

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the September 22, 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 7:00 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  
Richard Allphin

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

MINUTES

Minutes of August 25, 2009

A motion was made by Thomas Ginnerty and seconded by Richard Cribb to accept the minutes of the August 25, 2009 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 and Richard Allphin were not seated and Don Wineberg was absent.

CORRESPONDENCE

An email from Emily & Mark Devey re: Additional cell antennae to be added to Howland Ave. water tower.

NEW BUSINESS

Cox TMI

A motion was made by Joseph Logan and seconded by Thomas Ginnerty to grant the request of Cox TMI Wireless, 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 restrictions:

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

### Beer

A motion was made by David Nardolillo and seconded by Richard Boren to grant the request of Gary Beer, whose property is located at 31 Calvert Place, and further identified as Tax Assessor's Plat 8, Lot 800, for dimensional variances under Article III, Section 8-302 (Table 3-2) to construct an addition connecting the existing principal and accessory structures. The proposed combined structures will be 24 ft. 11 in. from the front boundary line (30 ft. required) and 10 ft. from the rear yard boundary line (30 ft. required).

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, PARAGRAPHS 1, 2, 3, & 4.

This Variance is granted with the following restrictions:

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. No further expansion will be made into existing non conforming areas.
3. There will be no increase in the foot print and height of existing structure other than the connecting structure.

This motion is based on the following findings of fact:

1. Said property is in a R20 zone and contains 20,000 +/- sq. ft.
2. The property is unique and was pre-existing the present zoning regulations.
3. The proposed construction will result in less square footage of living space than the original master plan proposed by approximately 50%.

4. The new construction will be in harmony and compatibility with the existing accessory building and those on abutting properties.
5. There were no objectors.
6. This application results from a unique situation due to the untimely death of the spouse of the applicant. Hence eliminating the need for a house as large as proposed in the original master plan.

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 and Richard Allphin were not seated and Don Wineberg 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 8:12 p.m.

The motion carried unanimously.