



Town of Jamestown

Town Clerk's Office
Town Hall, 93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-7200 • Fax 423-7230
email: cfernstrom@jamestownri.net

Cheryl A. Fernstrom, CMC
Town Clerk
Probate Clerk

Office of the Town Clerk

CERTIFICATE

I, Cheryl A. Fernstrom, Town Clerk of the Town of Jamestown, Rhode Island, having by law the custody of the seal, and the records, books, documents and papers of or appertaining to said Town, hereby certify the annexed to be true copies of papers appertaining to said Town, and on file and of record in this office.

In attestation whereof I have hereunto set my hand, and have affixed the Seal of said Town, this 27th day of June, 2018.



Cheryl A. Fernstrom
Cheryl A. Fernstrom, CMC
Town Clerk



**Certified Documents relative to C.A. No. NC-2018-0188 in Newport County Superior Court
David Clancy and Jennifer Clancy v. Zoning Board of Review of the Town of Jamestown
and its Members and the Jamestown Historical Society**

- 1. Acknowledgement of Receipt of Service of Process and No Response Pleading, David Clancy and Jennifer Clancy v. Zoning Board of Review of the Town of Jamestown, et al, dated June 12, 2018**
- 2. Entry of Appearance by Wyatt A. Brochu, Esq. for Appellees, Zoning Board of Review of the Town of Jamestown, dated June 12, 2018**
- 3. Certificate of Service by Mark Liberati Esq. for Plaintiffs David Clancy and Jennifer Clancy v. Zoning Board of the Town of Jamestown, dated May 29, 2018
Exhibit A - Letter to Wyatt A. Brochu, dated May 29, 2018
Exhibit B – Letter to Matthew F. Callaghan, Jr., Esq., dated May 29, 2018**
- 4. Affidavit of Plaintiffs’ Counsel Pursuant to RIGL §45-24-69.1, David and Jennifer Clancy v. Zoning Board of Review of the Town of Jamestown, et al, dated May 29, 2018
Exhibit A – Notice pursuant RIGL §45-24-69.1, dated May 29, 2018
Exhibit B – List of Abutters, 382 North Road, dated May 29, 2018**
- 5. Zoning Appeal Complaint, David and Jennifer Clancy, Plaintiffs, v. Zoning Board of Review of the Town of Jamestown and its members and the Jamestown Historical Society, dated May 29, 2018
Exhibit A – Zoning Board of Review Decision, recorded in Town of Jamestown Land Evidence Book 921 Page 223 on May 23, 2018
Exhibit B – Architect’s Drawing of Proposed Addition, dated January 23, 2018**
- 6. Post Hearing Memorandum of Law re: Application of David and Jennifer Clancy for Dimensional Variances, by Mark A. Liberati Esq., dated April 4, 2018
Figure 1 – Enhanced Photograph
Figure 2 - Enhanced Photograph showing existing house with drawing of proposed addition
Figure 3 – Architect’s drawing of 382 North Road with proposed addition, dated January 23, 2018**
- 7. Memorandum of Law on behalf of Jamestown Historical Society re: Application of David and Jennifer Clancy for Zoning Variances, by Matthew F. Callaghan, Jr., Esq., dated April 4, 2018
Exhibit A – Representation of Proposed Construction East – Option B
Exhibit B – View of proposed second option or the garage and deck**
- 8. Letter of William Salmons, Jr. re: Zoning Board of Review pending decision on the Clancy case, dated April 20, 2018**
- 9. Transcript of the Zoning Board of Review Regular Meeting of February 27, 2018, dated March 12, 2018 (continuation of the hearing for Application of David and Jennifer Clancy of January 23, 2018 Zoning Board of Review Regular Meeting)
Exhibit 7 – Letter to the Members of the Zoning Board with pictures, depicting the second option, with published article (by Thomas Hubka) on connected Farm**

- Buildings from the mid 1800's, with pictures and drawings, submitted February 27, 2018
10. Transcript of the Zoning Board of Review Regular Meeting of January 23, 2018, dated March 12, 2018 (Clancy application as continued from the Zoning Board of Review Regular Meeting of November 18, 2017)
- Applicant's Exhibits:
- Exhibit 1 – Aerial Site View (Google Earth) 382 North Road, dated January 23, 2018
- Exhibit 2 – Site Plan, 4 pages, dated January 23, 2018
- Exhibit 3 – Site Plan
- 3A – Existing House and Proposed Garage, dated January 23, 2018
- 3B – Interior of Existing House and Proposed addition – 1st floor
- 3C – Interior of Existing House and Proposed addition – 2nd floor
- Exhibit 4 – Perspective displaying photograph of North Road view with garage, dated January 23, 2018
- Exhibit 5 – Septic Site Plan, dated January 23, 2018
- Exhibit 6 – Site Plan for new deck, dated January 23, 2018
- PowerPoint Presentation – Drawings, dated January 23, 2018
- Historical Society's Exhibits
- Exhibit A - Zoning Ordinance Page 28, dated January 23, 2018
- Exhibit B – Apartment Therapy document, dated January 23, 2018
- Exhibit C – Air BnB Booking Request, dated January 23, 2018
- Exhibit D – Ross Sinclair Cann's resume, dated January 23, 2018
- Exhibit E – Plans prepared by A4 Architecture & Planning, dated January 23, 2018
- Exhibit F – Letter of Ross Cann, A4 Architecture & Planning, dated January 23, 2018
11. Letters of Support for the Clancy Application for a Zoning Ordinance Variance
- Thomas L. Harris, dated January 22, 2018
- Maureen Bodin, dated January 21, 2018
- Susan and Ted Hackman, dated January 21, 2018
- Diane Grippi, dated January 20, 2018
- Nannette Bryer, dated January 19, 2018
- Maureen Coleman, dated January 19, 2018
- Nadine Mendelsohn, dated January 19, 2018
- Donna Mignela and Chris Smeraldi, dated January 19, 2018
- E. George and Martha Neale, dated January 19, 2018
- Sarah Wheaton, dated January 19, 2018
- Leslie Harkins, dated January 18, 2018
- Susan R. Little, dated January 18, 2018
- Jocelyn Schaffer, dated January 18, 2018
- Melody Drnach, dated January 17, 2018
- Judith Sutphen, dated January 17, 2018
- Susan and William Brayman, dated January 15, 2018
- Janie H. Harris, dated January 15, 2018
- Dana Long, dated January 15, 2018

- David Pritchard, dated January 15, 2018**
Victoria Hellewell-Moretti, dated January 14, 2018
Don and Heather Minto, dated October 26, 2017
- 12. Letters of Opposition to the Clancy Application for a Zoning Ordinance Variance**
Linnea Petersen, dated February 23, 2018
Martha Milot, dated February 23, 2018
Linda A. Warner, dated February 23, 2018
Barbara W. Carton, dated February 22, 2018
John Enright, February 22, 2018
Patricia F. Ustick, February 22, 2018
Abigail Campbell-King, dated February 21, 2018
Sheila Reilly, February 21, 2018
Ann Zartler, February 21, 2018
Jane Bentley, dated February 20, 2018
Sue Madden, February 20, 2018
Gabrielle R. Highstein, dated February 5, 2018
Carissa Demore, dated January 23, 2018
James Buttrick, dated November 25, 2018
- 13. Certified Mail Receipts and Return Cards, dated November 6, 2018**
- 14. Legal Ad for Public Hearing on the Application of David A. and Jennifer R. Clancy on November 28, 2017, running November 2, 9, 16, 2017**
- 15. Application for Exception or Variation under the Zoning Ordinance filed by David and Jennifer Clancy with abutters list, dated October 20, 2018**
- 16. RIDEM System Suitability Determination Application of David Clancy for 382 North Road, dated January 16, 2014**
- 17. Decision of the Newport Superior Court re: David M. Clancy and Jennifer R. Clancy v. Members of the Jamestown Zoning Board of Review, dated April 27, 2005**
- 18. Zoning Board of Review Decision of April 23, 2005, recorded in Jamestown Land Evidence Book 470 Page 317 on April 25, 2003**
- 19. Complete file of Property Record Cards for Plat 7 Lot 22, North Main Road aka 382 North Road, February 3, 1984 to May 13, 2010**

STATE OF RHODE ISLAND
NEWPORT SC.

SUPERIOR COURT

DAVID CLANCY and JENNIFER CLANCY)

Appellants)

VS.)

CA NO.: NC2018-0188

ZONING BOARD OF REVIEW OF THE)
TOWN OF JAMESTOWN, et al.)

Appellees)

**ACKNOWLEDGMENT OF RECEIPT OF SERVICE OF PROCESS
AND NO RESPONSIVE PLEADING**

I hereby acknowledge receipt of good and sufficient service of process of the Summons and Complaint in the above-captioned matter. I also certify that the record of the matter appealed from has been ordered to be produced by the Town Clerk. No responsive pleading is being filed pursuant to R.I. Super. R. of Civ. P., Rule 80.

Dated: June 12, 2018

/s/ Wyatt A. Brochu, Esq.
Wyatt A. Brochu (#5763)
Assistant Town Solicitor
RUGGIERO BROCHU & PETRARCA
20 Centerville Road
Warwick, RI 02886
Tel: (401) 737-8700
Fax: (401) 737-0735
Email: Wyatt@RuBroc.com

CERTIFICATION

I hereby certify that, on this 12th day of June, 2018, I electronically filed and served this document via the Rhode Island Judiciary's Electronic Filing System with notice to all parties in the system. The document is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Wyatt A. Brochu, Esq.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
NEWPORT COUNTY SUPERIOR COURT

DAVID CLANCY and :
JENNIFER CLANCY :
Plaintiffs :
v. : C.A. NO. NC2018-0188
ZONING BOARD OF REVIEW :
of the TOWN OF JAMESTOWN and :
RICHARD BOREN, DEAN WAGNER, :
MARCY COLEMAN, TERENCE LIVINGTON :
and EDWARD GROMADA, :
in their capacities as members :
of the ZONING BOARD OF REVIEW :
of the TOWN OF JAMESTOWN :
and the Jamestown Historical :
Society :

CERTIFICATE OF SERVICE

I, MARK E. LIBERATI, attorney for Plaintiffs, do hereby certify:

Pursuant to the provisions of SUPER CT. R. CIV. PRO. RULE 80(b) and Rule 5 of the Superior Court Rules of Civil Procedure, on May 29 2018, I served copies of the complaint in the within administrative appeal upon the following persons in the manners listed:

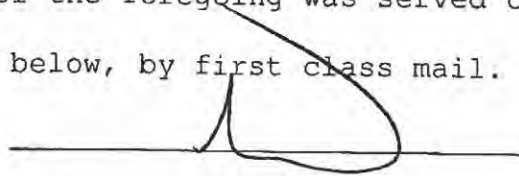
1. Wyatt A. Brochu, Esq., Solicitor for the Zoning Board of Review of the Town of Jamestown, at his usual business address, Ruggiero Brochu, 20 Centerville Road, Warwick, RI 02886, by regular mail, postage prepaid. Attached hereto Exhibit A is a copy of the cover letter that accompanied the zoning appeal complaint that I served upon Mr. Brochu.
2. Matthew F. Callaghan, Jr., counsel for the Jamestown Historical Society, at his usual business address, 3 Brown Street, Wickford, RI 02852, by regular mail, postage prepaid. Attached hereto as Exhibit B is a copy of he

cover letter that accompanied the zoning appeal complaint that I served upon Mr. Oliverio.

/s/ Mark E. Liberati
Mark Liberati, Esq. Bar No. 1909
Liberati & Peretti
1536 Westminster St.
Providence, Rhode Island 02909
401-273-7747
mark@lp.legal

CERTIFICATION

On May 29, 2018, a true copy of the foregoing was served on all counsel of record, listed below, by first class mail.

A handwritten signature in black ink, appearing to be 'Wyatt Brochu', is written over a horizontal line.

Wyatt Brochu, Esquire
Ruggiero Brochu
20 Centerville Road
Warwick, RI 02882

Matthew F. Callaghan, Jr., Esq.
3 Brown Street
Wickford, RI 02852

EXHIBIT A

1536 WESTMINSTER STREET
PROVIDENCE, RI 02909-1602
☎ 401.273.7747
FAX 401.421.4818

MARK E. LIBERATI
ROBERT A. PERETTI



May 29, 2018

Wyatt A. Brochu, Esq.
Ruggiero Brochu
20 Centerville Road
Warwick, RI 02886

Re: Clancy v. Zoning Board of Review of the
Town of Jamestown, et al
C.A. No. NC2018-0188

Dear Mr. Brochu:

This is sent to you in your capacity as the solicitor for the Zoning Board of Review of the Town of Jamestown.

Enclosed is a copy of a zoning appeal complaint filed on May 29, 2018, in Newport County Superior Court against the Zoning Board of Review, among others.

Pursuant to SUPER. R. CIV. P. 80(b), service of a complaint seeking review of an administrative decision of a governmental body may be accomplished pursuant to Rule 5 of the Superior Court Rules. Rule 5 provides that where a party is represented by counsel, service upon counsel is sufficient unless service upon the party is ordered by the court. Service under Rule 5 may be made by hand delivery or by mail. Accordingly, service of a copy of the complaint upon you constitutes service on the Board and its members.

You will note that Rule 80 provides that no responsive pleading need to be filed. In my experience, attorneys representing parties in administrative appeals simply file entries of appearance. And, as you know, the zoning board is

required to certify the record within 30 days. Thereafter, I presume, we will all be able to agree upon a briefing schedule.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark E. Liberati', written over the word 'Sincerely,'.

Mark E. Liberati

MEL/ca
Enclosure

EXHIBIT B

1536 WESTMINSTER STREET
PROVIDENCE, RI 02909-1602
☎ 401.273.7747
FAX 401.421.4818

MARK E. LIBERATI
ROBERT A. PERETTI

LIBERATI PERETTI LLP
ATTORNEYS AT LAW

May 29, 2018

Matthew F. Callaghan, Jr., Esq.
3 Brown Street
Wickford, RI 02852

Re: Clancy v. Zoning Board of Review of the
Town of Jamestown, et al
C.A. No. NC2018-0188

Dear Mr. Callaghan:

This is sent to you in your capacity as attorney for the
Jamestown Historical Society.

Enclosed is a copy of a zoning appeal complaint filed on
May 29, 2018, in Newport County Superior Court against the
Zoning Board of Review of the Town of Jamestown, the Concerned
Neighbors, and its members.

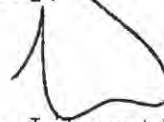
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may be made by hand delivery or by mail. Accordingly, service
of a copy of the complaint upon you constitutes service on the
Concerned Neighbors and its members.

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pleading need to be filed. In my experience, attorneys
representing parties in administrative appeals simply file
entries of appearance. And, as you know, the zoning board is

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Mark E. Liberati

MEL/ca
Enclosure

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
NEWPORT COUNTY SUPERIOR COURT

DAVID CLANCY and
JENNIFER CLANCY
Plaintiffs

v.

C.A. NO. NC2018-0188

ZONING BOARD OF REVIEW
of the TOWN OF JAMESTOWN and
RICHARD BOREN, DEAN WAGNER,
MARCY COLEMAN, TERENCE LIVINGTON
and EDWARD GROMADA,
in their capacities as members
of the ZONING BOARD OF REVIEW
of the TOWN OF JAMESTOWN
and the Jamestown Historical
Society

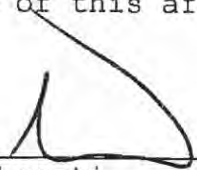
AFFIDAVIT OF PLAINTIFFS' COUNSEL
PURSUANT TO R.I. GEN. LAWS § 45-24-69.1(d)

I, Mark E. Liberati, under oath, do hereby state:

1. I am an attorney, licensed to practice law in the State of Rhode Island since 1977.
2. On May 29, 2018, I filed a complaint in the above-captioned matter in Newport County Superior Court appealing a decision of the Zoning Board of Review of the Town of Jamestown.
3. On May 29, 2018, I mailed copies of the notice described in R.I. GEN. LAWS § 45-24-69.1 to all persons "who were entitled to notice of the hearing

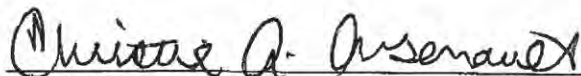
set by the zoning board or review." A copy of the form of the notice is attached hereto as Exhibit A.

4. A complete list of all the names and addresses of the intended recipients of the notice is attached hereto as Exhibit B.
5. The notice was sent to each intended recipient listed on Exhibit B by First Class United States Mail, postage prepaid, in an envelope containing a return address of Liberati & Peretti, LLP, 1536 Westminster Street, Providence, RI 02909, on the envelope.
6. No notices have been returned by the United States Post Office as of the date and time of this affidavit.



Mark E. Liberati

Subscribed and sworn to before me in Providence this 29th day of May, 2018.



Christie A. Arsenault

Notary Public #61457

My Commission Expires: 1/27/2020

CERTIFICATION

On May 29, 2018, a true copy of the foregoing was served on all counsel of record, listed below, by first class mail.

A handwritten signature in black ink, appearing to be 'Wyatt Brochu', is written over a horizontal line. The signature is stylized with a large loop and a sharp peak.

Wyatt Brochu, Esquire
Ruggiero Brochu
20 Centerville Road
Warwick, RI 02882

Matthew F. Callaghan, Jr., Esq.
3 Brown Street
Wickford, RI 02852

EXHIBIT A

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
NEWPORT COUNTY SUPERIOR COURT

DAVID CLANCY and :
JENNIFER CLANCY :
Plaintiffs :
 :
v. : C.A. NO. NC2018-0188
 :
ZONING BOARD OF REVIEW :
of the TOWN OF JAMESTOWN and :
RICHARD BOREN, DEAN WAGNER, :
MARCY COLEMAN, TERENCE LIVINGTON :
and EDWARD GROMADA, :
in their capacities as members :
of the ZONING BOARD OF REVIEW :
of the TOWN OF JAMESTOWN :
and the Jamestown Historical :
Society :

NOTICE PURSUANT TO R.I. GEN. LAWS § 45-24-69.1

SENT VIA FIRST CLASS MAIL, POSTAGE PREPAID

An appeal has been filed in the Superior Court for Newport County, challenging the May 22, 2018, decision of the Zoning Board of Review of the Town of Jamestown. The Zoning Board denied an application for a variance brought by David and Jennifer Clancy from Section 82-300, Table 3-2 concerning set back from the street and sideline.

Concerning property located at 382 North Road, Assessor's Plat 7 Lot 22.

On May 29, 2018, the zoning appeal complaint in the above-captioned case was filed with the Newport County Superior Court, on behalf of David and Jennifer Clancy [appellants],

owner of 382 North Road. Appellants have served a copy of the complaint on the Zoning Board of Review and on Jamestown Historical Society, and through their counsel, in accordance with applicable law and procedure.

As an owner of real property located within 200 hundred feet (200') of the perimeter of 382 North Road, you are entitled to notice of this matter pursuant to the provisions of R.I. GEN. LAWS §§ 45-24-69.1 AND 45-24-53.

All persons receiving this notice may retain counsel and/or participate in the appeal insofar as the law allows. An appeal of a decision of a zoning board to the superior court is governed by §§ 45-24-69 and 45-24-69.1 of the Rhode Island General Laws.

