

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the August 25, 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 7:04 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Don Wineberg
Joseph Logan
David Nardolillo
Dean Wagner
Richard Cribb
Richard Allphin

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

MINUTES

Minutes of July 28, 2009

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to accept the minutes of the July 28, 2009 meeting as presented.

The motion carried by a vote of 5 -0.

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

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

CORRESPONDENCE

A letter from Joseph R. Palumbo, Jr., Esq. requesting to withdraw the Ryng-Dutton appeal and petition for a variance.

NEW BUSINESS

Bell/EPI

A motion was made by Don Wineberg and seconded by Thomas Ginnerty to grant the request of Victor Bell, EPI Real Estate Holdings, LLC, whose property is located at 41 Narragansett Ave., and further identified as Tax Assessor's Plat 9, Lot 211 for an amendment of a previously approved special use permit from Article 6, Section 82-601 to make part of a previously approved gable roof into a flat "green" vegetated roof.

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/condition(s):

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. The roof portions designated in the plans as "green roof" shall be forever maintained as "green" which for purposes of the decision means that the flat portion of such roofs shall be primarily vegetated, though walkways, planters, benches and tables may be included.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 10,210 sq. ft.
2. The visual and energy benefits of the amended plans are noted by the Board.
3. While the Board intends its condition to ensure the green roofs remain vegetated, the Board also notes that the applicant testified that the geothermal heating system is specifically designed to assume the insulating effects of the vegetated roofs and it would therefore be difficult to heat or cool the building without the proper maintenance of the vegetated roof.
4. No one spoke in favor or against the application.

The motion carried by a vote of 5 - 0.

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

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

Dolos

A motion was made by David Nardolillo and seconded by Joseph Logan to grant the request of George Dolos, whose property is located at 23 Narragansett Ave., and further identified as Tax Assessor's Plat 9, Lot 568 for a special use permit from Article 3, Section 3-1 No. 10 Mixed Use, to change the second floor office to an apartment.

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/condition(s):

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. The building will be in compliance and maintained within all building and fire safety codes.
3. All new and present construction is completed before occupancy is allowed.
4. The Board is requiring a building permit be issued before a special use permit is issued.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 5,225 sq. ft.
2. The proposed use will be reverting to a previously granted use.
3. The applicant has received approval from all town departments that are required including sewer & water, fire department, and building departments.
4. The new use will improve the existing parking use requirements.
5. There was no opposition.

The motion carried by a vote of 5 - 0.

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

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

Tessier

A motion was made by Joseph Logan and seconded by Don Wineberg to grant the request of Valerie Tessier, whose property is located at 529 Seaside Dr., and further identified as Tax Assessor's Plat 3, Lot 36 for a special use permit from Article 3, Section 82-314 to construct a single family home within the "high groundwater table and 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/condition(s):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board, including UV treatment system to reduce the coliform count in the ISDS discharge

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 15,300 sq. ft.
2. No dimensional relief is required.
3. The Planning Commission has approved this application because it meets all the requirements of the High Groundwater Table and Impervious Layer Overlay District.
4. The new residence will have a much superior ISDS system compared to what exists.
5. There were no objectors.

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 Cribb recused himself, Richard Allphin was not seated and Richard Boren 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 8:56 p.m.

The motion carried unanimously.