

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the February 23, 2010 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  
Don Wineberg  
Joseph Logan  
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 January 26, 2010

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to accept the minutes of the January 26, 2010 meeting as presented.

The motion carried by a vote of 5 -0.

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

Richard Allphin was not seated and Richard Boren and David Nardolillo were absent.

CORRESPONDENCE

An e-mail from James Donnelly, Esq. requesting a continuance to the April meeting of the Perik application as his client was called away for business.

Perik

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the application of Michael & Elizabeth Perik to the April 27, 2010 meeting.

The motion carried by a vote of 5 -0.

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

Richard Allphin was not seated and Richard Boren and David Nardolillo were absent.

NEW BUSINESS

Petrosinelli

A motion was made by Don Wineberg and seconded by Richard Cribb to grant the request of Arthur-Paul Petrosinelli, whose property is located at 32 Coulter St, and further identified as Tax Assessor's Plat 7, Lot 35, for a variance from Article 3, Section 302 (District Dimensional Regulations) to construct a single family home. The proposed north side yard will be 10' and the proposed south side yard will be 16.5' wherein 20' is 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 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 R40 zone and contains 25,000 sq. ft.
2. The applicant responsibly revised his plan to respond to the Board's concern about the previously proposed northern boundary and the large size of the house. The proposed house is now substantially smaller, is more centered on the lot and the garage doors have been rotated to not face the street.
3. The applicant accommodated neighbor's requests for preservation of their view corridors.

4. The proposed footprint of the proposed house is now smaller than the previous house on the property.

The motion carried by a vote of 5 -0.

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

Richard Allphin was not seated and Richard Boren and David Nardolillo were absent.

### VIEIRA

A motion was made by Joseph Logan and seconded by Thomas Ginnerty to grant the request of Jason Vieira and Patrick Vieira (D.B.A.: Balance Sport and Fitness) and Anthony E. Wrubleski (D.B.A.: Wonders in Wood), Lessees, and Walter Anacko, owner, whose property is located at 16 Douglas St., and further identified as Tax Assessor's Plat 8, Lot 293 for variances under Article 3, District Dimensional Regulations, and Article 12, Parking Regulations, to utilize the existing legal non-conforming structure (Cordage Factory) as a physical fitness training facility and a furniture/wood working facility. No exterior changes to the building are proposed.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 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 CL zone and contains 10,000 sq. ft.
2. There is no change in the building exterior.
3. There will be no external noise associated with the proposed use.
4. There were no objectors.
5. There are adequate parking spaces proposed on site for this use.

A motion was made by Joseph Logan and seconded by Thomas Ginnerty to amend the motion to remove "and Anthony E. Wrubleski (D.B.A.:

Wonders in Wood" and "a furniture/wood working facility" from the first paragraph and add finding of fact #6. The former wood working use has been discontinued.

The motion carried by a vote of 5 -0.

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

Richard Allphin was not seated and Richard Boren and David Nardolillo were absent.

### Allen

A motion was made by Dean Wagner and seconded by Thomas Ginnerty to grant the request of Terry L. Allen, whose property is located at East Shore Rd., and further identified as Tax Assessor's Plat 1, Lot 165, for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a single-family dwelling which will be 30 ft. from the front lot line (easterly) 40 ft. being required, 20 ft. from the corner lot line (southerly) 40 ft. being required, 23.8 ft. from the side lot line (westerly) 30 ft. being required, and 10 ft. from the side lot line (northerly) 30 ft. being 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 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 4,886 sq. ft.
2. The property is a pre-existing non-conforming lot.
3. There is a deed restriction which purports to restrict any building within 20 feet of the street.
4. The proposed house is 16" x 40" and is designed to fit in with the neighborhood.
5. The applicant accommodated neighbors concerns.
6. An engineer, Daniel Cotta testified that the proposed OWTS is "state of the art" and the proposed house meets all the requirements of the high groundwater table and impervious layer overlay district.

7. Several of the abutters support this application.
8. The relief granted is the least relief necessary.
9. There was one letter in opposition.

The motion carried by a vote of 5 -0.

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

Richard Allphin was not seated and Richard Boren and David Nardolillo were absent.

#### Girard

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to grant the request of Mark E. & Jeanne L. Girard, Trustees, whose property is located at 7 Bark Ave., and further identified as Tax Assessor's Plat 16, Lot 26, for a special use permit under Section 82-314 (High Groundwater Table & Impervious Layer District) to construct a new single-family residence in replacement of existing structure.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTIONS 600 and 602.

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 R40 zone and contains 17,220 sq. ft.
2. The application was reviewed by the Planning Commission and received unanimous recommendation for approval. This decision incorporates by reference that report and the plans attached as prepared by John Lawless and Julia Gerald.
3. A new well and 4 bedroom OWTS system shall be installed.
4. No setback or other dimensional relief was required.
5. A deed restriction shall be recorded.
6. There were no objectors.

The motion carried by a vote of 5 -0.

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

Richard Allphin was not seated and Richard Boren and David Nardolillo were absent.

Rodio

A motion was made by Richard Cribb and seconded by Don Wineberg to grant the request of Robert Rodio/Rodio Development, Inc. (owner: Thomas Bellayuto), whose property is located on Frigate St., and further identified as Tax Assessor's Plat 16, Lot 210 for a special use permit as required by ordinance 82-314C (High ground water table and impervious overlay district) to allow the installation of a new onsite wastewater treatment system (OWTS) and the construction of a single-family, two-bedroom house on the site as approved under development plan review by the Planning Commission.

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.

The building will be in compliance and maintained within all building and fire safety codes.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 8,694 sq. ft.
2. The applicant received a favorable recommendation from the Planning Commission.
3. There were no objectors to the application.
4. There were no dimensional variances required.

The motion carried by a vote of 5 -0.

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

Richard Allphin was not seated and Richard Boren and David Nardolillo 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 9:40 p.m.

The motion carried unanimously.