DATE OF THIS NOTICE: May 29, 2018

Plaintiffs,
DAVID CLANCY
JENNIFER CLANCY

By their attorney:

/s/ Mark E. Liberati
Mark Liberati, Esq. Bar No. 1909
Liberati & Peretti
1536 Westminster St.
Providence, Rhode Island 02909
401-273-7747
mark@lp.legal

EXHIBIT B

LIST OF ABUTTERS

382 NORTH ROAD

1. PARCEL ID: 6-18
HISTORIC NEW ENGLAND
F/K/A S.P.N.E.A.
455 NORTH ROAD
JAMESTOWN, RI 02835

2. PARCEL ID: 7-19
DUTRA, JOSEPH F. JR., TRUSTEE
DUTRA FARM PROPERTIES
20 WEEDEN LANE
JAMESTOWN, RI 02835-1654

3. PARCEL ID: 7-21
JAMESTOWN HISTORICAL SOCIETY
(MILL)
92 NARRAGANSETT AVENUE
JAMESTOWN, RI 02835

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
NEWPORT COUNTY SUPERIOR COURT

DAVID CLANCY and :
JENNIFER CLANCY :
Plaintiffs :
v. : C.A. NO. NC2018 _____
ZONING BOARD OF REVIEW :
of the TOWN OF JAMESTOWN and :
RICHARD BOREN, DEAN WAGNER, :
MARCY COLEMAN, TERENCE LIVINGTON :
and EDWARD GROMADA, :
in their capacities as members :
of the ZONING BOARD OF REVIEW :
of the TOWN OF JAMESTOWN :
and the Jamestown Historical :
Society :

ZONING APPEAL COMPLAINT

Parties:

1. Plaintiffs, DAVID CLANCY and JENNIFER CLANCY, are residents of the Town of Jamestown and are the owners of a parcel of real estate located in the Town of Jamestown, County of Newport, and further described as Lot 22 on Assessor's Plat 7.
2. The Zoning Board of Review of the Town of Jamestown and its members, Richard Boren, Dean Wagner, Marcy Coleman, Terence Livingston and Edward Gromada ["the Zoning Board"], issued a written decision on May 22, 2018 ["the May 22 Decision"], (FN1)

FN1 Although the Decision is dated April 25, 2018, the Decision was not issued until approved at the May 22, 2018 Zoning Board Meeting.

denying David Clancy and Jennifer Clancy's ("Clancy") application for a variance from the Jamestown Zoning Code Section 82-300, Table 3-2 concerning setback from the street and sideline. Clancy appeals from the May 22 Decision pursuant to R.I. Gen. Laws §45-24-69.

3. The Jamestown Historical Society is an abutting property owner and was represented by counsel in objecting to the Clancys' application.

Substantive Allegations:

1. Clancys' existing home has a footprint of 878 square feet.
2. The home has no attic or basement.
3. There are only two small closets on the first floor, one of which is occupied by two flues for the furnace and wood burning stove.
4. The first floor has a kitchen, a small living area, and room which is occupied mainly by a staircase leading to the second floor.
5. The second floor contains a small bedroom for the Clancys, a screen, a small area containing a mattress where their eight year old daughter sleeps, and a washer and dryer.
6. The garage is derelict and not deep enough to accommodate a standard size vehicle.

7. The Clancys requested a dimensional variance to reconfigure the garage, add a bedroom, a utility room and a storage area for equipment to maintain the grounds.

8. The Clancys presented the testimony of David Clancy, Shahin Barzin A.I.A. and Jason Iacobucci A.I.A. that the relief requested is consistent with the standards for dimensional relief imposed by the Jamestown Zoning Code.

9. The Clancys incorporate herein the Findings of Fact contained in the Zoning Board's Decision Numbers 1 through 34, which detail the testimony concerning Plaintiffs' reasonable needs and their plan to accommodate those needs.

10. The Zoning Board's Findings of Fact then focus on the testimony of the Jamestown Historical Society's Architect, Ross Cann.

11. Mr. Cann presented an alternative plan to create two bedrooms and a bath on the second floor, but his plan did not otherwise address Clancys' reasonable need for additional storage, a utility room, and a useable garage.

12. Clancys' Architect testified that Mr. Cann's plan was flawed, and that his plan misrepresented the height and pitch of the roof in order to make his plan work. Attached as "Exhibit B" is a plan showing Mr. Cann's plan, and the way in which his plan misrepresents the height and pitch of the roof in order to make his plan work.

13. The Findings of Fact also emphasize that the Zoning Board placed a higher burden on the Clancys' than the Zoning Code provides for:

"42. Mr. Cann summarized his view of historic structures that they are rare and a precious resource. Jamestown owes itself to protect the view and surrounding character of the historic windmill and historic Miller's cottage..."

14. The reference to the Clancys' house as the "Miller's Cottage" caused the Zoning Board to apply an unlawful standard to the Clancys' application. The Zoning Board's "Findings of Fact" with reference to the "Miller's Cottage" caused it to impose a negative easement or restriction upon the Clancys' property that the Clancys are prohibited from improving their property in such a way that it affects the "view and surrounding character of the historic windmill and historic Miller's cottage".

15. On or about May 22, 2018, the Zoning Board issued a "decision".

16. On May 23, 2018, the Zoning Board caused its decision to be posted in the office of the Town Clerk and recorded in the land evidence records of the Town of Jamestown. A copy of the Zoning Board's May 22, 2018 decision as then posted and recorded in the

land evidence records is attached to this complaint as Exhibit A.

17. Clancys are aggrieved by the May 22, 2018 decision, and appeal pursuant to R.I. Gen. Laws §45-24-69. The findings, inferences, conclusions, and decisions that make up the May 22, 2018 decision are:

- a. In violation of constitutional, statutory, or ordinance provisions;
- b. In excess of the authority granted to the Zoning Board by statute or ordinance;
- c. Made upon unlawful procedure;
- d. Affected by other error of law;
- e. Clearly erroneous in view of the reliable, probative and substantial evidence of the whole record; and are
- f. Arbitrary, capricious and characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

WHEREFORE, the Clancys' requests that this Court review the record of the proceedings before the Zoning Board, and upon such review enter judgment:

1. Vacating the May 22, 2018 decision;
2. Awarding attorney's fees and costs; and

3. Awarding such further relief is necessary.

Plaintiffs,
DAVID CLANCY
JENNIFER CLANCY

By their attorney:

/s/ Mark E. Liberati
Mark Liberati, Esq. Bar No. 1909
Liberati & Peretti
1536 Westminster St.
Providence, Rhode Island 02909
401-273-7747
mark@lp.legal

EXHIBIT A

Town of Jamestown

Doc# 00054654
Bk# 921 Pg# 223

223

93 Narragansett Avenue
401-423-7200Jamestown, Rhode Island
02835-1199

April 25, 2018

Clancy, David M
Et Jennifer R.
382 North Rd.
Jamestown, RI 02835

Dear Mr. & Ms. Clancy,

The following is the decision on your Petition heard by the Town of Jamestown Zoning Board of Review on April 24, 2018.

After testimony was completed at the public hearing for which due notice was given and a record kept, the Town of Jamestown Zoning Board of Review, after taking into consideration all of the testimony and exhibits at the public hearing, makes the following determination:

A motion was made by Richard Boren and seconded by Terence Livingston to **deny** the request of David A. & Jennifer R. Clancy, whose property is located at 382 North Rd., and further identified as Assessor's Plat 7, Lot 22 for a variance from Article 82-300 (Regulations of Structures and Land), Table 3-2 to construct an addition to an existing dwelling which adds living space and a garage 33 ft. from the westerly property line (50 ft. required) and 6 ft. from the southerly line (40 ft. required).

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

FINDINGS OF FACT.**I. The Property.**

1. The Clancy property is located in an R200 zone and contains 65,340 square feet.
2. The subject property is in the Windmill Hill Historic District, which consists of six historic farmsteads, an 18th century burying ground, the meeting house, the windmill, and the miller's cottage.
3. The subject property is the miller's cottage, which dates from 1787.

4. The unattached garage on the subject property was built in approximately 1970.
5. The closest structure not on the Clancy property is the historic windmill.
6. The Jamestown Historical Society owns the adjacent property where the windmill is located and is opposed to the application.
7. The windmill is open to the public. There are docents that volunteer to explain to visitors about the windmill and the former miller's cottage.
8. Most of the property in the immediate vicinity consists of farmland.

II. The Application.

9. David and Jennifer Clancy have filed an application for dimensional variance from Article 82-300 to construct an addition to the miller's cottage which adds living space and a garage 33 feet from the westerly property line (50 feet required) and 6 feet from the southerly line (40 feet required).

III. The Existing Miller's Cottage and Garage.

10. The applicants have owned the subject property for 22 years.
11. The miller's cottage has a footprint of 878 square feet and is approximately 31 feet x 22 feet, and with a smaller attachment 14 feet x 14 feet.
12. The first floor consists of two different spaces. There is a staircase, a flue, wood burning stove, and a small storage area less than 24 inches deep, constituting one space. The 14 feet x 14 feet attachment is the kitchen/living space.
13. On the second floor, which is 22 feet x 31 feet, there is a single bedroom used by three people and a washer and dryer. Because of the eaves, not all of the 22 feet x 31 feet is usable.
14. The Clancy's' 8 year old daughter has a bed on the second floor that is separated from her parents' bedroom by a screen. The daughter's space is 4 feet x 8 feet.
15. Tax Assessor's records dating back to 1984 reflect that the miller's cottage was a 2 bedroom when sold to the Clancys and the Clancys converted it to a 1 bedroom house.
16. The miller's cottage does not contain a basement.

17. The garage on the property is 19 feet deep x 21 ½ feet wide. Current standard for the depth of a garage is 23 feet.
18. There is a shed attached to the garage, which holds the oil tank. The shed is presently 3 feet from the stone wall property line.

IV. The April 23, 2003 Zoning Variance

19. The Zoning Board of Review issued a zoning variance to the Clancys that stipulated that any future additions to the house would extend easterly and not north or south.

V. The Proposed Detailed Plan.

20. The applicants are seeking the following goals:
 - a) provide a sleeping area for their daughter.
 - b) a bedroom for applicants.
 - c) more adequate storage space.
 - d) more living space.
 - e) a new garage deep enough to park a vehicle and store farm equipment.
21. The methodology:
 - a) a new addition with a footprint of 720 square feet to the east of the existing cottage.
 - b) a connector that is a sunroom.
 - c) a staircase to a new bedroom.
 - d) space for utility equipment and a separate storage area below parents bedrooms.
 - e) existing bedroom area in cottage to be the daughter's room.
 - f) the addition is set back 5 feet from the miller's cottage.
 - g) new garage 1 foot farther away from the south property line and 396 square feet versus present 410 square feet, i.e., narrower, but deeper.
 - h) the total proposed additional space is about 706 square feet.
 - i) the proposed addition is a different building material than the cottage in order to differentiate the old and new.

V. The Testimony.

22. David Clancy, owner of the subject property, testified that he has owned the

home for 22 years. Mr. Clancy described the unusual and cramped layout of the home - - - the very little storage space, the upstairs bedroom being used by two adults and their daughter.

23. Mr. Clancy testified that moving the proposed addition north and east away from the property line would not be possible because of the septic system and the desire not to remove a 200 year old chestnut tree.
24. Mr. Clancy testified that to move the location of the proposed garage from its present location would turn the backyard into a driveway.
25. Mr. Clancy testified that there is a separate AIRBNB space on the property that that will no longer be rented out until any necessary permits are obtained.
26. Shahin Barzin, a practicing and licensed architect for approximately 30 years, testified on behalf of the Clancys.
27. Mr. Barzin described the neighborhood, the farmland, the windmill property, and the existing home and its unique configuration on both the first and second floors - - - and the lack of living space. Mr. Barzin further testified that the present garage does not meet present-day standards for a motor vehicle.
28. Mr. Barzin testified that the goal of his plan is to provide a proper sleeping area bedroom for the daughter, a separate bedroom for the parents, a more adequate storage space for the family, storage space for farm equipment, a garage deep enough to park a vehicle, and additional living space.
29. Mr. Barzin testified that his plan adds a connector addition, set in about 5 feet. Above the connector is a new master bedroom, space for utility equipment and a storage area in the miller's cottage, the existing 2nd floor bedroom will be used by their daughter.
30. According to Mr. Barzin, the connector addition is of a different material than the miller's cottage "and we're just putting an addition, but we are using different material so that it will be very apparent for the viewer that is the old, this is the new". "The main purpose was to maintain the integrity of the existing old building and not try to pretend this is part of the old building". "There will be a differentiation".
31. Mr. Barzin then addressed R.I.G.L. § 45-24-41 (d) (1-4) and €(2), the statutory provisions that govern the requirements for the issuance of a dimensional variance. Mr. Barzin told the board that the application satisfied all requirements for the issuance of a dimensional variance.

- a) the present location of the house.
 - b) the house has been on the property since the 18th century.
 - c) general character of the surrounding area is farmland, and single family homes.
 - d) his plan is the least relief necessary.
 - e) the present living conditions amount to more than a mere inconvenience.
32. Jason Iacobucci, a licensed architect with Robinson, Green & Beretta Corp. testified on behalf of the Clancys.
33. Mr. Iacobucci and his firm have been engaged in the past to provide design and consulting services in historic districts.
34. Mr. Iacobucci testified that in his opinion the requested relief is consistent with the Jamestown Comprehensive Plan and the impact on the watershed is minimal.
35. Ross Cann, a licensed and practicing architect and architectural historian, testified on behalf of the Jamestown Historical Society.
36. Mr. Cann testified that the existing floor plan of the miller's cottage identifies that the internal stair occupies almost half of the house. The efficiency of the internal space is being compromised by the location of the stair.
37. Mr. Cann testified that by moving the stair, you have more space for the living area; an opportunity to do a master suite; a bedroom and small bathroom on the second level so that the parents and child can be in the same building instead of adjacent structures. This is accomplished by adding 2 Nantucket-style dormers to the north side; dormers similar to those on the south side. The new proposed dormers on the north side mimic the size and slopes of the existing dormers on the south side.
38. Mr. Cann testified that in his opinion the applicants' proposal changes the character of this 18th century building, giving it a more modern appearance, something more suburban in its massing and character.
39. Mr. Cann testified that on behalf of the Jamestown Historical Society, his testimony concerns the miller's cottage and not the garage "they could change the garage somewhat".
40. Mr. Cann testified that his proposal would require a new stair to be built. It is

not an easy proposal and less impacted than building the addition to the east of the miller's cottage.

41. Mr. Cann testified that in his opinion, his counter-proposal would serve the needs requested by the applicants and be less expensive than the applicants' proposal.
42. Mr. Cann summarized his view of historic structures that they are rare and a precious resource. Jamestown owes itself to protect the view and surrounding character of the historic windmill and historic miller's cottage.
43. In cross-examination, Mr. Cann testified that with respect to his proposal, the proposed upstairs closet is somewhat smaller than the existing closet, the kitchen size remains, the bathroom is a little larger, a first floor coat closet is eliminated, the current upstairs bedroom is a little larger, and there would be a second bedroom approximately 10 feet x 12 feet.
44. Mr. Cann conceded that his plan is conceptual and is not necessarily a finalized alternative to the applicants' plan.
45. There were 18 letters of correspondence in favor of the application. The letters of correspondence generally spoke highly of the applicants in the community and their need for relief.
46. Nine residents spoke in opposition to the application.
47. James Buttrick, a Jamestown resident and member of the Society of Architectural Historians, testified that the Windmill Historic District consists of 10 contributing entities, including the windmill and the miller's cottage. It is Mr. Buttrick's opinion that if the proposed project goes forward, the miller's cottage would no longer be considered a contributing entity.
48. Beatrice Hutcheson, a Jamestown resident and docent, commented on seeing the children go up to the top of the windmill and look out the windows and see what it all might have looked like when first built.

V. Decision.

49. The hardship from which the applicants seek relief is not due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant.
50. The hardship is not the result of any prior action of the applicants and does not result primarily from the desire of the applicants to realize greater financial gain.

51. The granting of the requested variance will alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.
52. The relief to be granted is not the least relief necessary.
53. The hardship suffered by the applicants if the dimensional variance is not granted does not amount to more than a mere inconvenience.

The motion carried by a vote of 4 -1.

Richard Boren, Dean Wagner, Terence Livingston, and Marcy Coleman voted in favor of the motion.

Edward Gromada voted against the motion to deny.

Joseph Logan and Judith Bell were recused.

Lisa Hough was not seated.

Very truly yours,

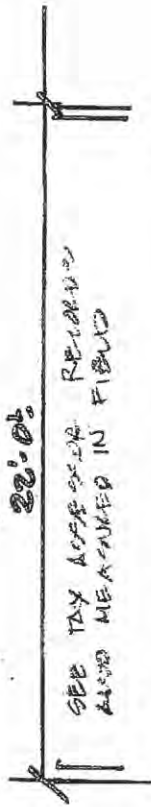


Richard Boren, Chairman
Jamestown Zoning Board of Review
RB/pw

RECEIVED FOR RECORD
May 23, 2018 09:33A
JAMESTOWN TOWN CLERK
CHERYL A. FERMSTROM, CHC

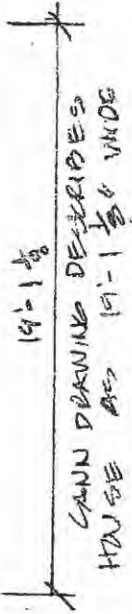
EXHIBIT B

FIGURE 3



22'-0"

SEE TAX ASSESSOR RECORDS
ALSO MARKED IN FIELD



19'-1 1/2"

CANN DESCRIBES
HAUSE AS 19'-1 1/2" WIDE

CANN DESCRIBES
SECOND FLOOR AS
11'-9 1/2" FROM FLOOR
TO BOTTOM OF RIDGE

ACTUAL PITCH OF ROOF
W 10/12
CANN DESCRIBES
ROOF PITCH AS 12/12
OR 2'-10 1/2" RISE PER 12"

TOP OF RIDGE @
22'-0" AS
MEASURED
FROM LOWEST
POINT OF NATURAL
GRADE @ FOUNDATION
(AT FRONT OF HOUSE)

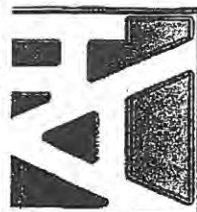
9'-0"
HEIGHT OF SUMP
PUMP FROM FLOOR
TO BOTTOM OF RIDGE

9'-0"
HEIGHT OF
2nd FLOOR

9'-0"
HEIGHT OF
1st FLOOR

SECOND FLOOR @
FIRST FLOOR IS
NOT CORRECT
WITH GRADE

NOTE: CANN DRAWING REDUCED TO 1/4 @ 1'-0" ACTUAL, EXISTING CONDITIONS SHOWN @ 1/8 @ 1'-0"



**ARCHITECTURE
+ PLANNING**
The Post Office Building
320 Thomas Street / 3rd Fl.
Newport, RI 02840
T: 401-849-5100
F: 401-849-5108
WE: www.aaarch.com

NO.	DESCRIPTION	DATE

Project Number: 17024

JANSTOWN
382 NORTH RD
JANSTOWN, RI 02835

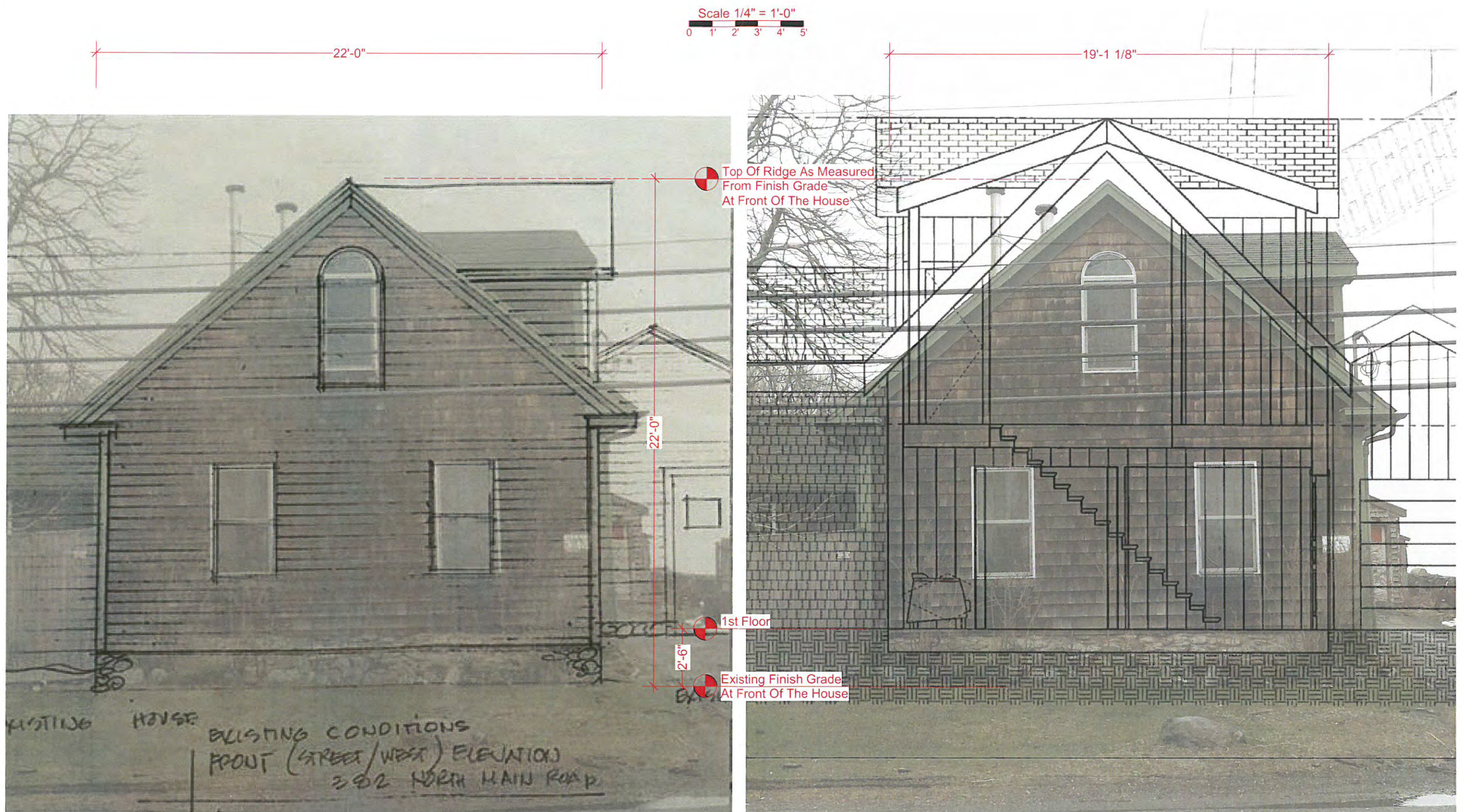
Description:
SECTIONS

Date Issued:
01/23/16
Scale: AS NOTED

AS.00



FIGURE 1



The same photograph was used in both of the images above, sized to show the existing house in the scale of 1/4 inch equals 1 foot. On the photo on the left, the Clancys' drawing of the existing house was overlaid. We did not have the means to correct for perfect parallax, but both the drawing and photo show the actual house, that is 22 feet wide and 22 feet tall as measured from the juncture of lowest point of natural grade and foundation which occurs at the front of the house. The first floor of the house is approximately 2.5 feet above this lowest point of natural grade. The pitch of the roof is 10/12. These dimensions are the result of field measurements.

