

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the November 17, 2009 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  
Richard Boren  
Joseph Logan  
David Nardolillo  
Richard Cribb  
Richard Allphin

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

MINUTES

Minutes of September 22, 2009

A motion was made by Thomas Ginnerty and seconded by Richard Cribb to accept the minutes of the September 22, 2009 meeting as presented.

The motion carried by a vote of 5 -0.

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

Richard Allphin was not seated and Don Wineberg and Dean Wagner were absent.

CORRESPONDENCE

An e-mail from Mark Liberati, Esq. requesting to continue the Petrosinelli application to the next hearing date.

Petrosinelli

A motion was made by Thomas Ginnerty and seconded by Richard Boren to continue the request of Arthur-Paul Petrosinelli to the December 15, 2009 meeting.

The motion carried by a vote of 5 -0.

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

Richard Allphin was not seated and Don Wineberg and Dean Wagner were absent.

NEW BUSINESS

MetroPCS

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to grant the request of MetroPCS Massachusetts, LLC (Town of Jamestown, property owner), regarding property located at 96 Howland Ave., Jamestown, RI, and further identified as Tax Assessor's Plat 9, Lot 152 for a special use permit to install a wireless communications facility on said property pursuant to Article III, Section 82-301 and Article VI, and to the extent necessary, a dimensional variance to exceed the height limitation, pursuant to Article III, Section 82-302 and Article VI.

Regarding this request, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600.

Regarding the request for a Variance, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 606, PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 602.

This Variance is granted with the following restriction(s):

1. Incorporate by reference the screening and landscaping provisions from the prior T-Mobile Zoning Board of Review Decision.
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 in a Public zone and contains .52 acres.
2. This application is very similar to those already approved for the other carriers using the water tower now.
3. There does not seem to be any noise issue. It is similar to the other installations.
4. Screening will be similar to the other installations.
5. Two people spoke in opposition.

Richard Boren made a motion to amend the motion to exclude the part about landscaping.

The motion was not seconded.

A vote was taken on the motion without the amendment.

The motion carried by a vote of 5 - 0.

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

Richard Boren voted in favor although he did not agree with the landscape condition.

Richard Allphin was not seated and Don Wineberg and Dean Wagner were absent.

#### Solicitor's Report

Nothing at this time.

#### EXECUTIVE SESSION

Nothing at this time.

#### ADJOURNMENT

A motion was made and seconded to adjourn at 7:37 p.m.  
The motion carried unanimously.