

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the May 25, 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
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 April 27, 2010

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to accept the minutes of the April 27, 2010 meeting as presented.

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.

Richard Allphin was not seated and Richard Boren was absent.

CORRESPONDENCE

There was correspondence regarding Dutch Harbor which will be read when the application is heard.

NEW BUSINESS

Dutch Harbor

A motion was made by Joseph Logan and seconded by Thomas Ginnerty to grant in part the request of Dutch Harbor, LLC whose property is located at 252 Narragansett Ave., and further identified as Tax Assessor's Plat 8, Lots 2, 463, & 597 for a special use permit under Article 82, Section 704 and Article 82, Section 301, Table 3-1 concerning lunch room or restaurant (no alcoholic beverages) and variances from Article 82, Section 302, Table 3-2 (District Dimensional Regulations) requiring a thirty foot setback from the street, three feet is provided, Article 82 Section 1200 requiring one additional parking space for the proposed use and sixty-eight spaces for the existing marina, and Article 82 Section 1202 requiring that parking shall be located in the real portion of the property. Applicant seeks to modify the conditions of a zoning decision dated April 29, 2009, concerning preparation and cleanup time, closing time, and delivery time.

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.

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

1. The request for relief from prep time and cleanup restriction is as follows: cleanup time is extended by 30 minutes and no restriction for prep time.
2. The request for additional hours of operation is denied.
3. The delivery of bread time restriction is removed.

This motion is based on the following findings of fact:

1. Said property is located in a CW zone and contains 31,283 sq. ft.
2. This Board is convinced that based on testimony of neighbors and abutters, extending the hours of operation beyond 6 pm will substantially injure the appropriate use

of the property (with respect to noise and traffic) in the surrounding district. (Article 602, Sec. B)

3. There was little testimony by objectors in opposition to earlier bread deliveries, or extended cleanup time and prep time.

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.

Richard Allphin was not seated and Richard Boren was absent.

Roos

A motion was made by Richard Cribb and seconded by Joseph Logan to **deny** the request of Andrew H. Roos, whose property is located at 18 Hawthorne Rd, and further identified as Tax Assessor's Plat 8, Lot 197, for a variance from Article 3, Section 82-300, Table 3-2 (District Dimensional Regulations) to construct a single car garage 5' from the west side lot line instead of the required 10'.

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

In particular reference to ARTICLE 6, SECTION 82-606, PARAGRAPH 1, 4.

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains 16,317 sq. ft.
2. The request for a variance did not satisfy the requirements for being the least relief necessary. In particular there were other alternatives available on the property which would not require relief.

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.

Richard Allphin was not seated and Richard Boren was absent.

Maurice

A motion was made by Thomas Ginnerty and seconded by Richard Cribb to grant the request of David & Kathleen Maurice, whose property is located at 130 Frigate, and further identified as Tax Assessor's Plat 16, Lot 28, for a special use permit as per Article 3, Section 82:314 to renovate an existing house in Sub-District A of the High Groundwater District and a variance from Article 3, Section 82-314, C-4 Limits of impervious cover in Sub district A of the groundwater district where the renovations reduce impervious coverage to 3211.7 sq. ft. from 4432.1 sq. ft., still exceed the limit of 2000 sq. ft. and a variance from Article 3, Section 302, (District Dimensional Regulations) to renovate the second floor and build a new front entry porch in line with the existing house that sits 19.8 ft. from Frigate St. instead of the required 40 ft. and 19.75 ft. from Bark Ave. instead of the required 30 ft.

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):

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 R40 zone and contains 21,759 sq. ft.
2. The property is non conforming but the proposed plan adds no further non conformity.
3. That the proposal does not alter the footprint. There is no further encroachment on the setbacks.
4. That a new ISDS, approved by DEM shall be installed.
5. That impervious coverage shall be decreased from 20.4% to 14.8%.

6. The proposed building improvements will bring the dwelling into conformance with the building code.
7. There were no objectors and two neighbors supported the application.
8. Proposal received Planning Board approval.

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.

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 9:51 p.m.

The motion carried unanimously.