In the image on the right, Mr. Cann's cross-section is overlaid on the same photo. Mr. Cann shows a house that is 19' 1/8" wide and is 22 feet tall as measured from the first floor, that he shows as coincident with exterior grade. As a result Mr. Cann shows a house that is 2.5 feet taller than the actual house and a second floor that is 2.9 feet taller than the actual second floor. Mr. Cann depicts the roof as a 12/12 pitch.

FIGURE 2

FIGURE 3



**ARCHITECTURE
+ PLANNING**

The Post Office Building
320 Thames Street / 3rd Fl.
Newport, RI 02840
T: 401.849.5100
F: 401.849.5108
W: www.A4arch.com

No.	Description	Date

Project Number: 17024

JAMESTOWN
382 NORTH RD
JAMESTOWN, RI 02835

Description:
SECTIONS

Date Issued:
01/23/18
Scale: AS NOTED

A9.00

22'-0"
SEE TAX ASSESSOR RECORDS
ALSO MEASURED IN FIELD

19'-1 1/8"
CANN DRAWING DESCRIBES
HOUSE AS 19'-1 1/8" WIDE

CANN DESCRIBES
SECOND FLOOR AS
11'-9 1/2" FROM FLOOR
TO BOTTOM OF RIDGE

ACTUAL PITCH OF ROOF
IS 10/12

CANN DESCRIBES
ROOF PITCH AS 12/12
ON 2'-10 1/2" KNEE WALLS

22'-0"
TOP OF RIDGE
22'-0" AS
MEASURED
FROM LOWEST
POINT OF NATURAL
GRADE @ FOUNDATION
(AT FRONT OF HOUSE)

9'-0"
HEIGHT OF 2ND
FLOOR FROM FLOOR
TO BOTTOM OF RIDGE

SECOND FLOOR
10'-0"

1" = 4'
0 4

4x12 @ 32" OC
2" FLOORING

9'-3 1/2"
FLOOR TO FLOOR
FIRST FLOOR IS
NOT COINCIDENT
WITH GRADE

2'-7" EXISTING
FOUNDATION

FRONT OF HOUSE
LOWEST
NATURAL GRADE

GROUND LEVEL
1'-2"

CANN DRAWING REDUCED TO 1/4" = 1'-0"

ACTUAL, EXISTING CONDITIONS SHOWN
@ 1/2" = 1'-0"

NOTE: PRINTED AT HALF SCALE @ 11x17

ALL DRAWINGS AND CONCEPTS REMAIN THE PROPERTY OF A4 ARCHITECTURE, INC.

SECTION 1
1/2" = 1'-0"

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

RECEIVED
4-4-18
C Costa

IN RE: APPLICATION OF DAVID AND JENNIFER CLANCY FOR
DIMENSIONAL VARIANCES

POST HEARING MEMORANDUM OF LAW

David and Jennifer Clancy have brought this application for dimensional relief from side and front setback requirements of the Jamestown Zoning Code. They intend to add a bedroom, utility room and storage area for lawn and garden equipment to their existing single family home, and to reconfigure and incorporate their existing garage into the proposed addition. Their property lies within a RR 200 zone and contains 65,340 square feet. Single family homes are an allowed use in that zone.

After hearing this matter, the Jamestown Zoning Board chairman requested post hearing memoranda on two issues, which are discussed herein.

**THE GRANTING OF THE REQUESTED VARIANCE WILL NOT ALTER THE
GENERAL CHARACTER OF THE SURROUNDING AREA OR IMPAIR THE INTENT
OR PURPOSE OF THE ZONING ORDINANCE OR THE COMPREHENSIVE PLAN
UPON WHICH THE ORDINANCE IS BASED**

In *Lischio v. Zoning Bd. of Review of Town of North Kingstown*, the Supreme Court was confronted with a case wherein the applicant had requested dimensional relief for frontage.

The parcel of land at issue was originally part of the commercial parcel lying east of route 4 along route 102 and which now is improved with the Stop and Shop plaza. The subject parcel lies west of Route 4 and was severed from the Stop and Shop parcel when land required for construction of Route 4 was condemned. The land was properly zoned for a mini storage facility, but access to the facility was through a single-family home subdivision.

The Superior Court trial justice found that the zoning board was correct in finding that the proposal would alter the general character of the surrounding area. The Supreme Court held that the trial justice's analysis was incorrect, as the town had already legislatively determined that the facility would not alter the general character of the surrounding area. The town had provided in its zoning code that mini storage facilities are a permitted use:

“Although we previously have determined that the provisions of § 45-24-41(c)(3) are applicable and relevant for a dimensional variance when seeking dimensional relief for lawfully permitted uses the review should not focus on the use of the parcel because a legislative determination has been made previously that the use is appropriate and does not adversely affect the general character of the area. A permitted use, under § 45-24-31(52), is “[a] use by right which is specifically authorized in a particular zoning district.” Thus, in this case, a mini self-storage facility is a permitted use because lot No. 20 is zoned general business; consequently, it will not adversely affect the character of the surrounding area.” *Lischio v. Zoning Bd. of Review of Town of North Kingstown*, 818 A.2d 685 (2003)

In the Clancy case, both the Comprehensive Plan and the Zoning Ordinance provide that single family homes are a permitted use in a RR 200 zone. Under *Lischio*, that legislative determination concludes the determination that the application will not alter the general character of the surrounding area.

Notwithstanding the case law, and to emphasize that the proposal is consistent with the general character of the area, the applicants presented expert testimony from Shahin Barzin AIA and Jason Iacobucci AIA about the nature of surrounding land uses along North Road from the

creek to the highway overpass. The area is comprised of several farms, farm houses, and single family homes. The nature of the Clancys' use of their own home is consistent with the use of the surrounding property by their neighbors, the Neales, the Chases, the Dutras and the Mintos, as single family homes set in the midst of wide swaths of farmland and open space [EX 1 AERIAL MAP, 1-23 TR p 17¹]. Barzin and Iacobucci both opined that the proposed use of the subject parcel will not alter the general character of the surrounding area. [1-23 TR pp34-35, 49-52]

The Comprehensive Plan describes the RR200 zone as follows:

Rural Residential District RR-200 - This district is intended to protect the Town water supply reservoir while permitting residential dwelling at low density. This Zoning District encompasses the approximately 1,000-acre Jamestown Brook center-Island watershed area excluding some areas of publicly owned land which is zoned Open Space. A minimum lot size of 200,000 square feet is required for residential construction in this district. The land use emphasis is on farming and large-lot residential. Development plan review is required for some new development in this zoning district.

Consistent with this definition is the Zoning Code table of uses, which provides that single family homes are allowed in this district.

Nothing could be more indisputable than the proposition that the existing and proposed use of the Clancy parcel will not alter the character of the surrounding area or impair the intent or purpose of the Comprehensive Plan.

THE RELIEF REQUESTED IS THE LEAST RELIEF NECESSARY

The Zoning Enabling Act ("ZEA") provides that proof must be presented "That the relief to be granted is the least relief necessary". R.I. Gen. Laws §45-24-41(d) (4)

¹ References to transcripts in this memo are by reference to the date of the transcript, e.g. 1-23 TR, and the page.

Similarly, the Jamestown Zoning Code (“JZC”) provides “That the relief to be granted is the least relief necessary”.

The Supreme Court has adopted a reasonableness standard in applying this standard. A literal reading of this standard could lead to the denial of virtually all applications for a dimensional variance on the basis that all requests for relief could in theory be reduced. For example, a proposed room with dimensions of 12 feet by 12 feet could be reduced to 10 feet by 10 feet. As a matter of professional discipline and training, an architect will seldom concede that a design is so minimalist that it could not be reduced in size. The least relief necessary standard could easily devolve into a *reductio ad absurdum*.

The Supreme Court has not interpreted the “least relief necessary” standard in this manner. The test is whether the relief sought is minimal to a reasonable enjoyment of a permitted use:

“While it is true that *Viti* stands for the proposition that a property owner seeking to be relieved of yard and lot line restrictions does not have as harsh a burden in proving hardship as one who seeks a use variance, it does not stand for the proposition that a denial of more relief than is necessary constitutes an abuse of discretion. **Stated otherwise, the burden is on the property owner to establish that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted.** See *Westminster Corporation v. Zoning Board of Review*, R.I., 238 A.2d 353, filed February 6, 1968, where this court approved the application of the *Viti* doctrine on a record which disclosed that a lesser degree of relief than that sought would deny the property owner the benefits of the permitted use sought to be served”. *Standish-Johnson Co. v. Zoning Bd. of Review of City of Pawtucket*, 103 R.I. 487, 238 A.2d 754, (1968)

See also *Folco v. Zoning Board of Review of Town of Smithfield*:

“The fourth prong requires that “the relief to be granted is the least relief necessary.” Sec. 45-24-41(c) (4). . . . “[A]pplications for relief from lot-line regulations are addressed to the sound discretion of boards of review whose authority to act favorably is limited to the

extent of relief demonstrated to be reasonably necessary to the enjoyment of the permitted use sought to be served." *Lincoln Plastic Prods. Co. v. Zoning Bd. of Review of Lincoln*, 104 R.I. 111, 115, 242 A.2d 301, 303 (1968); § 45-24-31(65)(ii).[2] **Thus, in determining whether the relief granted was the least relief necessary for enjoyment of the property, this Court looks to the reasonableness of the proposed size and character of the building in relation to the surrounding area.** See *Gardiner v. Zoning Bd. of Review of Warwick*, 101 R.I. 681, 690-91, 226 A.2d 698, 703 (1967) (upholding granting of variance where the proposed dwelling was of reasonable size in relation to the neighborhood). A request will not satisfy this prong where the zoning ordinance creates only a "personal inconvenience" for the applicant. *DiDonato v. Zoning Bd. of Review of Johnston*, 104 R.I. 158, 164, 242 A.2d 416, 420 (1968) (upholding denial of variance where applicant requested dimensional variance to build an oversized home that could accommodate his growing family)." *Folco v. Zoning Board of Review of Town of Smithfield*, PC 2013-3267

See also *Perry v. Town of Burrillville Zoning Board of Review*:

Case law suggests that the requirement of "least relief necessary" is, in essence, a reasonableness" test, comparing the proposed project to what is characteristic of the surrounding area. See *Gardiner*, 101 R.I. at 680-681, 226 A.2d at 703 (upholding a grant of variance where the requested variance was of practical necessity to allow the construction of proposed house that was of reasonable size and characteristic of the surrounding area); cf. *DiDonato*, 104, R.I. 158, 164, 242 A.2d 416, 420 (1968) (upholding denial of a grant of variance where variance was specifically requested to allow construction of oversized house in order to accommodate growing family when reasonably-sized home needed no variance). *Perry v. Town of Burrillville Zoning Board of Review*, PC-2007-3323

David Clancy presented his own testimony, and the testimony of his expert Shahin Barzin, concerning the existing configuration of the house. The home does not have a basement or an attic. The living space is comprised of a kitchen, a small living area, and a larger room that is consumed almost entirely by a staircase leading to the bedroom. The first floor has a closet next to the front door, and a closet that separates the living area from the room with the staircase. That closet contains two flues, one for the furnace and the other for the wood burning stove, as well as plumbing for the second floor washer.

The second floor contains a bedroom with a screen. Between the screen and the staircase is an area which barely fits a bed for their daughter and a washer and dryer.

The detached garage is derelict and is not deep enough to fit a standard size vehicle. [EX 2, 3(A, B, C), 1-23 TR pp. 6-8, 17-21] The existing house has a footprint of 878 square feet and the garage has a footprint of 410 square feet [1-23 TR pp. 45-46].

The Clancys need an additional bedroom for their eight year old daughter. They need a garage that fits a standard size vehicle. They need a utility room to house a furnace, hot water heater, well water expansion tank, and oil tank. They need additional storage for property maintenance and grounds equipment. [1-23 TR pp. 21-23]

Their proposal would increase the footprint by adding an additional 720 square feet. [TR p. 46].

They cannot move the addition north without impacting the septic system and a large two hundred year old chestnut tree. [EX 5, 1-23 TR pp. 31-33] Furthermore, moving the addition north would violate a previous Zoning Board decision.²

Shahin Barzin testified that the proposal seeks the least relief necessary. [TR p.35].

It is difficult to conceive how a determination could be made that their request for relief is not “minimal to a reasonable enjoyment of the permitted use.” *Standish Johnson Co., infra*.

MORE THAN A MERE INCONVENIENCE

Although the parties were not requested to do so, the applicants argue that it is appropriate to discuss the “more than a mere inconvenience” standard as it is closely aligned with the “least relief necessary” standard.

² The Clancys had previously filed a memorandum concerning the res judicata effect of a prior decision of this Board dated April 23, 2003.

The ZEA provides that the Zoning Board must find that “In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief”. R.I. Gen. Laws § 45-24-41.

Similarly, The JZC provides that in granting the relief, the Zoning Board must find that “In granting a dimensional variance, the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.”

The Clancys have satisfied this test.

They cannot move the addition north without impacting the septic system and a large two hundred year old chestnut tree. Furthermore, moving the addition north would violate a previous Zoning Board decision. If the addition were moved north, it would need to move thirty or more feet north so as to provide a turning radius for vehicles entering the driveway and then turning north into the garage. [1-23 TR pp. 7-8, 32-33]. The reasons compelling a finding that a denial would amount to more than a mere inconvenience are far more compelling than the reasons presented in *Travers*:

“The applicant's existing garage is an old wooden structure which is not suitable for modern automobiles. He requests permission to deviate from the regulations because, as he stated, 'I want to stay on the line to give the tenants a little yard.' Implicit in the board's decision is the finding that the evidence showed an adverse effect amounting to more than mere inconvenience and to deny the applicant a fuller use of his property and at the same time serve no public interest would be arbitrary and an abuse of discretion. See *Cugini v.*

Chiaradio, 96 R.I. 120, 189 A.2d 798, which, unlike the case at bar, involved an application for a special exception. Nevertheless at page 127, 189 A.2d 798 we held that, in the absence of an express finding thereon, there was an implicit finding in the decision of those prerequisite facts when the state on the evidence was such as would warrant the making of such finding.

[101 R.I. 515] In our opinion, the record in this case, scanty as it may be, warrants the finding that the denial of the application would create an adverse effect upon the applicant's land amounting to more than mere inconvenience without at the same time serving any public interest. The plot plan shows the location of the existing garage as well as that of the proposed garage and discloses that the existing lot-line limitations will not be affected by the relief granted. To deny the requested relief would serve no public interest.”

Travers v. Zoning Bd. of Review of Town of Bristol, 101 R.I. 510, 225 A.2d 222, (1967)

The Supreme Court has always drawn a distinction between dimensional variances and use variances. The ZEA has undergone a few modifications over the years, but ultimately has settled on the so-called Viti standard, created by the Supreme Court, which provides for a much lower threshold for relief for dimensional variances as opposed to use variances:

“We note that a recent amendment to § 45-24-41(d) (2) requires the applicant to demonstrate only "that the hardship [the applicant would suffer] if the dimensional variance is not granted amounts to more than a mere inconvenience." The new language in the 2002 amendment reinstates the judicially created Viti Doctrine, *Viti v. Zoning Board of Review of Providence*, 92 R.I. 59, 64-65, 166 A.2d 211, 213 (1960), which held that for an applicant to obtain a dimensional variance (also known as a deviation), the landowner needed to show only an adverse impact that amounted to more than a mere inconvenience. See *Sciacca v. Caruso*, 769 A.2d 578, 582 (R.I.2001); *Gara Realty, Inc. v. Zoning Board of Review of South Kingstown*, 523 A.2d 855, 858 (R.I.1987); *DeStefano v. Zoning Board of Review of Warwick*, 122 R.I. 241, 246, 405 A.2d 1167, 1170 (1979).” ***Lischio v. Zoning Bd. of Review of Town of North Kingstown, 818 A.2d 685, (2003)***³

³ However, in *Viti v. Zoning Board of Review*, 92 R.I. 59, 65, 166 A.2d 211, 213, we distinguished between the true variance and applications seeking permission to deviate from the provisions of a zoning ordinance that merely regulate the manner in which a use permitted under the terms thereof may be implemented by the owner. In that case we said: **'Although the side and rear yard regulations are contained in the zoning ordinance, * * * such regulations as are here considered do not constitute 'zoning' as that term is generally construed. * * *** They are regulations governing a permitted use as distinguished from the limitations on the use

In *James McGowan v. Zoning Board of Review of the City of Warwick*, the superior court reversed the zoning board on several grounds. Applicant sought to build a new three bedroom home on a 4,050 square foot lot in an A40 zone. The court relied heavily on an expert who testified that that the proposed home represented the least relief necessary to enjoy a permitted use, and that a denial of the application would cause the applicant to suffer more than a mere inconvenience. The court reasoned as follows:

“The Board found that the relief requested is not the least relief necessary, because the Applicant sought "relief from six (6) of the eight (8) dimensional requirements of the Warwick Zoning Ordinance." See Zoning Bd. Decision 2. However, that finding is not supported by any evidence in the record, and runs contrary to the expert opinion of Mr. Pimentel, who testified that the relief requested was the least relief necessary for the Applicant to proceed with construction. Specifically, he testified that the Applicant is "seeking the least relief necessary. The footprint area is not that large. I presented the character of the neighborhood" and the proposed construction is in keeping with said character. Hr'g Tr. 36. The Court notes that the Applicant seeks "to construct a 24' x 36' single-family dwelling with a deck (approximately 4' x 10')." See Zoning Bd. Decision 1. The Court also notes that there is nothing in the record that suggests alternate relief recommended by the Board, and it is beyond dispute that it would not be possible to build a residence (the only permissible use of the property) without some relief from the literal application of the Zoning Ordinance.” *McGowan v. Zoning Board of Review of City of Warwick*, C.A. KC-2016-0074

which one may make of his property.'

