.
3. The proposed addition consists of adding only 250 sq. ft. to the existing house.
4. The existing house is 12.9 feet from the northerly lot line already. The addition will not encroach further on the northerly lot line.
5. There were no objections from abutters or neighbors.

The motion carried by a vote of 4 - 1.

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

Thomas Ginnerty voted against the motion.

Richard Boren, and Richard Allphin were not seated.

David Nardolillo was recused.

Quimette

A motion was made by Don Wineberg and seconded by Thomas Ginnerty to grant the request of Patricia Ouimette, whose property is located at 783 North Main Rd., and further identified as Tax Assessor's Plat 15, Lot 352, for a variance from Article 3, Section 82-302 to construct a 3 bedroom single-family residential home located 39 ft. from the northern property line and 36.8 ft. from the southern property line. The side setback for this zoning district is 40 ft. The 1 ft. northern variance is due to the proposed chimney and the 3.2 ft. southern variance is due to the proposed stairway. The house structure is completely within the building setback lines. The existing house will be demolished upon completion of the proposed home.

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/conditions:

1. This project must be constructed in strict accordance with the site and building plans presented to and duly approved by this Board.
2. In order to preserve the architectural, historic, and scenic character of the neighborhood and Jamestown as required by sections 82-101 (3 & 5) the exterior of the house must either be clapboard or cedar shingles

This motion is based on the following findings of fact:

1. Said property is located in a RR200 zone and contains 24,050 sq. ft.
2. The chimney is located in the only part of the living room that would not interfere with windows & would be able to support a second flue for the furnace.
3. The stairs may not be in the front because there will be a garage entrance under the entire front of the house.
4. At least three people spoke in favor of the application.

The motion did not carry by a vote of 2 - 3.

Thomas Ginnerty and Don Wineberg voted in favor of the motion.

Joseph Logan, David Nardolillo, and Dean Wagner voted against the motion.

Richard Boren, Richard Cribb, and Richard Allphin were not seated.

Ouimette

A motion was made by Dean Wagner and seconded by Joseph Logan to grant the request of Patricia Ouimette, whose property is located at 783 North Main Rd., and further identified as Tax Assessor's Plat 15, Lot 352, for a variance from Article 3, Section 82-302 to construct a 3 bedroom single-family residential home located 39 ft. from the northern property line and 36.8 ft. from the southern property line. The side setback for this zoning district is 40 ft. The 1 ft. northern variance is due to the proposed chimney and the 3.2 ft. southern variance is due to the proposed stairway. The house structure is completely within the building setback lines. The existing house will be demolished upon completion of the proposed home.

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:

1. This project must be constructed in strict accordance with the site and building plans presented to and duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a RR200 zone and contains 24,050 sq. ft.
2. The chimney is located in the only part of the living room that would not interfere with windows & would be able to support a second flue for the furnace.
3. The stairs may not be in the front because there will be a garage entrance under the entire front of the house.
4. At least three people spoke in favor of the application.

The motion carried by a vote of 4 - 1.

Don Wineberg, Joseph Logan, David Nardolillo, and Dean Wagner voted in favor of the motion.

Thomas Ginnerty voted against the motion.

Richard Boren, Richard Cribb, and Richard Allphin were not seated.

Solicitor's Report

Nothing at this time.

EXECUTIVE SESSION

Nothing at this time.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:52 p.m.

The motion carried unanimously.