JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the February 23, 2016 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:

Richard Boren

Joseph Logan

Dean Wagner

Judith Bell

Terence Livingston

Edward Gromada

Also present: Brenda Hanna, Stenographer

Chris Costa, Zoning Officer

Pat Westall, Zoning Clerk

Wyatt Brochu, Counsel

MINUTES

Minutes of January 26, 2016

A motion was made by Joseph Logan and seconded by Dean Wagner to accept the minutes of the January 26, 2016 meeting as presented.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Dean Wagner, Judith Bell, and Terence Livingston voted in favor of the motion.

Edward Gromada was not seated and Richard Cribb was absent.

CORRESPONDENCE

A letter dated February 22, 2016 from Christian Infantolino, Esq. requesting a continuance of Fowler’s Rock, LLC.

A motion was made by Joseph Logan and seconded by Terence Livingston to continue the application of Fowler’s Rock, LLC to the March 22, 2016 meeting.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Dean Wagner, Judith Bell, and Terence Livingston voted in favor of the motion.

Edward Gromada was not seated and Richard Cribb was absent.

A letter dated Feb. 12, 2016 from William Munger requesting a one year extension on an existing approval.

A motion was made by Joseph Logan and seconded by Dean Wagner to grant the request for a one year extension to CMS, Inc.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Dean Wagner, Judith Bell, and Terence Livingston voted in favor of the motion.

Edward Gromada was not seated and Richard Cribb was absent.

A letter dated Feb. 2, 2016 from John A. Murphy, Esq. requesting a one year extension for a variance granted to JAC.

A motion was made by Judith Bell and seconded by Joseph Logan to grant the request for a one year extension to the Jamestown Arts Center for an existing variance.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Dean Wagner, Judith Bell, and Terence Livingston voted in favor of the motion.

Edward Gromada was not seated and Richard Cribb was absent.

NEW BUSINESS

Jamestown Boat Yard

A motion was made by Richard Boren and seconded by Joseph Logan to grant the request of Jamestown Boat Yard, Inc. whose property is located at 60 Dumplings Dr., and further identified as Assessor’s Plat 10, Lots 141, 143, & 20, for a Special Use Permit granted under Article 6, Special Use Permits and Variances, pursuant to Section 82-7044, Alteration of a non-conforming use and Article 3, Section 82-301/Table 3-1 Section F.8 and F.9, and dimensional relief from Section 82-302 District Dimensional Regulations, and Table 3-2, for setback relief and lot coverage relief, to permanently enclose the existing temporary structure and construct a permanent structure to replace 2 other temporary structures for the continued use of boat storage.

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):

The conditions set forth in a letter dated 2/23/16 from Joseph J. Nicholson, Jr. Esq., to the Zoning Board and assented to by the applicant is incorporated herein as if set forth in full and shall be appended to the decision.

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 R80 zone and contains 92,965 sq. ft.
2. Building #2 has been drastically reduced.
3. There is no longer a need for dimensional relief for building #2.
4. Nine abutting families have agreed to the application with the afore mentioned conditions.
5. All construction will take place within the required setbacks.
6. The permanent structures will replace longstanding temporary structures for the continued use of boat storage.
7. The temporary sheds have been in existence on the property at least since 1994 and do not stand up to bad weather.
8. The applicant is seeking to aesthetically improve the boatyard.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Judith Bell, Terence Livingston, and Edward Gromada voted in favor of the motion.

Dean Wagner was recused and Richard Cribb was absent.

EPI

A motion was made by Joseph Logan and seconded by Terence Livingston to grant the request of EPI Real Estate Holdings, LLC, whose property is located at 41 Narragansett Ave., and further identified as Assessor’s Plat 9, Lot 211 for a Variance/Special Use Permit from:

1. Chapter 82-Zoning–Appendix A-Minor Subdivision Regulation
2. Preliminary lot checklist No 3
3. Article 3 Table 3-2 Dimensional Variance
4. Article 12 Section 1203 Parking Requirements
5. Sec. 82-1205.Shared parking Special Use Permit

To:

1. Divide current 10,210 sq. ft. lot into 2 lots. Lot A to be 4,059 sq. ft. instead of the required 5,000 sq. ft.
2. Lot B to be 4 ft. 9 inches rear lot set back instead of 12 ft.
3. Lot B – A variance to allow the existing configuration of parking to satisfy the requirements of Lot B.
4. Lot A to use “shared parking” from Lot B for 2 overnight parking spaces

* Note no physical alterations or changes in use are being requested

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 adhere to the conditions of the Planning Commission’s Decision.

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 Planning Commission has approved the request for the subdivision.
  3. There are no physical changes to the property.
  4. There were no objectors.
  5. This request is a reasonable response to the owner’s possible future needs.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Dean Wagner, Judith Bell, and Terence Livingston voted in favor of the motion.

Edward Gromada was not seated and Richard Cribb was absent.

Baker

A motion was made by Dean Wagner and seconded by Joseph Logan to grant request of William C. and Mayer M. Baker, owners of Lot 36 on Assessor’s Plat 11 at 139 Beavertail Road for a dimensional variance to construct a house 42 feet in height instead of the required 35 feet.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following restriction:

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. Property is located in a RR80 district and contains 113,256 sq. ft.
2. The applicant is utilizing the existing foundation to construct a “net – zero” house to reduce or eliminate environmental impacts.
3. The new septic system will no longer be within the CRMC buffer.
4. The land slopes down to the water so that the building height will be 42 feet high on the east side facing the water.
5. However, the height of the building is only 35 feet high on the west side facing Beavertail Rd.
6. The house will be only 15’ higher than the elevation at Beavertail Rd.
7. The house is over 300 ft. from Beavertail Rd. and the area is heavily wooded.
8. The gable roof design was chosen for environmental as well as aesthetic reasons.
9. No one spoke in opposition to the request for a variance.
10. The appeal is moot.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Dean Wagner, Judith Bell, and Terence Livingston voted in favor of the motion.

Edward Gromada was not seated and Richard Cribb was absent.

Colognese

A motion was made by Judith Bell and seconded by Terence Livingston to grant the request of Andrea Colognese et Doriana Carella (Village Hearth Bakery), whose property is located at 2 Watson Ave., and further identified as Assessor’s Plat 8, Lot 774 for a variance from Article 3, Table 3-2 (Lot Coverage) requesting 304 sq. ft. kitchen addition. 40% lot coverage requested where 35% is allowed.

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 3-2, District Dimensional Regulations.

This Variance 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.

This motion is based on the following findings of fact:

1. Said property is located in a CL zone and contains 7,000 sq. ft.
2. The applicants have a need for additional space.
3. 304 sq. ft. is on the Watson Ave. side of the building and meets the required 15’ setback.
4. The corner lot is 7000 sq. ft. and is a nonconforming lot requiring the variance.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Dean Wagner, Judith Bell, and Terence Livingston voted in favor of the motion.

Edward Gromada was not seated and Richard Cribb was absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 9:18 p.m.

The motion carried unanimously.