In *Viti* we held that where an owner seeks to vary the terms of ordinance provisions merely regulatory of the manner in which a permitted use may be implemented, he is not required to prove, in order to obtain such relief, that a literal enforcement of the ordinance would deprive him of all beneficial use of his land, nor is the authority of the board to grant such relief conditioned upon a finding by the board that a grant of the relief requested will serve the convenience or welfare of the public. That is now the settled rule in this state.

Westminster Corp. v. Zoning Bd. of Review of City of Providence, 103 R.I. 381, 238 A.2d 353, (1968)

In this case, the Jamestown Historical Society (“JHS”) did attempt to show “alternative relief” by introducing the testimony of an architect.

It is not entirely clear that such evidence may be properly considered by a zoning board. The Viti doctrine was judicially created, and then modified by the ZEA to provide that “more than a mere inconvenience” means “there is no reasonable alternative to enjoy a legally permitted beneficial use of one’s property”. However, the ZEA was modified again to eliminate the “no reasonable alternative” language:

“The Viti doctrine prevailed until 2001. In 1991, the General Assembly had amended R.I. Gen. Laws § 45-24-41(d)(2), so that applicants for dimensional variances would have to show that denial of the variance amounted to more than a mere inconvenience, “which means that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one’s property.” von Bernuth, 770 A.2d at 400. In 2001, the Supreme Court recognized that the Viti doctrine had been superseded by this statute and replaced with the higher standard prescribed by the legislature. Id. (citing Sciacca 769 A.2d at 583). However, not long after the Court recognized this change, the General Assembly once again amended the statutory provision governing dimensional variances.

In 2002, the language of R.I. Gen. Laws § 45-24-41(d)(2) was again amended so that an applicant for a dimensional variance must only show “that the hardship the applicant would suffer if the dimensional variance is not granted amounts to more than a mere inconvenience.” Lischio, 818 A.2d at 691 (internal brackets omitted). The Court in Lischio recognized that the change in the statute’s language, dropping the “no other reasonable alternative” definition of more than a mere inconvenience, marked a return to the Viti doctrine. Id. Thus, according to statute and precedent, the proper test to apply to an application for a dimensional variance is whether the hardship the applicant would suffer if the variance is not granted amounts to more than a mere inconvenience.” *Cobble Hill Development, LLC v. Zoning Board of Review of Town of Foster*, PC 05-3089

To the extent that the JHS was attempting to show a “reasonable alternative”, the legislative history of the ZEA demonstrates that such evidence is irrelevant. In any event, the only alternative presented by the JHS was anything but reasonable.

JHS's architect presented a plan to add a massive dormer on the north side of the house. The Clancys presented testimony as to their reasonable needs, among them separate bedrooms for the parents and their child, storage, utility room, adequate garage space and room for landscaping equipment. JHS's architect addressed only one of those concerns, being the creation of two bedrooms in the second floor space. He did not address storage needs, adequate garage space, utility space, or storage for landscaping equipment.

More importantly, his plans are flawed. Although his perspective drawings show the roof pitch and height correctly, his front elevation plan misrepresented the height of the existing structure. The misrepresentation allowed him to show doors and passageways that cannot be built within the existing structure. If his front elevation plan had been drawn correctly, there would not be enough height to install any of the doors shown which separate the bedrooms and the bath, as there is only about five feet of clearance.

He admitted that his plans were conceptual only. He stated as follows:

Q. All right. So, now I'm confused. Are you saying this house can be built and be used in an efficient way, or are you saying –

A. Yes.

Q. -- maybe but we need more detail and we haven't thought about that detail?

A. I would say the second, because we haven't had a chance to do this. [1-23 TR p82]

When pressed about whether in fact there was sufficient room in the existing house to place two bedrooms in the second floor, He responded as follows:

Q. So, again, you have no closets in this bedroom, correct?

A. Not as currently drawn, that's correct.

Q. Well, you got two doors in this bedroom, you have got a dormer, you have got a bed.

And I'm sorry, what was the dimensions of the bedroom?

A. I was estimating approximately 10 by 12, or 12 by 12.

Q. All right. So, if you were to give this plan the thought necessary to build it, if you will, and to accommodate the needs of the applicants, isn't it possible or are you probable that you would suggest bumping this house out in one direction or another to create space for closets?

A. It's possible that we might anticipate that, but I believe our first take, because it is a historic structure near a very another important historic structure, we do this frequently in other projects, is to try to stay within the mass of the building as possible. [TR pp. 83-84]

This answer has two problems. His own plan does violence to the "mass of the building" by radically altering the typical straight gable roof with a massive dormer. When he could not fit the rooms and passageways within the constraints of the existing space, he did violence again to the "mass of the building" by changing the pitch and height of the roof. [2-27 TR pp.36-37]. See *figure 1, 2 and 3* attached to this memorandum. *Figure 1* shows the minimal impact of the Clancy plan on the view from the street. *Figures 2 and 3* show the substantial impact of the Cann plan on the view from the street and show how the plan misrepresents the pitch and height of the roof. [Exhibit 4 and thumb drive submitted into evidence].

Mr. Cann stated with regard to the plan to add a dormer to the north side of the roof that

“You can see the old roof line, which comes down to a very, very short thing, and then you can see the new roof line of the dormer between the gable dormers showing how much more headroom that achieves and explains how, you know, we're doing this little sleight of hand to try and fit all of the functionality within the space” [1-23 TR p. 68]. It turns out that was not the only sleight of hand performed by Mr. Cann. His most impressive sleight of hand was misrepresenting the height and pitch of the roof to make his plan work.

CONCLUSION

The JHS would have this Board accept that “The Windmill Hill Historic District”⁴ has any kind of legal status whatsoever sufficient to restrict the Clancys’ reasonable use of their property. That status, the JHS argues, is sufficient to deny permission to David and Jennifer Clancy to build an addition that satisfies their perfectly reasonable needs. As Mr. Cann stated, “For us, for the Jamestown Historical Society, this is the primary and very important relationship that we wanted to preserve, the small colonial era miller's cottage and the mill located nearby.” And that this request for relief “required a much higher burden of proof that this was somehow the minimal impact required in terms of getting a zoning variance.” [2-27 TR, p. 22]

The Clancys do not accept that they should be so limited. Mr. Cann and the JHS have no right to impose a higher burden of proof on the Clancys. The legal debate should focus on whether the proposed improvements to the Clancy home should be allowed by this board under

⁴ “From the Federal perspective (the National Register of Historic Places is part of the National Park Service), a property owner can do whatever they want with their property as long as there are no Federal monies attached to the property. You can find this on our website at http://www.nps.gov/nr/national_register_fundamentals.htm”

the relevant provisions of the Jamestown Zoning Code, and cases that have so construed those provisions. The Clancys respectfully request that their application for dimensional relief be granted. The Clancys would prefer the alternate design reflected in Exhibit 6, but defer to this Board with regard to whether the plan presented with the application or the alternate plan is most appropriate.

David and Jennifer Clancy

By their attorney:

/s/Mark E. Liberati

Mark E. Liberati, Esq.

1536 Westminster Street

Providence, RI 02909

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

RECEIVED
4-4-18
C COSTA

RE: Application of David and Jennifer Clancy for Zoning Variances

**MEMORANDUM OF LAW ON BEHALF OF
JAMESTOWN HISTORICAL SOCIETY**

David and Jennifer Clancy (the "Clancys") have applied to the zoning board for dimensional relief from the front yard and side yard requirements of the Jamestown Zoning Ordinance for the purpose of constructing an addition to their single family home located at 382 North Road. The Jamestown Historical Society (the "JHS"), the abutting property owner immediately to the south of the Clancy property, is objecting to the application for dimensional relief.

In order for an applicant to obtain dimensional relief, the Zoning Ordinance requirements are as follows:

Sec. 82-606. Conditions for granting a variance.

In granting a variance, the zoning board of review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceeding:

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;
2. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the ordinance [this chapter] or the comprehensive plan upon which the ordinance [this chapter] is based;
4. That the relief to be granted is the least relief necessary.

In addition to the above requirements, Sec. 82-607 (2) requires that the applicant must prove that "the hardship to be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. The fact that the use may be more profitable or that a structure may be more valuable after the relief is granted shall not be ground for relief."

This Memorandum shall focus on showing that the Clancys have not satisfied the requirements of subsections 2, 3 and particularly 4 of Sec. 82-606.

Sec. 82-606 (2) - The hardship is not the result of any prior action of the applicant.

It is clear that any alleged hardship is due to the prior action of the Clancys. The Jamestown Tax Assessor keeps assessment records dating back to 1984. The records of the Tax Assessor relating to the Clancy property were entered into the record at the zoning board hearing on February 27, 2018. Those records show that the owners of the property from 1984 until it was sold to the Clancys in 1997 were Robert R. and Alice E. McCallen. At all times during the McCallens' ownership, the Tax Assessor's records show that the property was a two (2) bedroom home. For several years after the Clancys purchased the property in 1997, the Tax Assessor's records continued to show the property as a two (2) bedroom home. It was the Clancys who, thereafter, converted the property from a two (2) bedroom home into a one (1) bedroom home.. That action was voluntary and constitutes a self-created hardship. If that house was a two (2) bedroom home, on that same footprint, before and after the Clancys purchased the property, the house can and should be converted back to a two (2) bedroom home

on that same footprint. Any claim of hardship is not warranted because it was self-created by prior action of the applicants. The Rhode Island Supreme Court has held that a property owner cannot use her prior action, which resulted in a self-created hardship, as the basis for her later request for a variance. (See Sciacca v. Caruso, 769 A,2d 578, and Rozes v. Smith, 120 R.I. 515). In those cases, the Supreme Court further noted that the self-created hardship rule applied to both “use” and “dimensional” variances. In this matter, the Clancys cannot satisfy the burden of proving that any claimed hardship “is not the result of any prior action of the applicant” as required by Sec. 82-606 (2) It should also be noted that, with respect to the Clancys’ claim for more storage space, it is they who converted a storage shed into a guest house/AirBnB. It is clear that any claimed hardships are clearly the result of their prior actions.

Sec. 82-606 (3)-That the granting of the variance will not alter the general character of the surrounding area.

The Windmill Hill Historic District, within which the JHS windmill and the Clancy’s miller’s house are located, is listed on the National Register of Historic Places. Historic New England, the oldest and largest regional heritage organization in the country, stated in its letter dated January 23, 2018, which letter was made a part of the zoning board record, as follows:

“The miller’s house at 382 North Road is an important property within the Windmill Hill Historic District, listed on the National Register of Historic Places. Together with the surrounding farmlands, Quaker Meetinghouse, and Jamestown Windmill, it forms a significant cultural landscape that helps define the character of Jamestown. As a preservation organization concerned with the future of the historic district, Historic New England urges the board to consider the size and placement of the proposed addition

and its potential impact on the overall character of the historic miller's house and the nearby Jamestown Windmill. We are concerned that the current proposal will compromise the viewshed by introducing a highly modern component, apparent to anyone traveling on North Road and all visitors to the Jamestown Windmill.

While we appreciate the effort Mr. and Mrs. Clancy have clearly put into the proposal before you and support the ongoing use and adaptation of historic properties, we are confident that a more sensitive and appropriate design can be developed that will not compromise the integrity of this National Register district".

The sentiments expressed in the letter from Historic New England were repeated by Jamestown residents who testified at the zoning board hearings. Quite frankly, for the purposes of the zoning ordinance, the Windmill Hill Historic District is the "surrounding area." It is clear that an addition of the magnitude proposed by the Clancys would alter the general character of this treasured historic district and particularly the character of the windmill. The viewscape from North Road would be negatively altered but, equally importantly, the view from the windmill itself would be negatively altered. This is dramatically shown by the attached rendering prepared by architect Ross Cann (See Exhibit A attached), which exhibit is a part of the zoning board record. The miller's house and the windmill have been associated for centuries and the Clancys knew that when they purchased the property. It is clear from the name of the district (the "Windmill Hill Historic District") that the windmill is the most important structure in the district and the focal point of the district. The construction of an enormous addition to the miller's house as proposed would severely impact, if not destroy, that association and dramatically alter the character of this revered historic district.

Sec. 82-606 (4)-That the relief to be granted is the least relief necessary.

Although the Clancys fell short of satisfying their burdens of proof under Sec 82-606 (2) and Sec. 82-606 (3), they did not even come remotely close to satisfying their burden under Sec. 82-606 (4). The purpose of the proposed addition allegedly would be to add a bedroom for their eight (8) year old daughter and some storage space. The footprint of the existing house is 878 sq. ft. (See Transcript of 1/23/18, pg. 45). The footprint of the proposed addition is 720 sq. ft. (See Tr. of 1/23/18, pg. 45). The Clancys are claiming that they need to almost double the size of the existing house (which had been a two (2) bedroom home when the Clancys purchased it) in order to re-create a second bedroom and some storage space. One does not need expert testimony, just common sense, to realize that that is not the least relief necessary to design an additional bedroom and some storage space. But if such expert testimony was deemed necessary, it was provided by architect Ross Cann. Mr. Cann, through his power point presentation and his exhibits, proved that the existing house, on its current footprint, can be modified to create a second bedroom, storage space, and even add a new bathroom on the second floor. These modifications can be made to the house on its current footprint by moving the existing staircase, which staircase blocks the use of one side of the house and is not code compliant, and by adding dormers on the second floor, which dormers would match those installed by the Clancys on the other side of the house. (See Tr. of 1/23/18, pgs. 59-72). Mr. Cann also introduced examples of two (2)

bedroom houses which he had worked on in Newport, RI which “are about the size or smaller than the existing miller’s cottage and they are all two-bedroom cottages that exist.” (See Tr. of 2/27/18, pg. 20). Mr. Cann further testified that the modifications he was proposing would meet the requested needs of the Clancys and, at the same time, “would be significantly less expensive “ than the cost of their proposed addition. (see Tr of 1/23/18, pg. 69). Quite frankly, the Clancys’ proposal seems questionable on its face. Why would anyone seek to build what is basically a second house in which they would be sleeping while their eight (8) year old daughter is sleeping alone in the original house. Needless to say, whatever the reason, it is not the least relief necessary to add a bedroom and some storage space.

The Rhode Island Supreme Court, as well as expert commentators on zoning matters, have held on numerous occasions that the dimensional relief to be granted must be the least relief necessary. For example, in Standish Johnson Co. v. Zoning Bd. of Review of the City of Pawtucket, 103 R.I. 487, 493, the court held that “in granting variances, [a zoning board] should not authorize a greater degree of relief than is necessary to achieve a beneficial use.” Rather, the relief should be the minimal amount necessary for a reasonable enjoyment of the use to which the property is proposed to be dedicated. See id. at 492. Expert commentators on zoning matters have come to the same conclusion. In Roland F. Chase’s treatise, Rhode Island Zoning Handbook, Sec. 157 at 227, the author states that “Even when it decides that an applicant has satisfied the applicable standard for a variance, the zoning board of review must tailor the

variance so that the relief granted is the least relief necessary under the circumstances.”

With respect to the Clancys' application, they have not satisfied the applicable standards for relief under Sec. 82-606 (2) or Sec. 82-606 (3) but, even if they had, they have fallen woefully short of satisfying the burden under Sec. 82-606 (4) of proving that the relief they are seeking is the least relief necessary. Quite frankly, one of the most daunting pieces of evidence rebutting the Clancys' claim that the relief being sought is the least necessary is their rendering of the proposed project (See Exhibit B attached) How could, what is in effect, a second house of almost equal size to the existing house, with the two (2) structures being connected by a lengthy hallway, be the least relief necessary to simply create a second bedroom and some storage space, particularly when the entire second structure is proposed to be built in the setback areas?

Sec. 82-607 (2) - If not granted, the hardship amounts to more than mere inconvenience.

Because the applicants have not met the burdens of proof required under Sec. 82-606 (2), (3), or (4) of the zoning ordinance, the board should not even have to get to the requirement of Sec. 82-607 (2) as to whether, if the dimensional variances are not granted, the hardship suffered by the owner shall amount to more than a mere inconvenience. But, to address that issue, it should be noted that, in Judge Rubine's Superior Court decision in James McGowan v. Zoning Board of Review of the City of Warwick et als, C.A. KC -2016-0074, the court stated that “Our Supreme Court has held that a property owner seeking dimensional relief is entitled to relief where, if the variance is not granted, “the hardship suffered by the owner of the subject property

if the dimensional relief is not granted amounts to more than a mere inconvenience, which means that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property'." Lischio v. Zoning Bd. of Review of Town of North Kingstown, 818 A.2d 685, 691 (RI 2003). As has been noted above in this Memorandum, the relief being sought by the Clancys is certainly not the least relief necessary to enjoy a beneficial use of their property. Architect Ross Cann has pointed out one less expensive, less intrusive, alternative to create a second bedroom and some storage space but it would not require much imagination to come up with others.

It should also be noted that Sec. 82-607 (2) states that "The fact that the use may be more profitable or that a structure may be more valuable after the relief is granted shall not be a ground for relief." Based upon the fact that the Clancys have been operating an unauthorized AirBnB in a former storage shed on the property for a number of years, their request to construct, what is basically a separate structure with 3 - 4 exterior doors that is almost as large as the main house, for the alleged purpose of simply adding one (1) bedroom and some storage space, raises questions as to their ultimate intentions. In any event, there certainly are other reasonable alternatives to achieve the Clancys' alleged goals, which alternatives would require much less dimensional relief. Those alternatives include, but not limited to, Mr. Cann's recommendation. The Clancys have not satisfied the additional burden of proving that there is no other reasonable alternative to enjoy the beneficial use of their property.

EXHIBIT A

REPRESENTATION OF PROPOSED CONSTRUCTION EAST - OPT. B

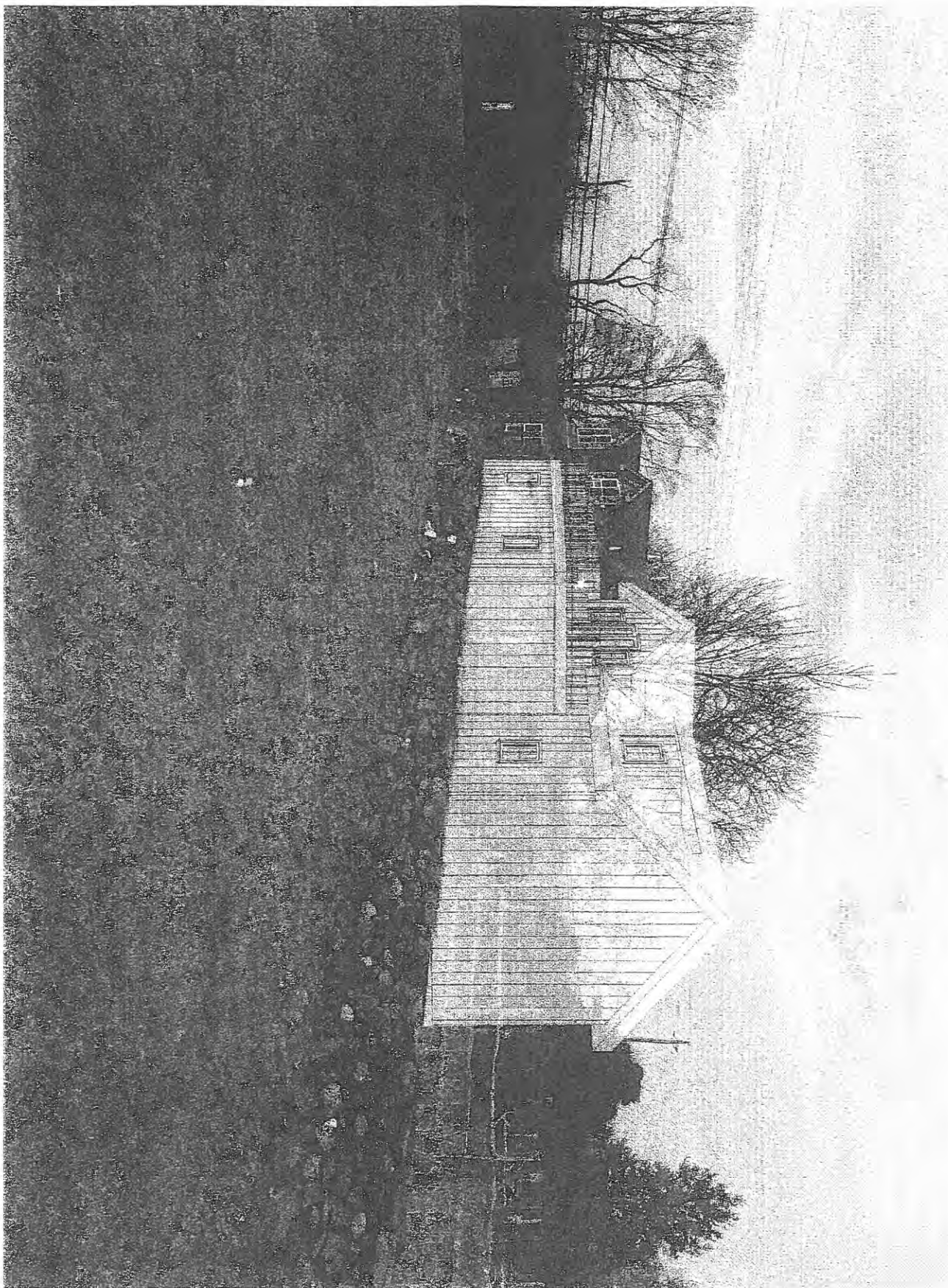
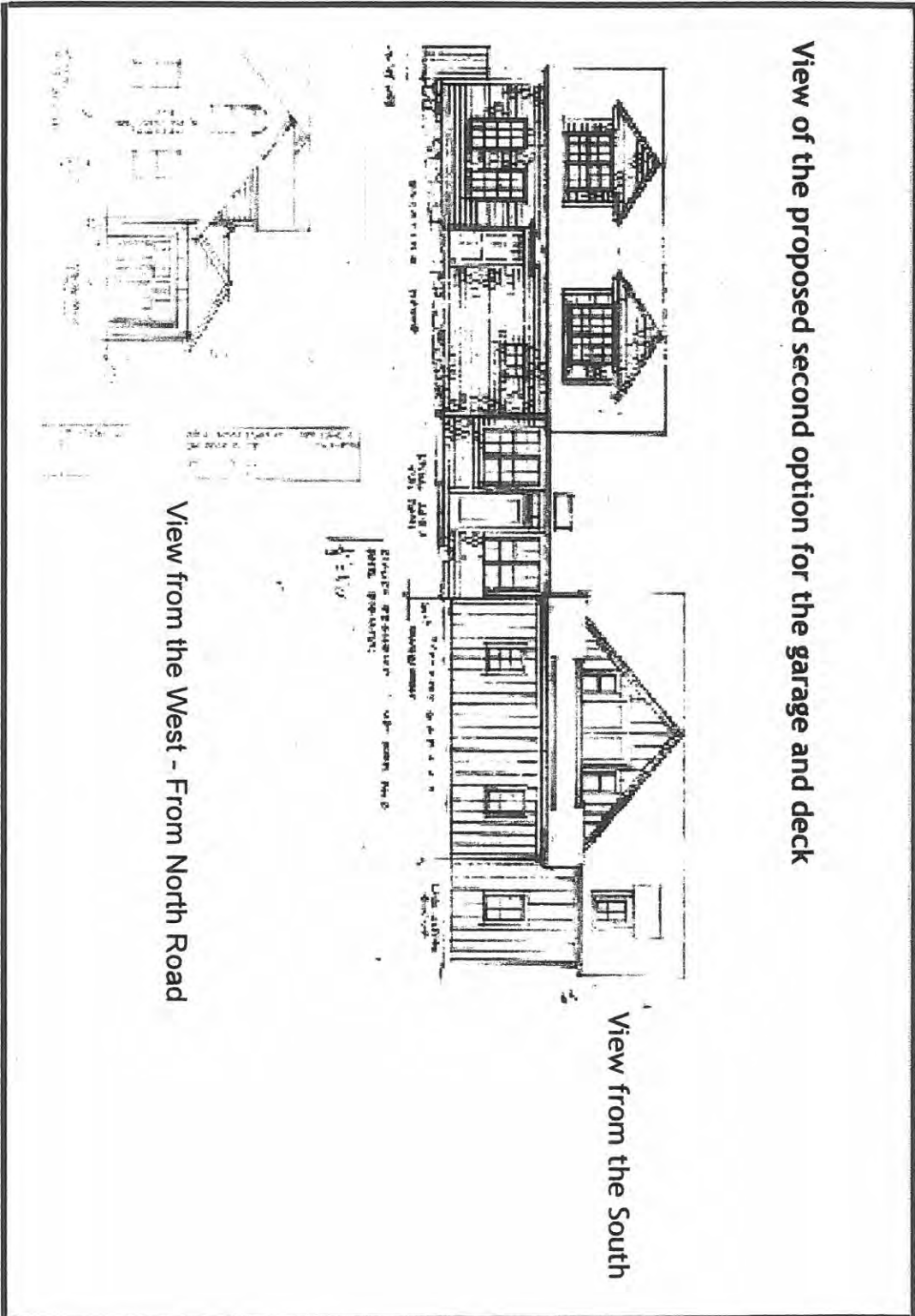


EXHIBIT B

View of the proposed second option for the garage and deck



View from the South

View from the West - From North Road

CORRESPONDENCE

received
4-20-18 JW

William M. Salmons, Jr.
115 Melrose Ave.
Jamestown, RI 02835

Too Late!

April 18, 2018

Dear Jamestown Zoning Board members,

I am writing to humbly request that you think deeply about your pending decision in the Clancy case and its potentially lasting impact on our community.

The Clancy's live at the heart of our island. Entering the island from the busier mainland, we drive toward town past woods and farmland to the island's crest, where a stunning windmill and the miller's cottage greet us. Just beyond, cattle graze and the salt marsh spreads in both directions to the waters of the Bay. For so many Rhode Islanders, both those of us fortunate enough to live in Jamestown and those of us visiting our island, this idyllic scene defines the special nature of Jamestown and its timelessness. I imagine the Clancy's, as artists, are well aware of how special the setting of their home is. Ideally, they would be petitioning to take down their garage and build off the back of their cottage, unseen from the road, in order to enhance the combined view of their cottage and the windmill. If such were the case, I would be writing instead to encourage approval.

In buying the miller's cottage, the Clancy's bought an historic Jamestown property, and with it a perhaps unwritten civic responsibility to maintain it in keeping with its historic nature. Zoning laws that deal with height, footprint and setbacks do not adequately address the need to maintain the historic treasures of our island community. It is the responsibility of the zoning board, as the administrative voice of our town, to make sure we do so.

With sincere respect and appreciation,



Bill Salmons

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

* * * * *
PROCEEDINGS AT HEARING *
IN RE: *
Application of *
DAVID and JENNIFER CLANCY *
* * * * *

Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835
27 February 2018

BEFORE:
Richard A. Boren, Chairperson
Dean J. Wagner
Terence E. Livingston
Edward Gromada
Marcy E. Coleman

PRESENT:
For the Applicant:
Mark E. Liberati, Esquire
1536 Westminster Street
Providence, RI 02909

For the Jamestown Historical Society:
Matthew F. Callaghan, Jr., Esquire
CALLAGHAN & CALLAGHAN
Three Brown Street
Wickford, RI 02852

For the Town of Jamestown:
Wyatt A. Brochu, Esquire
RUGGIERO, ORTON & BROCHU
Twenty Centerville Road
Warwick, RI 02886

ALSO PRESENT:
Chris Costa, Zoning Officer
Pat Westall, Clerk

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SHAHIN BARZIN

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ROSS CANN

Statement	14
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Continued Cross-Examination by Mr. Liberati	26
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(Applicants')

NO.	DESCRIPTION	PAGE ID FULL
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7	Letter/alternate plan	11
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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

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7	Letter/alternate plan	11
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IN RE: Application of CLANCY, David and Jennifer

27 February 2018

1
2
3 MR. BOREN: First is the application of
4 the David and Jennifer Clancy. Is that ready to
5 proceed?

6 MR. LIBERATI: Yes.

7 MR. CALLAGHAN: Yes, it is.

8 MR. BOREN: Before we proceed on that,
9 could you just tell us what you intend to do this
10 evening.

11 MR. LIBERATI: I think there were a couple
12 of issues from the last hearing which include
13 showing a video. The Historical Society I think
14 wanted to show one. We had shown a video but not
15 to the recomposed board, so we wanted to show the
16 board, and then the rebuttal of architect testimony
17 by Shahin Barzin. That is what I expect.

18 MR. BOREN: Then after that, you both want
19 to write posthearing memos?

20 MR. LIBERATI: Do we want to? No.

21 MR. BOREN: I think it's an important
22 issue.

23 MR. LIBERATI: Okay.

24 MR. BOREN: I think it might be helpful.

25 MR. LIBERATI: Sure, yes.

1 MR. CALLAGHAN: Mr. Chairman, with respect
2 to the memos, do you have specific points that you
3 want to have addressed?

4 MR. BOREN: I will. I'll address those
5 when we get to that point.

6 MR. CALLAGHAN: We do have our architect
7 tonight. We do have something else if there is
8 going to be rebuttal, but I happen to be in the
9 Town Hall a week ago, went into the tax assessor's
10 office. I made a copy of the tax assessor records
11 with respect to this property. And the tax
12 assessor reports go back to 1984 when the property
13 was owned by the prior owners, Mr. and
14 Mrs. McCallen. I would like to just have those
15 marked as an exhibit.

16 MR. BOREN: You can do that when we get to
17 that. Right now I want to read the agenda.

18 MR. CALLAGHAN: All right.

19 (Other unrelated matters ensued.)

20 MR. BOREN: Why don't we start off with
21 the unfinished business of Clancy.

22 MR. LIBERATI: So, would you like your
23 architect to show the video?

24 MR. CALLAGHAN: I assume you would present
25 yours first and then we would show ours, because

1 you're the moving party.

2 MR. LIBERATI: The video? Fine.

3 MR. BOREN: You did show yours first in
4 your direct case, and then your direct case started
5 again. We didn't have the equipment. So, it would
6 be your burden to show the video at this point.

7 MR. LIBERATI: Okay.

8 MR. BOREN: Just for the record, Mr. Logan
9 has recused himself, as he did last time, as a
10 member of the Historical Society.

11 MS. WESTALL: And Judy.

12 MR. LIBERATI: Just a point of order.
13 Shahin was qualified as an expert last time, and
14 we're continuing in that capacity with the video.

15 MR. BOREN: Pardon?

16 MR. LIBERATI: He will continue in that
17 capacity. The video, as I remember, he has a
18 narrative.

19 MR. BOREN: He is an expert videographer.

20 (Laughter.)

21 MR. LIBERATI: Not at all.

22 **SHAHIN BARZIN**

23 called as a witness and having been first duly
24 sworn, testifies as follows:

25 THE REPORTER: Your name, please.

1 THE WITNESS: Shahin, S-h-a-h-i-n, Barzin,
2 B-a-r-z-i-n.

3 MR. BOREN: Mr. Barzin, you may continue.

4 THE WITNESS: Okay. I shot this video on
5 the North Road driving towards town. This takes
6 place right before the hill as we are approaching
7 the Clancys'.

8 (Video shown.)

9 THE WITNESS: As you approach the top of
10 the hill you start seeing the house, and it's a
11 very short space that you can actually see the
12 mill. This is -- right on the left is the -- is
13 their workshop, and as we're approaching up this is
14 the moment that you can see the mill, okay, for a
15 split second. And then after that, the trees start
16 to covering it, and then you see for a split second
17 and then the tree and then the fence.

18 Now, as we --

19 MR. WAGNER: What kind of tree is right
20 there on the left?

21 THE WITNESS: Which one?

22 MR. WAGNER: That one?

23 THE WITNESS: I'm not an expert in trees.

24 MR. WAGNER: You're not an expert on
25 trees?

1 MR. BOREN: The other one is the large
2 chestnut?

3 THE WITNESS: Yes, the other one on the
4 right is the large chestnut one close to the house.

5 I want to emphasize if we go with the
6 addition, this is the ridge of the existing house,
7 and this is the kitchen area. If we go with the
8 proposal, the new structure will come just about
9 right here. That would be the roof of the new
10 structure. So, as you see, at this point it's
11 hardly covering the mill, and as you move forward
12 slightly the tree starts to cover anyway. So, that
13 new structure will not have much, if any, effect on
14 the view corridor towards the mill. And this is
15 the point where the mill is, appears again, and as
16 the drawing has been submitted and the photograph
17 that was submitted last, it shows exactly the
18 condition of the new proposal in relation to the
19 mill and the view is not going to be much different
20 than what you have in here. And then as you drive
21 back, the mill is pretty in the clearance. The
22 house will be just slightly passed this garage
23 here. It's not really obstructing the mill at all.

24 This whole distance took about 22 seconds from
25 the bottom of the hill. So, that's the total of

1 the time that you will be viewing the mill, that is
2 going to be split seconds, and once you pass it, I
3 mean, the mill is in clear sight. That's the end
4 of it.

5 MR. BOREN: Is there any further testimony
6 of Mr. Barzin, particularly in light of what we
7 received on Saturday in the mail?

8 MR. LIBERATI: Yes, sir.

9 MR. BOREN: Saturday we received --

10 MR. LIBERATI: The letter.

11 MR. BOREN: The letter and an alternate
12 plan.

13 MR. LIBERATI: Okay. Well --

14 MR. BOREN: I'm presuming that there is a
15 reason why we received a packet and an alternate
16 plan.

17 MR. LIBERATI: I thought the alternate
18 plan -- the plan -- as I -- the letter I have, the
19 copies of the letter, which I can give out now.
20 And the plans attached -- wait a minute. There
21 was -- yes, I'm sorry, there was, yes. There is --
22 the alternate plan had been presented the last time
23 and that's another copy of it.

24 MR. BOREN: We're talking about the view
25 of the proposed second option of the garage?

1 MR. LIBERATI: Yes, sir.

2 THE WITNESS: That was presented last
3 time, yes. Nothing has changed since.

4 MS. COLEMAN: Just shortening up the deck.

5 THE WITNESS: Right. We put the gable.

6 MR. LIBERATI: And the letter is
7 self-explanatory, but constitutes a rebuttal of
8 prior correspondence.

9 MR. BOREN: Would you like that as an
10 exhibit?

11 MR. LIBERATI: I'm sorry?

12 MR. BOREN: Do you want that as an
13 exhibit?

14 MR. LIBERATI: I would move that be
15 admitted as a full exhibit.

16 MR. CALLAGHAN: Can I have a copy of the
17 letter?

18 MR. LIBERATI: I just gave it.

19 MR. CALLAGHAN: That was presented to the
20 board when?

21 MR. BOREN: I received it in the mail
22 Saturday.

23 MR. CALLAGHAN: No copies sent to us?

24 MR. LIBERATI: I was not part of that
25 process. But I just handed out copies to the board

1 and one for you, and that is a rebuttal, I believe,
2 an original letter presented to you by --

3 Was it Mr. Buttrick? Is that it?

4 THE WITNESS: Yes.

5 MR. LIBERATI: I ask that be admitted.

6 MR. WAGNER: Who is the author of the
7 letter?

8 MR. LIBERATI: Shahin?

9 THE WITNESS: Yes. Yes.

10 MR. LIVINGSTON: Who is it?

11 THE WITNESS: I am.

12 MR. WAGNER: No name on it.

13 MR. CALLAGHAN: I would like to put on the
14 record, Mr. Chairman, that once a hearing has begun
15 I don't believe that anything should be sent
16 directly to the board without it being presented at
17 an open hearing and certainly not presented to the
18 board without giving an opportunity for the other
19 side to see what is being presented.

20 MR. BOREN: I agree a hundred percent. In
21 fact, I don't even like the policy of anything
22 being sent board members at all. I think that any
23 time there is a hearing, if any letters or
24 correspondence or documents are being sent, I think
25 the correspondence, documents, et cetera, should be

1 sent to the clerk, and then the clerk would
2 disseminate them. And in that all instances, if
3 there are attorneys on the other side, they should
4 receive copies at the same time a copy is sent to
5 Miss Westall.

6 MR. LIBERATI: Agreed.

7 MR. BOREN: But I will mark it as a full
8 exhibit. I'm not sure what exact number it is at
9 the moment.

10 (Applicants' Exhibit 7 so marked.)

11 MR. LIVINGSTON: Mr. Chairman, having said
12 that, it appears Mr. Callaghan did not receive a
13 copy of this letter until just now. I don't know,
14 through the chair, I don't know if he's going to
15 need time.

16 Mr. Callaghan, are you going to need time with
17 this letter, or are you prepared to go forward, I
18 guess with the fact you just received this letter?

19 MR. CALLAGHAN: Thank you for the
20 courtesy. I think we would. It is a four-page
21 letter, single-spaced. And we would like to have
22 an opportunity to go over it. I'm not looking to
23 extend the hearing any longer. Obviously, we have
24 been here long enough. But I would -- I think that
25 I -- and since it was prepared by the architect our

1 architect should have an opportunity to take a look
2 at it as well for a few minutes, at least.

3 But again, I just think this procedure is very
4 improper. I've never seen it done before, a board,
5 once a hearing has begun.

6 MR. BOREN: Mr. Callaghan, after you have
7 the opportunity to review that, you're going to
8 have your architect put on a video; is that
9 correct?

10 MR. CALLAGHAN: Yes, that is correct.

11 MR. BOREN: Do you have any questions of
12 Mr. Barzin regarding this video?

13 MR. CALLAGHAN: Not so much that video.

14 MR. BOREN: But you may have a question
15 regarding that.

16 MR. CALLAGHAN: That's correct, yes.

17 MR. BOREN: Would you prefer that the --
18 that we take the next matter and then get back to
19 you immediately thereafter?

20 MR. CALLAGHAN: I think that is probably
21 the best thing to do under the circumstances.

22 MR. BOREN: Why don't we suspend Clancy
23 for the moment and then go to Robert Johnson.

24 MR. LIBERATI: Sure.

25 MR. CALLAGHAN: Thank you.

1 (Other unrelated matters ensued.)

2 MR. BOREN: Mr. Callaghan, are you ready
3 to proceed, or would you like a few more minutes?
4 If so, I can take something else that I think will
5 be very quick.

6 MR. CALLAGHAN: Try that. We're still
7 trying to absorb that four pages.

8 MR. BOREN: I'm going to skip for a
9 minute.

10 (Other unrelated matters ensued.)

11 MR. CALLAGHAN: Mr. Chairman, before we
12 begin with Mr. Cann, again let's put on the record
13 that I have been doing this for a long time, this
14 type of work, and I have never been in a situation
15 before where one side has had contact, direct
16 contact, with members of the zoning board in the
17 middle of a hearing. I think that is inappropriate
18 and probably unethical.

19 Number two, I do have those records from the
20 tax assessor's office, which I would like to file.
21 These records indicate -- over here? They indicate
22 that the Town keeps records back to 1984 with
23 respect to tax assessments and the property at the
24 time was owned by Mr. and Mrs. McCallen, and they
25 owned it until they sold to the Clancys in the late

1 90s. The tax assessors records show clearly that
2 the property was a two-bedroom house at all times
3 when it was owned by the McCallens and it was a
4 two-bedroom house when it was bought by the Clancys
5 with the same footprint as it is right now, and
6 that it was Clancys that converted it to a
7 one-bedroom house over time.

8 And Mr. Cann is going to do his Power Point
9 presentation. And if it would be helpful to the
10 board I have copies of what he is going to present,
11 which will help you track it as he is making his
12 presentation.

13 **ROSS CANN**

14 called as a witness and having been first duly
15 sworn, testifies as follows:

16 THE REPORTER: Your name, please.

17 THE WITNESS: Ross Cann.

18 So, thank you very much, while trying to be as
19 quick as possible.

20 (Video shown.)

21 THE WITNESS: We were asked by the
22 Jamestown Historical Society to look at the
23 application that was before the commission
24 originally within the context of their property,
25 which is the one mill that is located in its

1 original location in Southern New England. So,
2 it's a very important building, not just within
3 Conanicut Island as being one of the oldest
4 structures but also in the entire region in terms
5 of authentic relationship between the various
6 structures; namely, the miller's cottage and the
7 mill itself.

8 This shows -- well, actually, why don't we
9 start from the beginning. In order to do this we
10 did a modeling of both the existing structure and
11 of the proposal that they had before the board
12 originally, and we modeled that in the computer so
13 that we could look at it from all the different
14 directions and understand what the real impact was,
15 not just guessing from what they think it might be,
16 but using a mathematical model to show what the
17 actual size, character and disposition of the
18 structures would be.

19 MR. WAGNER: Are we looking at just the
20 first proposal, not the second?

21 THE WITNESS: Correct. The main
22 difference between the two, I understand -- and we
23 couldn't kind of constantly catch up with them as
24 they were presenting new things -- is the railing
25 on top of the garage is something they have said

1 they removed but could be very easily added back.
2 So, we thought that it would be fine to show the
3 original proposal, which is what their first intent
4 was before you.

5 Just to locate the structure, you'll see that
6 this is a very, very open space area with the
7 windmill and the miller's cottage, which is the
8 Clancy house being in very close proximity as you
9 would expect, because once they were part of the
10 same property and they have a very important
11 historic relationship to one another.

12 These are pictures as it is now. You can see
13 the miller's cottage and the mill in close
14 proximity with each other. This house is
15 essentially in the character that it's been in for
16 200 years with the addition of those two dormers
17 that were added by the Clancys.

18 This is showing both our computer model of the
19 existing building, which is on the left, and then
20 of the proposed structure on the right to show how
21 the change would occur. And I think it's really in
22 the bottom two drawings that you see a view the
23 Clancys' architect did not show you, which is the
24 view of the property as you approach it from the
25 south. And that's a long view. It's not one that

1 you have just a brief moment. It's something that
2 you're driving and you're seeing as you drive by
3 that field and you see how large the second new
4 house is. So, it's essentially a new house that is
5 about the size, shape and character of the original
6 house connected by a kind of an umbilical cord of a
7 connecting entry.

8 To show we kind of ghosted in the view of the
9 new structure in white just so that you can see
10 what is real, which is the photo and what is
11 proposed, which is the white kind of ghostly
12 structure. So, here you can see that it more or
13 less doubles even close to the building the
14 appearance and that there is definitely a section
15 where the windmill would be obscured in the future
16 where it is not currently obscured.

17 I think another very important part of the
18 story is the fact that from the windmill, which is
19 visited by many, many people, both in the community
20 itself and visitors to the community, that the view
21 back towards the miller cottage, which we all
22 acknowledged, even in their piece, they understand
23 how important that connection is, that that
24 relationship changes fairly dramatically with the
25 addition of this very large structure to the east

1 of the existing house.

2 This shows the zoning setback of the
3 approximately 1.5-acre property they have. So,
4 they actually have a pretty large parcel. It's not
5 as large as the zoning would require for a new
6 development in this rural area, but on this entire
7 property, with all the different possibilities of
8 where to add structure, the one place they had
9 chosen is within the immediate setback adjacent to
10 the mill, which from the Historical Society
11 standpoint is the most invasive and intrusive of
12 any of the locations they could have added,
13 especially considering that southerly view.

14 So, here's a blowup of that same thing with
15 the calculations, the square feet calculations that
16 we have done to better understand the application.

17 Okay. This is showing the proposed addition
18 with the garage and the new structure. For us, you
19 know, it was testified by the applicant that they
20 thought that in a way they were decreasing the
21 impact of the structure because they were removing
22 a small shed which moved the distance from the
23 setback line slightly back, but from our
24 perspective they're more than doubling the amount
25 of coverage. You know, they're increasing the

1 amount of coverage in the setback area rather
2 dramatically, and it's all occurring within the
3 setback. Nothing is being built within the area
4 that is permitted by right. So, that setback
5 variance is a fairly large impact from the
6 perspective of the Historical Society.

7 Here is a plan of the building as it is based
8 on our interpretations of some photographs and
9 other things that we were able to garner from the
10 application terms. And we're calling the existing
11 building Option A for your reference.

12 This is Option A, Level 2. You can see the
13 bedroom upstairs and the location where we
14 immediately thought a second bedroom might go which
15 is now occupied by a new stair that was built by
16 the Clancys at a previous time, both removing the
17 living space down below and the potential bedroom
18 up above.

19 Here's is an enlargement of the ground level
20 space as is.

21 This is their proposal, the original proposal;
22 we're calling that Option B. So, you can see at
23 the ground level that the new ground level is very
24 extensive relative to the existing building, and as
25 we understood it the minimal variance is what is

1 the metric by which you guys will be making your
2 decision. The request that we heard at the very
3 first hearing, which was before the hearing
4 beginning, was that they wanted to add an
5 additional bedroom for their daughter. So, we
6 thought for one additional bedroom this seemed like
7 a massive overkill.

8 This is Level 2. And we were really inspired
9 by buildings that we have worked on in Newport.
10 These are just four of the two-bedroom houses that
11 the NRF has, schematic drawings. In each instance
12 these building are about the size or smaller than
13 the existing miller's cottage, and these are all
14 two-bedroom cottages that exist. They are of the
15 similar historic character, similar gable shape,
16 similar size, and it was really by these that we
17 kind of drew the inspiration for an alternate to
18 the application -- to the proposal made by the
19 applicants.

20 So, our proposal, which is not the only
21 proposal, but it's just one idea that came to us
22 off the top of our heads to show that there are
23 other alternatives to basically duplicating the
24 house to the east of the existing structure is to
25 move the stair back to the middle of the house and

1 to that would create both additional space
2 downstairs and upstairs it would allow for a small
3 bedroom, a master suite and a bathroom between the
4 two, which we thought would be a useful feature to
5 any renovation.

6 In order to make this possible, we took the
7 idea of taking two dormers that the Clancys had
8 added to the original structure and replicating
9 those on the north side of the building so that you
10 would essentially have dormers on both sides to
11 create additional square footage on that second
12 level.

13 And these are enlargements of those same plans
14 which we call Option C.

15 At the last session, they asked about closets,
16 they asked about a place for washer/dryer. We
17 added those features to the plan knowing that that
18 would be an important component of use for these.
19 I think these are the --

20 MR. BOREN: Where are the washer and dryer
21 on Option C?

22 THE WITNESS: In the bathroom, it's a
23 stackable washer and dryer next to the tub.

24 MR. BOREN: Is that on Level 1?

25 THE WITNESS: No, it's on Level 2. It

1 says W/D.

2 For us, for the Jamestown Historical Society,
3 this is the primary and very important relationship
4 that we wanted to preserve, the small colonial era
5 miller's cottage and the mill located nearby.

6 So, these are the same views from the back of
7 the existing structure. And you will note that
8 they have added a structure in the back as well on
9 the north side for their new kitchen. This is
10 really, I think, the way that the new construction
11 would be viewed, primarily. As you're driving
12 north along main road you really get this view for
13 a very, very long time, and changing the single
14 mass to a double mass connected by kind of an
15 umbilical cord to us really changes the character
16 of the structure irreparably and, you know, in any
17 building that would be somewhat questionable. But
18 in one of the oldest buildings on Canonicut Island
19 near the and in relationship with the mill
20 structure, which is one of the oldest intact mills
21 in all of southern New England, we really felt that
22 that was -- required a much higher burden of proof
23 that this was somehow the minimal impact required
24 in terms of getting a zoning variance.

25 So, this is the view of what it would look

1 like from the north and from the west. Okay.

2 Yes, so that -- there is the view from the
3 south and from the east, and the north and from
4 the -- this is from the east, excuse me, south and
5 west, north and east.

6 We thought to maintain that original
7 relationship but to give them the additional
8 bedroom and a bathroom and connect the two so that
9 the parents and child are not essentially living in
10 separate structures that this would be a very
11 workable solution creating a dormer on the north
12 and south side that are similar but maintaining the
13 mass of the building as it currently exists, with
14 the exception of these dormers.

15 And this is showing section through the
16 building so we have looked at head height,
17 clearances, all of those issues were part of the
18 design. I wouldn't say this is a complete and --
19 this design isn't necessarily ready for
20 construction, but it certainly is a viable concept
21 design.

22 To address the issues in the letter that we
23 have just seen tonight, the applicants say they had
24 two design principles that guided them in their
25 design process. The first was that they felt that

1 this, that the "Farm Buildings of New England," as
2 outlined in Big House Little House by Thomas Hubka,
3 was of the inspiration for their sort of
4 progressive additive design. We would say that a
5 farm is not a mill, and we would also say that the
6 rural New England buildings of Maine and
7 New Hampshire are not necessarily applicable to
8 this very unique and important structure here on
9 Canonicut Island. And the authenticity of this
10 building and its relationship to the mill is just
11 so important from the Historical Society's
12 standpoint that it can't be overemphasized.

13 The second principle that they outlined
14 relates to the differentiation of the old from the
15 new and that is, in fact, part of the Secretary of
16 Interior guidelines towards historic structures.
17 But I would say our proposal meets that guideline
18 as well by clearly differentiating the original
19 building, which has the simple gable, from the
20 dormers, which are our intervention, to make the
21 building large enough to accommodate the features
22 that they said that they wanted and needed.

23 One component that is kind of has been added
24 to their wish list is additional storage space.
25 And we would say that they have in the cottage,

1 that is what they have been using as a cottage,
2 near the mill, was always originally intended for
3 that exact purpose as opposed to being used as a
4 bed and breakfast -- excuse me, an Airbnb. So,
5 that really meets their need for the storage area
6 as they have outlined and --

7 MR. WAGNER: Which structure are you
8 referring to?

9 MR. BOREN: The one in back.

10 THE WITNESS: I'll go back.

11 MR. BOREN: Way in the back of the
12 property.

13 MR. WAGNER: Not the glassblowing studio?

14 THE WITNESS: No. See the structure
15 immediately to the north of the mill, that's what
16 has been used as the Airbnb for the last several
17 years. It turned into a very charming little, you
18 know, bedroom with beautiful views of the windmill.
19 We would just like to make sure the views of the
20 windmill are not just protected for the Clancys but
21 for all of the community and for visitors to the
22 site.

23 And the one last point I would make regarding
24 the addition to the building -- and I'm reading
25 from their letter -- some have suggested that this

1 is a large addition. We disagree. The existing
2 house offers minimal adequate living space on the
3 second level and less than 1,000 square feet of
4 habitable total space. It is a very small house.
5 We agree with that. But you don't measure the
6 amount of space by some kind of fixed number but in
7 proportion to the existing building.

8 So, the amount of liveable space is more than
9 doubling between the original building and the
10 proposed building, and we see a 200 percent
11 increase as a very large addition by any metric,
12 particularly in an instance where the entire thing
13 is being built in a setback for the sole purpose,
14 as originally stated, of creating one additional
15 bedroom.

16 That concludes my presentation.

17 MR. BOREN: Mr. Liberati, do you have any
18 questions?

19 MR. LIBERATI: Just a couple of questions.

20 CONTINUED CROSS-EXAMINATION

21 BY MR. LIBERATI:

22 Q. What you didn't mention to the board, Mr. Cann,
23 that, in fact, there is a prior zoning decision
24 that compels this addition in this direction, did
25 you?

1 A. I don't know what that zoning decision means or
2 doesn't mean. I think, there are different ways to
3 interpret it. And I would say that the new
4 proposal actually is taller than the existing
5 structure, which seemed to be more in opposition to
6 that letter, as I view it, than merely adding two
7 dormers to the north side which keeps it under the
8 existing height.

9 Q. So, did you read that decision?

10 A. I did read that decision.

11 Q. But have you -- what is your opinion about it, that
12 you don't know what it means?

13 A. No. I think it meant that they did not want
14 expansion of this structure when they granted the
15 previous thing, and to try and keep control of that
16 they directed the future proposals in a direction
17 that they thought at the time might be less
18 injurious but, in fact, by all of the arguments we
19 have made is actually very injurious to the
20 neighboring property, which is the windmill
21 structure.

22 Q. So, your testimony is that you disagree with the
23 board's decision at that time that what the board
24 decided might have been done in good faith but is,
25 in fact, injurious; is that your testimony?

1 A. Well, what my testimony is that we -- that I feel
2 as an architect that the duplication of a building
3 and doubling it changes the historic character of
4 it so much that it is injurious to the property
5 adjacent to it, which is the mill structure.

6 Q. Okay. So, your testimony is that the most
7 important issue here is an historic character of
8 the existing house; is that correct?

9 A. No. I would say, it relates to all of the things
10 we have talked about: The kind of nature of a
11 zoning setback and how setbacks are intended not to
12 be built in. It also relates to the fact that
13 zoning variances are supposed to be the minimal
14 change required to make this happen, and we feel
15 that the application does not meet that need and
16 have tried to argue to that point.

17 Q. But you mentioned a number of times that moving
18 this or expanding this house eastward is the most
19 injurious kind of activity that you could commit,
20 is that correct, in relation to the windmill?

21 A. That is my opinion, yes.

22 Q. Okay. And that testimony was given without
23 reference to the legal effect of the prior zoning
24 decision which, in fact, compels an addition to
25 going in this direction?

1 MR. CALLAGHAN: I object. He's asking
2 legal questions.

3 MR. BOREN: I agree with you and I was
4 going to say something in a few minutes.

5 MR. LIBERATI: Okay.

6 MR. BOREN: I have given you as much
7 leeway as possible.

8 BY MR. LIBERATI:

9 Q. Now, you also mentioned that one of the important
10 features is to preserve the historic character of
11 this structure; is that correct?

12 A. That would be ideal from the perspective of the
13 Historical Society, because relationship between
14 the miller's cottage and the mill itself is so
15 long-standing and so important from a historical
16 standpoint, yes. We would say that is one of many
17 important features that we are concerned about.

18 Q. All right. And the integrity of that historic
19 structure has been comprised somewhat by the
20 addition of the dormers on the south side, has it
21 not?

22 A. We would say yes, but, you know, our feeling was
23 sometimes small changes are needed and that change
24 does exist, and there is nothing we can do about
25 that change and, therefore, doing a similar change

1 to the north side would be less injurious to the
2 existing structure than the original change was to
3 the southern facade.

4 Q. But if all things -- if you were not dealing with
5 the constraints of the distance of the structure
6 from the property line, if it were in the middle of
7 a ten acre-field, for instance, it would seem to me
8 that your preference would be not to add dormers to
9 an historic structure but to add to it; is that
10 correct?

11 A. Each application --

12 MR. CALLAGHAN: I object again to this
13 type of questions. It's oral argument more than
14 questions of the witness.

15 MR. BOREN: Yes, I think you're going
16 beyond examination direct, so --

17 MR. LIBERATI: All right.

18 BY MR. LIBERATI:

19 Q. So, I mean -- all right. So, the bottom line with
20 it all is that your testimony focuses on the
21 historic integrity of the original structure in
22 relation to the windmill?

23 A. I would say that's one part of a larger argument.
24 That the setback, the scale of the existing
25 structure relative -- the proposed structure

1 relative to the mill building, that there are a lot
2 of components of our argument that this application
3 does not meet the minimal requirement that the
4 variance legislation requires.

5 MR. LIBERATI: No further questions.

6 MR. BOREN: Thank you.

7 Does anybody have any further testimony of the
8 Historical Society?

9 MR. CALLAGHAN: We do not.

10 MR. BOREN: Everybody rests at this point.
11 We have already heard those people who wanted to
12 speak in favor and those people who wanted to speak
13 in opposition.

14 At this point let me make a suggestion.

15 You may sit down.

16 THE WITNESS: Okay. Thank you.

17 MR. BOREN: To the two attorneys, what I
18 think I would like, and I think what the board
19 would appreciate, would be for you to get a copy of
20 the transcript, review the transcript. Provide us
21 with posthearing memoranda. I think the two most
22 important issues are the last two issues, are the
23 last two criteria to approve a dimensional
24 variance, that would be No. 3 that the granting of
25 the requested variance will not alter the general

1 character of the surrounding area or impair the
2 intent or purpose of the zoning ordinance or the
3 comp plan; 4, that the relief to be granted is the
4 least relief necessary.

5 So, those are the two issues that I think you
6 should concentrate on. I wouldn't be overly
7 concerned about what the board may have done years
8 ago. I mean, that's up to you. You can certainly
9 address it. When you complete -- how long would
10 you like?

11 Oh, here's one problem we're faced with.
12 Mr. Gromada, who is sitting on this application,
13 told me last time, in January, that he will not be
14 here next month. So, this will have to be -- a
15 decision will have been to be made at the April
16 meeting. So, you have plenty of time to write your
17 memorandum. I would propose that you not have
18 reply memoranda, that you each submit your
19 memoranda at the same time. I don't think it's
20 that complicated an issue.

21 What I would propose then, I will take a look
22 at your memoranda, look at the transcript, and I
23 will write the beginning of a decision, and my
24 decision will only refer to the standard in the
25 case and the facts. I will make no conclusions. I

1 will not even hint at a conclusion and I will then
2 bring a copy to the board on the night we make a
3 decision without even remotely suggesting anything
4 in what I prepare. It will just set forth what the
5 standard is and the facts taken from your memoranda
6 and from the transcript, and then the board will
7 vote and have a complete discussion at that
8 meeting, which will be the April meeting.

9 Does that sound reasonable?

10 MR. LIBERATI: Yes, sir.

11 MR. CALLAGHAN: Yes. There will be no
12 argument by Mr. Liberati or myself.

13 MR. BOREN: Your argument will be your
14 brief.

15 MR. CALLAGHAN: We should do argument, not
16 just legal point?

17 MR. BOREN: Yes, absolutely. If you would
18 like 30 days, that would be -- you have more than
19 enough. You have more time than that if you wanted
20 to, because the decision will not be rendered until
21 April, but I would like 20 days to start reviewing
22 everything and submit your memos to Pat, not send
23 to each member. She'll get it to us by e-mail.

24 MR. CALLAGHAN: When is the April meeting?

25 MR. WAGNER: 24.

1 MR. BOREN: April 24.

2 MR. CALLAGHAN: So, you want it by
3 April 4?

4 MR. BOREN: At the latest April 4.

5 MR. LIBERATI: April 4.

6 MR. CALLAGHAN: That's fine.

7 MR. BOREN: The end of March would
8 actually be better.

9 MR. CALLAGHAN: Okay.

10 MR. BOREN: Does that sound reasonable?

11 MR. LIBERATI: Yes, sir.

12 MS. WESTALL: Excuse me. We need a
13 motion.

14 MR. LIBERATI: We have a rebuttal by
15 Shahin of the plan that was presented by Mr. Cann
16 and which has been somewhat modified tonight, but
17 we had him doing that rebuttal.

18 MR. BOREN: I thought you had rested.

19 MR. LIBERATI: Well, my -- if I said that,
20 I made a mistake from this perspective. We had
21 planned on putting that rebuttal on. That was the
22 purpose of continuing the hearing the last time.

23 MR. BOREN: I'm going to give you a
24 maximum of five minutes. I think this has taken an
25 awful long time and there are two other

1 applications. I think the board clearly
2 understands the issues, but I'm going to
3 certainly --

4 MR. LIBERATI: Five minutes I think might
5 be all.

6 MR. CALLAGHAN: With all due respect, I
7 think the four-page letter, which was submitted to
8 the board members last Saturday, constituted
9 Mr. Shahin's rebuttal.

10 MR. BOREN: I don't disagree with you, but
11 I'm going to give you a little leeway.

12 MR. LIBERATI: Okay.

13 MR. BOREN: And make it quick.

14 MR. LIBERATI: Right. Got it.

15 **SHAHIN BARZIN**

16 called as a witness and having been previously
17 sworn, testifies as follows:

18 THE REPORTER: You are still under oath.

19 THE WITNESS: I mean, this is the second
20 floor plan that was shown earlier. The one that
21 was submitted last week did not show any closet.
22 But tonight there is some small closet over here
23 and the small closet I think over here. And I
24 mean, if you look at it, those closets are so
25 small, they're probably about 2 feet, maybe

1 30 inches, and then the laundry was put in this
2 location.

3 But the main issue with this proposal is the
4 fact that it doesn't work. What has not been
5 considered is the section here is completely wrong.
6 The -- if you look at this sketch over the proposed
7 section, the top plate of the existing dormers sit
8 at 6 feet high. The drawing that they have here
9 is -- I don't know where they came up with the
10 height or the dimension of the building. So, what
11 happens in return, the -- if you look at this
12 drawing -- if I could see it. But if you look at
13 this, the height that you're going to end up with
14 that shed dormer is not going to allow you to have
15 operable doors, you cannot use those doors to get
16 into those bedrooms, so that plan is completely
17 obsolete. It has no value.

18 And just on a couple of notes that it was
19 made -- I mean, in respect to -- if I may. I mean,
20 you can have a couple of approaches to this project
21 in respect to a circle integrity of the building.
22 I mean, to be careless, you can continue to knock
23 the building down and put a new house within the
24 setbacks and it's going to be no zoning hearing at
25 all. That is the easiest way out.

1 Now, the other way is to deface it, again it
2 is up thee, is to change the upper portion of the
3 building, you will have no circling reference and
4 it doesn't work because the height of the dormers
5 don't make sense.

6 So, the third approach will be to have
7 extension but respect the existing building and
8 that's how we have done it. And also in this
9 storage, yes, there is a cabin further away from
10 the building, but this house has no basement, this
11 house has no attic. And for any regular normal
12 family, storage space within the house is a
13 necessity. I mean, you do not go 200 feet out of
14 your house to bring a suitcase in or whatever else
15 you may put in your attic or in the basement. So,
16 that argument is not valid either.

17 MR. LIBERATI: That does it.

18 THE WITNESS: That's it.

19 MR. BOREN: Thank you.

20 At this point, Mr. Callaghan, if you want to
21 ask for a minute of questions.

22 MR. CALLAGHAN: Yes. I don't want to ask
23 any questions, and I really don't want to have to
24 put Mr. Cann back on. If I can just say that the
25 drawings that he prepared are not detailed

1 engineered working drawings, but he can prepare
2 drawings that meet all the concerns.

3 MR. BOREN: We don't need surrebuttal.

4 MR. LIBERATI: Just a cleanup item.
5 Whatever was shown electronically entered as an
6 exhibit.

7 MR. BOREN: Yes. I asked that last time,
8 if it's possible, that we can get a thumb drive of
9 that and put it as part of the record.

10 MR. LIBERATI: And we have that.

11 MR. CALLAGHAN: We have that too.

12 I just have one question relating to the
13 memos. You had indicated that the transcript might
14 be available.

15 MR. BOREN: You would order the
16 transcript.

17 MR. CALLAGHAN: How long would that take
18 to put together? April sounds like a long time
19 away. We're at the next to the last day of
20 February already.

21 THE REPORTER: Close to two weeks.

22 MR. CALLAGHAN: Hmm.

23 MR. LIVINGSTON: I didn't hear the answer.

24 THE REPORTER: Close to two weeks.

25 MR. BOREN: Why don't we do this. If you

1 need an extension just give me a call. All right.

2 MR. CALLAGHAN: Okay.

3 MR. BOREN: Get a conference call and
4 we'll work it out.

5 MR. CALLAGHAN: Okay. Thank you.

6 MR. BOREN: Thank you.

7 MR. BROCHU: Motion to continue it to a
8 date certain.

9 MR. BOREN: Yes. We're going to. Is
10 there a motion to continue this matter to the April
11 meeting for decision?

12 MS. COLEMAN: So moved.

13 MR. BOREN: Second?

14 MR. LIVINGSTON: Second.

15 MR. BOREN: All in favor?

16 (Voice vote.)

17 MR. BOREN: Thank you.

18 - - -

19

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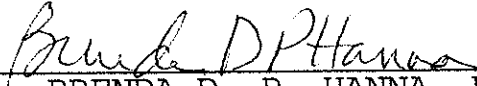
24

25

C E R T I F I C A T I O N

I, Brenda D. P. Hanna, do hereby certify that the foregoing pages are a true, accurate, and complete transcript of my notes taken at the above-entitled hearing before the Town of Jamestown Zoning Board of Review on 27 February 2018.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March 2018.



BRENDA D. P. HANNA, NOTARY PUBLIC/
REGISTERED PROFESSIONAL REPORTER

IN RE: Application of CLANCY, David and Jennifer

for applicant's Ex 7

To the Members of the Zoning Board,

We appreciate the concerns expressed by Jim Buttrick and others from The Jamestown Historical Society concerning the proposed addition for the Clancys' home at 382 North Main Road. In our response, we hope to clarify the reasons for our proposed design and zoning request.

As a design team, we share with the Clancys a great respect for the property, its location, its beauty, its relationship with the Windmill and the historic character of the house and lot. Over the past twenty years, Jennifer and David Clancy have carefully cultivated the landscape of their property. They rehabilitated a house that was quite a wreck when David Clancy first bought it with his brother in 1996.

Architectural and Historic Principles Guiding Our Design

Because of the importance of this property to Jamestown's history and identity, we approached our design with two guiding principles. The first was a source of inspiration: the connected farm buildings of New England. The second was a cautionary tale, the result of years of working not only in Jamestown but on historic structures in historic districts elsewhere in Rhode Island. It calls for approaching a renovation or addition mindful of the character of the existing building and, with historic structures, using care to distinguish the old and the new.

Farmhouses in New England are indeed an inspiration and one sees connected farm buildings throughout this area. They have been documented by architectural historian Thomas Hubka in his book "Big House, Little House, Back House, Barn." We have used this book as a reference for other projects here in Jamestown. We have provided an illustration from the back of that book which suggests its relevance. Our project does not have all four forms as described, but we do have a main or "big house" in the existing house, a "little" or "back house" in the new one-story sun room, and lastly what we might call a "barn," a larger structure at the end of this attenuated collection.

At the Clancys, the sunroom is set back behind the house, made distinct from the house by the presence of many windows. That was intentional; it is a south facing sun room. It is smaller than the house; it is a connector. It attaches to a two story structure, covered in vertical, rough hewn, natural barn board, not board and batten as Mr Buttrick suggests. The barn's gabled roof has a 10/12 pitch that matches that of the existing house. Most barns usually are much wider and taller than the associated farmhouse. Our barn is not so imposing but its two stories and the shape of its roof confer on it a barn-like stature. In addition, the rough barn board siding suggests a character that is secondary to the house.

The barn provides a backdrop for the replacement to the existing garage and is attached to it. The proposed garage is located 6 feet from the stone wall/lot line to the south, while the existing garage is located only 3 feet from the lot line. We maintained this location for two reasons. The existing driveway is here and it serves the front door located in the house's southern wall. The historic tradition of connected structures works well here and is practical.

With regard to our second guiding principle, we note that contemporary preservationists recognize that most construction projects that affect historic properties involve living,

breathing, 21st century inhabitants, who have requirements that differ from their historic forebears. Many believe that any addition to accommodate contemporary needs must first respect the historic structure. And so they do not encourage renovations that so alter the existing form as to make it disappear or additions that overwhelm the original structure. This sensibility suggests that an addition is preferable to a transformation. And while any addition should be respectful of and in scale with the historic structure, it should also be distinguished from it, recognized as distinct, and revealing its own era of construction. The intent is not to create a pastiche of false historicism, but an historic record that respects the past by allowing history to continue into the present, in a real and vital way.

Addressing a Myriad of Challenges:

In our design, we have tried mightily to respect the historic character and scale of the home, while solving our clients' needs for storage, a functional garage and a second bedroom. As you know, the entire existing house and garage sit within the required zoning setbacks from the front or side lot lines. So it is not a surprise that we have come before the Zoning Board seeking a dimensional variance. Any effort to add to the existing house would require such permission. (See enclosed existing conditions site plan.) And though it may not need to be repeated, the location of the house on the lot occurred long before our clients owned the property and long before there was a zoning code.

And so the zoning board is challenged to grant the least relief necessary to a house that is entirely within the setback from which relief is sought. No small task! In addition, our efforts are further challenged by the restrictions imposed by the 2004 zoning decision. These restrictions limit the location of any addition to the house by requiring that it be no wider than the existing house. In short, they require that any addition must also be non-conforming and sit within the setback. Further, these restrictions prohibit an enlargement of any accessory structure.

Amid this complexity exists a young family whose needs have outgrown the existing house. But the Clancys are familiar with daunting challenges. As they rehabilitated the Miller's Cottage, they discovered that the existing second floor joists and roof rafters were not only under sized per today's building code, but also deteriorated beyond all saving. They rebuilt the entire top of the house, constructing a new top plate above the existing, but sagging, girt, installing new 4 by 12 floor joists at 32" on center on the new plate, maintaining the existing 10/12 roof pitch and rebuilding the eave and rake to recreate that of the historic cottage.

The height from the first floor to the bottom of the ridge is 18'2". (This varies because the level of the first floor slopes and changes. It is indeed an old house.) The height of the second floor from the floor surface to the bottom of the ridge is only 9'0" . Both the height and pitch of the roof affect the use of space on the second floor.

We have also enclosed a cross section of the existing conditions.

The crawl space under the existing house is just that, a crawl space, with only 31 inches between the dirt floor and the joists for the first floor. Many basements are damp; this one is actually wet because the top of Windmill Hill has a high water table. The crawl space is accessed only from a bulkhead outside. It does not provide any storage. If the Clancys had a real basement under their house, it would provide approximately 700 square feet of storage. In

our proposed design, we have created 480 square feet of storage in the eastern end of the first floor addition.

The proposed plan adds 220 square feet to the first floor living space with a sunroom that will also serve as an entry from the garage. This adds a much needed, light-filled room to the first floor.

As described in our application, the proposed garage is located essentially where the existing garage is located, but is actually smaller in square footage than the existing garage.

Lastly, as we describe the Clancys' needs, the second floor of the addition provides a bedroom with a sitting area, a closet and a full bathroom. The Rhode Island Building Code defines habitable space as requiring a ceiling height of 7'6" for at least 50 % of the room. Less than 200 square feet of the Clancys' existing second floor satisfies that definition. The proposed second floor addition offers less than 500 square feet of habitable space. Included in that square footage calculation are the bathroom, stairs and closet.

There is no attic space in the existing home or in the proposed addition.

Some have suggested that this is a large addition. We disagree. The existing house offers minimal adequate living space on its second floor and less than 1000 square feet of habitable living space in total. The addition provides 700 square feet of living space on two floors and 480 square feet for storage that is accessible and dry. We are replacing an existing 410 square foot garage with one that is 384 square feet. We do not believe any of this is excessive.

Nor do we believe that there are solutions to be found for the Clancys' needs by simply transforming the existing house by way of dormers, which also requires significant remodeling of the existing home, or enlarging it with additions that will obscure the original structure.

Alternative Solutions We Considered

In our first review of possible solutions, we looked at adding to the house in the northwest corner. A one story addition might provide a bedroom, but it would require taking down the magnificent chestnut tree near the house. And it would require a greater dimensional variance than that which we now seek. A two story addition might provide a bedroom on the second floor and storage on the first, but it, too, would require taking down the tree, a greater variance and its roof would overwhelm the existing structure. An addition to the north of the kitchen is precluded by the 2004 zoning decision and would mean relocating the septic tank. An addition adjacent to the kitchen, to the east, would require moving the existing well. While wells and septic lines can be moved, at what point does this effort become not just a mere inconvenience but a significant hardship to the Clancys? And with any and all of these options, what will happen to the garage, the need for which remains a priority? Section 82-703 of the Zoning Code states a non conforming structure may be altered, maintained or repaired " as is required to keep the building or structure in a safe condition." All of these options would leave the garage exactly where it is, three feet from the lot line.

We reviewed many alternatives and developed a solution that we believe improves the existing situation. The proposed garage is further from the side lot line than the existing garage and is

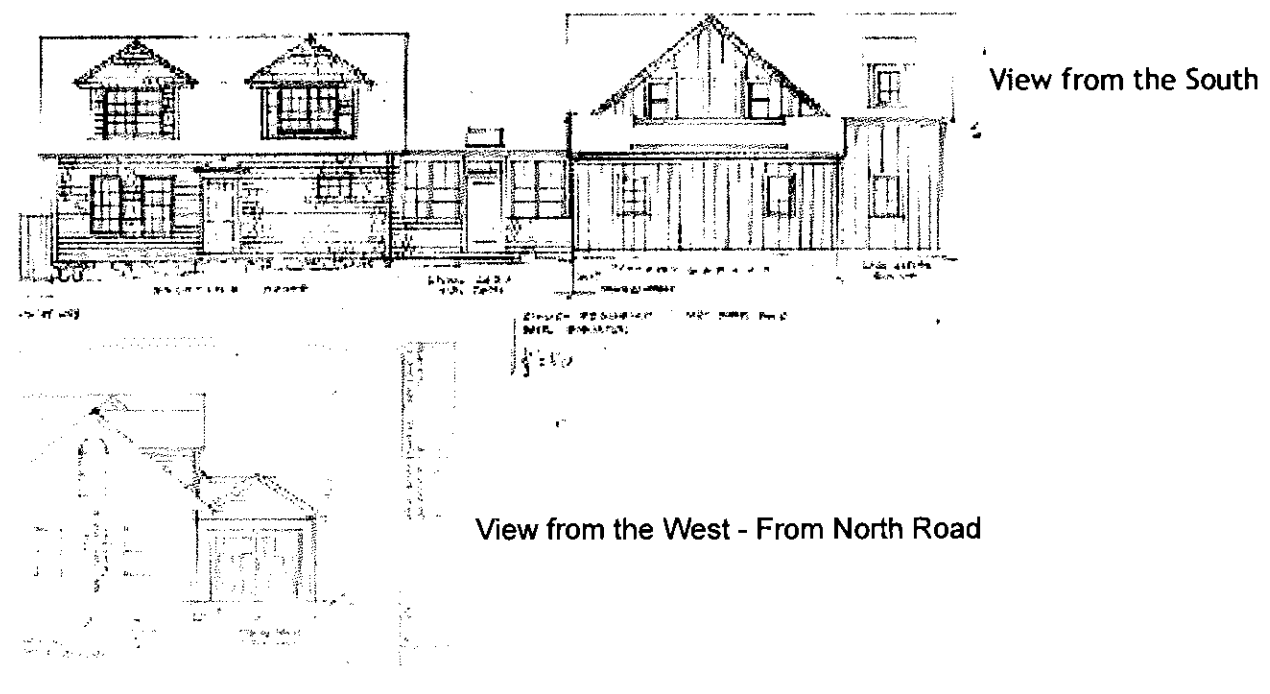
smaller than the existing garage in terms of square footage. The addition to the house satisfies the restrictions imposed by the 2004 Zoning decision and requires the least relief necessary to ensure that the Clancy's do not suffer a hardship or more than a mere inconvenience.

We Developed Two Options; Either of Which Will Address our Clients' Needs

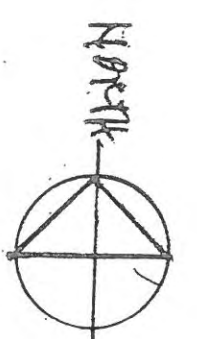
In our first proposal, we gave the garage an essentially flat roof and located a deck on that flat roof. The top of the balustrade of the deck is 6 inches shorter than the top of the existing garage. The balustrade allows a passerby to see through it to the windmill beyond. This has been criticized by Mr Buttrick and others and so we have offered a second option, that we have enclosed. In this option, the roof resembles that of the existing garage, a low pitched gable. Within this we have carved out a deck accessible to the second floor that is virtually hidden from the view of a passerby. The height of this roof also does not exceed the current garage. Our clients are happy with either option and are willing to let the Zoning Board choose.

We believe we have developed a creative solution to a problem that is not easy to solve even without the restrictions of the 2004 decision. We believe, in contrast to some of the criticism of JHS members, the form and materials of our design convey a deep respect for the existing house and for the site that is Windmill Hill. Motivated by our work with both historic and non historic structures in various municipal Historic Districts, particularly Newport, we believe we have succeeded in addressing the challenges posed by this project. We look forward to your approval.

View of the proposed second option for the garage and deck



EXISTING CONDITIONS SITE PLAN
 ANY BUILDINGS WITHIN THE ORANGE AREA  REQUIRES A ZONING
 VARIANCE



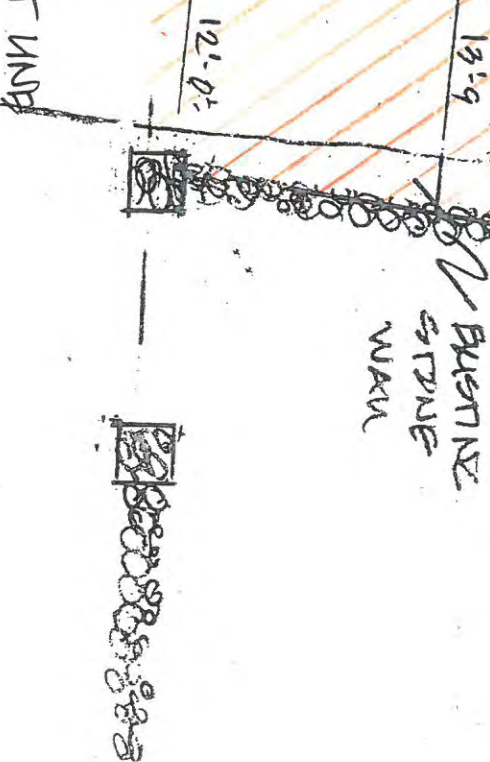
PARTIAL SITE PLAN
 EXISTING CONDITIONS PART 7 LOT 22
 382 NORTH MAIN ROAD
 1" = 10'-0"

AP 7 LOT 22
 1.5 ACRES

ZONING
 PART (50')
 SETBACK

ZONING
 SIDE SETBACK

40'-0"



AP 7
 LOT 21

NORTH MAIN ROAD



TWENTIETH-ANNIVERSARY EDITION
with a new preface by the author

Big House, Little House, Back House, Barn

The Connected Farm Buildings of New England Thomas C. Hubka



difficult to sustain. Although both the Bennetts and the Gormans have much to offer historians of New England's farms and their architecture, it is the Bennetts who most actively sustained the traditions of building improvement associated with the making of connected farm buildings. It is such farmers who will be investigated in order to understand the development of the region's farm architecture.

Connected Farm Buildings

Connected farm buildings are a conspicuous and remarkable aspect of the New England countryside. In the typical arrangement, house and barn are joined through a series of support structures to form a continuous building complex. The Sawyer-Black farm of Sweden, Maine, is a typical example of a connected farm building found in varying densities throughout the region, but most commonly in Maine and portions of New Hampshire (fig. 4). Although there is considerable visual variation, most connected

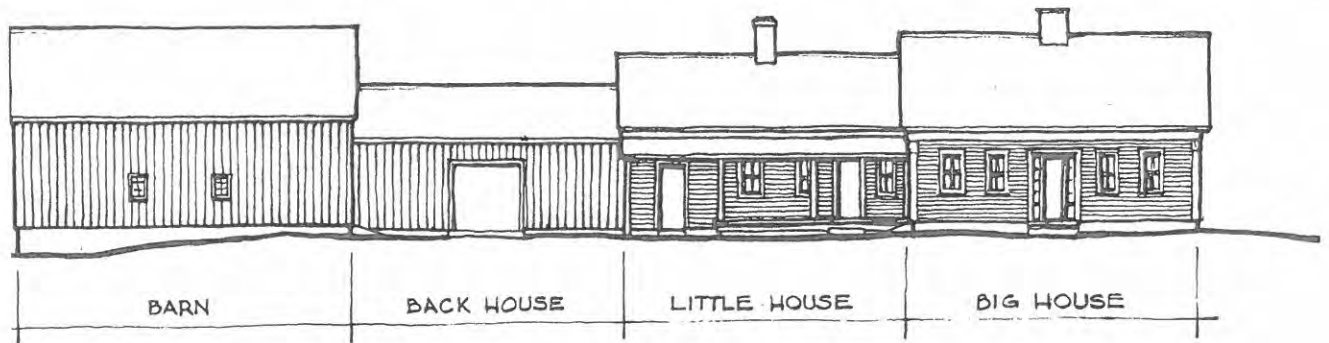


Fig. 4. Two views of Sawyer-Black Farm, Sweden, Maine. Barn, back house, and little house were constructed in mid-1800s, the big house in early 1800s (roof altered).

farms throughout New England were organized and functioned similarly and, like the Sawyer-Black farm, contain four distinct buildings. A children's verse from the nineteenth century describes the most typical organization: "Big house, little house, back house, barn." It is a refrain often repeated by old timers when asked to describe the unusual building arrangement. A few even recall childhood games played to its rhythmic cadence.¹

From an architectural perspective, the verse succinctly summarizes the four essential components of the connected farmstead arrangement (fig. 5). First is the big house, the major farmhouse, and it is given the finest ornamentation. It usually faces the road and is the nearest structure to it. The big house is usually identified as the farmhouse by the farm family and contains the formal parlor room and the bedrooms or "chambers" on the second floor. In spite of its size and architectural refinements, it was seldom used for daytime activities in the nineteenth century and was primarily a place of rest. Second is the little house, which was, and still is, the kitchen building and active living center for the farm family. A workroom or "summer kitchen" usually adjoined the kitchen and was connected to the "wood house," used for firewood storage. The kitchen and its support rooms constituted the major work areas for the women of the farm. Third is the back house, a building extending from the kitchen or little house to the major barn. It usually contained a wagon bay and multipurpose work and storage spaces for house and barn. The farm outhouse or privy was usually located in the corner of this building closest to the barn and is also referred to as the back house. Together, the little house and the back house buildings are commonly called the ell, which was a term derived from the typical L-shaped plan relationship between the big house and its kitchen addition. During the middle of the nineteenth century, the little house and the back house were frequently combined into one continuous structure to produce a single uniform ell building between big house and barn. Today both differentiated and uniform ell plans are common (fig. 6). It is, finally, the barn that terminates the connected building complex and, as on most American farms, is the functional center of the farming operation. On the New England farm, it primarily sheltered farm animals and their food.

Although this four-part arrangement might sometimes appear haphazard, most nineteenth-century New England connected farm buildings shared similar patterns of spatial organization and usage. Most farms were aligned at right angles to the road with the major facades of the big house and the barn facing the road. Farmers then oriented their line of connected buildings to shelter a south- or east-facing work yard, called the dooryard, from north or west winter winds (fig. 7). A barnyard was usually located on the south or east side of the barn for similar reasons. Many farmers also added a formal front yard between the front door of the big house and the road. This three-yard system was the dominant pattern for connected farms during much of the nineteenth century and reinforced the functional organization of the farm. Thus the formal front yard was an extension of the architecturally formal big house, the working dooryard was an extension of the workrooms in the little house and the back house, and the animal barnyard was an extension of the barn.

As a physical unit in the landscape, the massing of a connected farm complex is roughly balanced between the larger, plainer bulk of the barn and the smaller but more intricate mass of the big house. Builders created a balanced relationship between house and barn by extending the architectural style of the big house to all the buildings in

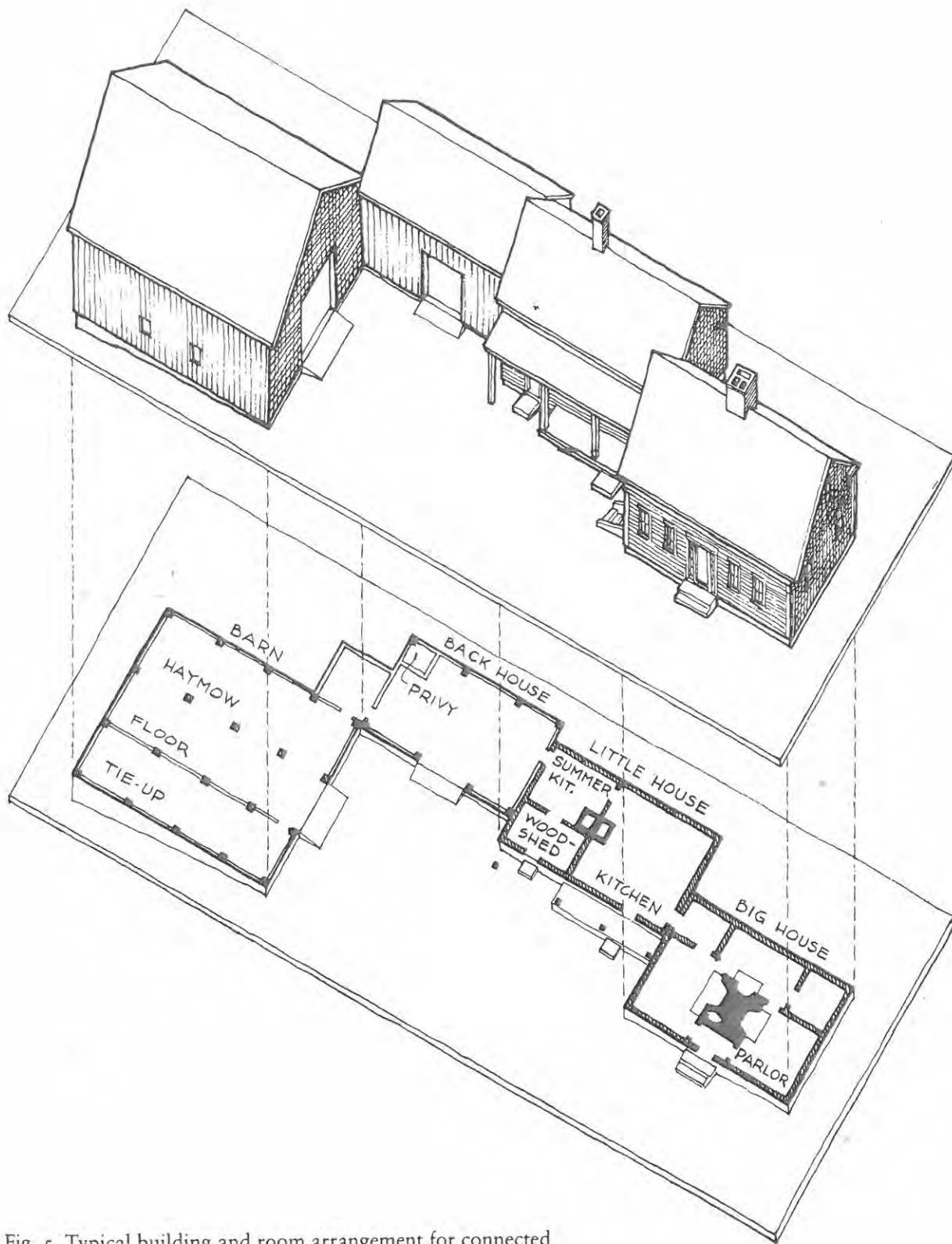
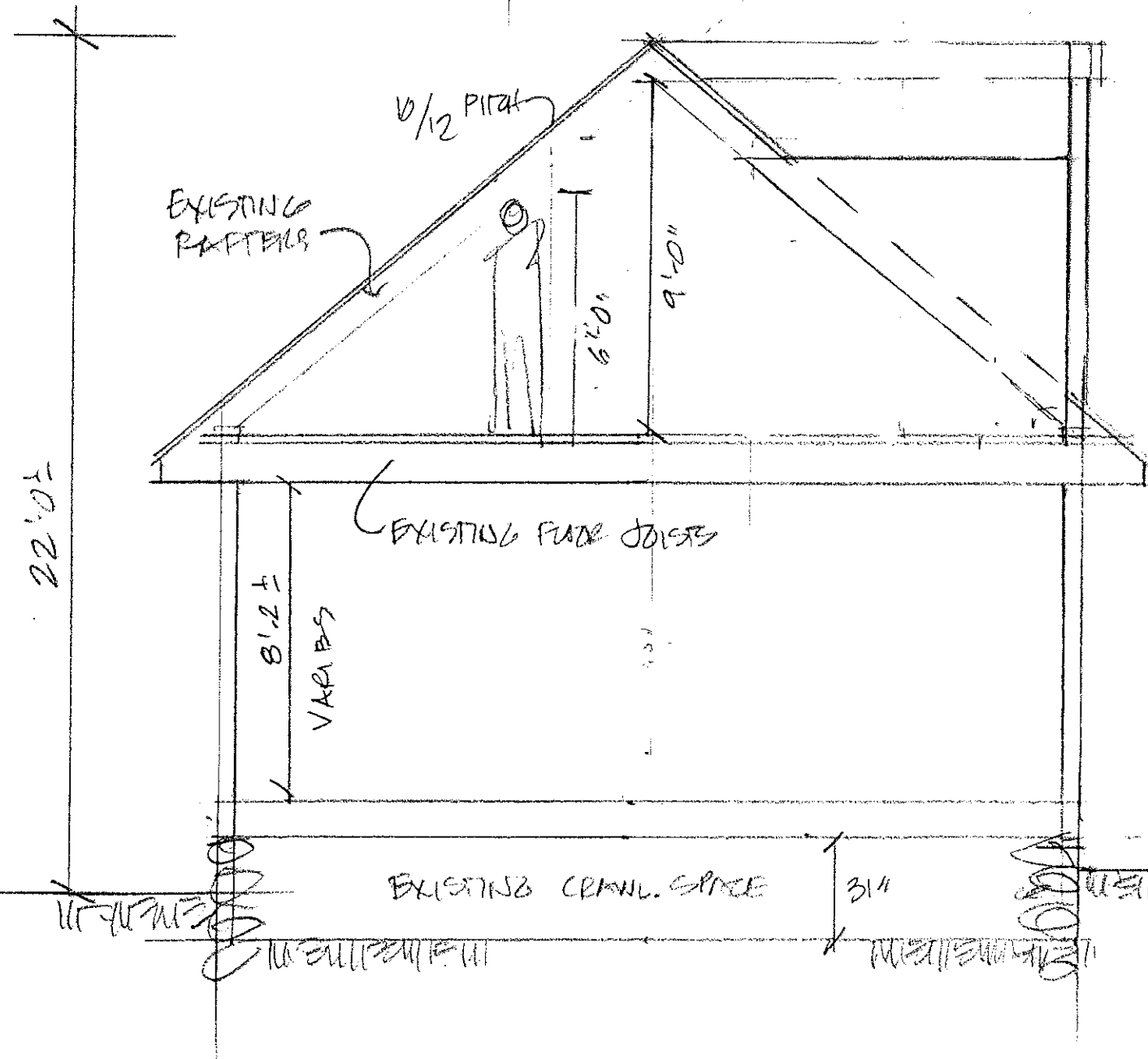


Fig. 5. Typical building and room arrangement for connected farms. Sawyer-Black Farm, Sweden, Maine.

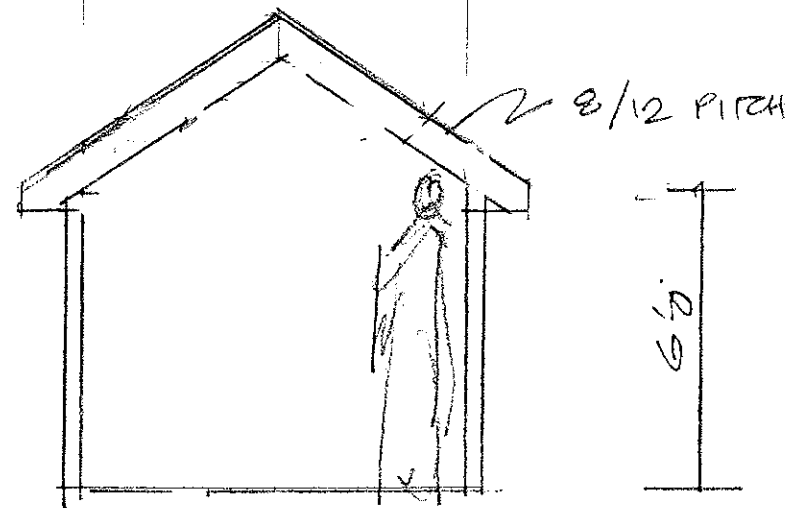
CROSSSECTION THROUGH EXISTING CLANCY RESIDENCE

$\frac{1}{4}'' = 1'-0''$

SPACE WHERE A 6'-0"
TALL PERSON COULD
STAND
7'-6"



SPACE WHERE A 6'-0"
TALL PERSON COULD
STAND
8'-0"

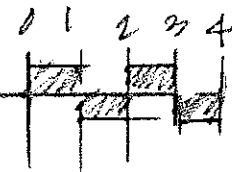


ADJACENT SECTION THROUGH EXISTING DOOR

$\frac{1}{4}'' = 1'-0''$

EXISTING CONDITIONS
LEFT SECTION
THROUGH MAIN HOUSE

$\frac{1}{4}'' = 1'-0''$



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

* * * * *
PROCEEDINGS AT HEARING *
IN RE: *
Application of *
DAVID and JENNIFER CLANCY *
* * * * *

Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835
23 January 2018

BEFORE:

Richard A. Boren, Chairperson
Dean J. Wagner
Terence E. Livingston
Edward Gromada
Marcy E. Coleman

PRESENT:

For the Applicant:
Mark E. Liberati, Esquire
1536 Westminster Street
Providence, RI 02909

For the Jamestown Historical Society:
Matthew F. Callaghan, Jr., Esquire
CALLAGHAN & CALLAGHAN
Three Brown Street
Wickford, RI 02852

For the Town of Jamestown:
Wyatt A. Brochu, Esquire
RUGGIERO, ORTON & BROCHU
Twenty Centerville Road
Warwick, RI 02886

ALSO PRESENT:

Chris Costa, Zoning Officer
Pat Westall, Clerk

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1 IN RE: Application of CLANCY, David and Jennifer

2 23 January 2018

3 MR. BOREN: The next matter is Clancy.
4 And it's my understanding that we do have a quorum
5 for the Clancys. That is Dean Wagner and -- I'm
6 sorry, Joseph Logan and Judy Bell have recused
7 themselves. Is that correct?

8 MS. BELL: That is correct.

9 MR. BOREN: That the matter will be heard
10 by myself, Dean, Ed, Marcy and Terry and that we
11 will be starting again.

12 Ready to proceed?

13 MR. LIBERATI: Yes, sir.

14 Mr. Chairman, my name is Mark Liberati and I
15 represent the Clancys with regard to this
16 application. The application concerns requests for
17 dimensional relief from the code and in an RR200
18 zone, and it arises out of a placement of an
19 existing home, which is very close to the southeast
20 corner of the lot and is entirely within the
21 setbacks of North Road and the south property line.
22 And this request for relief is away from those, at
23 least the front property line on North Road, going
24 eastward, and the fundamental impetus for offering
25 this addition to the home is a prior zoning

1 decision which required that any expansion of the
2 home go in that direction.

3 And with that, I would like to call David
4 Clancy as my first witness.

5 **DAVID CLANCY**

6 called as a witness and having been first duly
7 sworn, testifies as follows:

8 THE REPORTER: Your name, please.

9 THE WITNESS: David Clancy.

10 DIRECT EXAMINATION

11 BY MR. LIBERATI:

12 Q. David, where do you live?

13 A. I live at 382 North Road.

14 Q. And do you own this home?

15 A. Yes.

16 Q. And how long have you lived and owned, lived in and
17 owned this home?

18 A. Twenty-one years.

19 Q. And is that home the subject of this application
20 for relief?

21 A. Yes.

22 Q. And if you could, explain to the board the layout
23 of your home.

24 A. So --

25 MR. LIBERATI: Hold on a second. Perhaps

1 on the board, the floor plans of that.

2 (Mr. Barzin complied.)

3 BY MR. LIBERATI:

4 Q. So, you can refer to the plan, David, and explain
5 the layout of the home.

6 A. So, there is a room near the street that faces west
7 that is taken up by a staircase and a small corner
8 desk. That's the room closest to North Road. In
9 the middle of the house there is a closet that
10 separates the west room, with the staircase, from
11 the east room. This closet houses the chimney and
12 flue for the furnace and wood stove that is in the
13 house. There is a small coat closet next to the
14 front door. The east room, which faces the
15 backyard, is the only living space on the first
16 floor. There is a small kitchen to the north of
17 this room, a small bathroom to the south.

18 The second floor is a single bedroom used by
19 three people and a washer and dryer. And then
20 there a little spec of space to fold laundry right
21 in front of the washer and dryer. My eight-year-
22 old daughter, Tupelo, her portion of this single
23 room is approximately 4 by 8. The space is
24 one-half of the space on the first floor as it lies
25 within a gable roof.

1 There is no basement or attic in the house.
2 And the garage is undersized and unusable as such
3 as it only measures 19 feet deep. We have very
4 little available storage for the equipment we need
5 to maintain the property. And simply, we have run
6 out of storage and living space just being a
7 family.

8 Q. Did you discuss moving your addition north and east
9 so as to allow building away from the property
10 line?

11 A. Yes. We looked at that, but the septic system is
12 in that direction.

13 Q. Is there an issue with moving -- excuse me. Your
14 proposal is to drive in off the street and into the
15 garage; is that correct?

16 A. That's correct.

17 Q. So, if that addition were moved north, would you be
18 able to do that?

19 A. No. You would have to pull into the driveway and
20 make a sharp right turn and the whole backyard
21 would be a driveway, pretty much.

22 Q. Right. So, you need a turning radius, correct?

23 A. Correct.

24 Q. To get in the garage and then get out?

25 A. That is correct.

1 Q. And is there a tree that would be impacted by this?

2 A. Yes. There is a 200-year-old horse chestnut tree
3 that lies to the north of the house.

4 Q. Is it to the north or the east or northeast?

5 A. It's northeast, north.

6 Q. And if the addition were moved north, would that
7 require the chestnut tree to be taken down?

8 A. I believe so.

9 Q. And have you in the past operated an Airbnb?

10 A. Yes. In the past we have rented an Airbnb in our
11 backyard.

12 Q. And are you offering to stop using the Airbnb until
13 such time as you have all approvals to do so?

14 A. Yes.

15 MR. LIBERATI: No further questions of
16 Mr. Clancy.

17 MR. BOREN: Mr. Callaghan, would you come
18 forward and could you identify yourself and who you
19 represent and whether that is an abutter.

20 MR. CALLAGHAN: Thank you. Matthew
21 Callaghan. I'm an attorney with offices in
22 Wickford, and I am representing the Jamestown
23 Historical Society, which is the owner adjacent
24 property and the windmill on the adjacent property.

25 MR. BOREN: Is the Jamestown Historical

1 Society a corporation, do you know?

2 MR. CALLAGHAN: Yes, it is.

3 MR. BOREN: Okay. It's not an association
4 of the area people, but a Rhode Island corporation?

5 MR. CALLAGHAN: Yes.

6 MR. BOREN: You may proceed.

7 CROSS-EXAMINATION

8 BY MR. CALLAGHAN:

9 Q. Mr. Clancy, you have been here before?

10 A. Yes.

11 Q. I have some questions. Now, maybe -- do you have
12 your architect or engineer with you this evening?

13 A. Shahin is part of the team that's designing this
14 new addition.

15 Q. So, he may be more familiar with the dimensions of
16 the property or the proposed addition than you?

17 A. Most likely.

18 Q. Now, you just indicated about the Airbnb. You have
19 been operating an Airbnb on the property; is that
20 correct?

21 A. In the past.

22 Q. For how long?

23 A. Four years, maybe.

24 Q. Where is that Airbnb located?

25 A. To the east of the house.

1 Q. In a separate, freestanding building?

2 A. Correct.

3 Q. Did you obtain permits from the Town to do that?

4 A. I don't believe there was any permits required for
5 that.

6 Q. To build a structure?

7 A. No. To run an Airbnb.

8 Q. How about building the structure?

9 A. No. I don't think there was any requirements for
10 that.

11 Q. You put up an accessory structure with a housing
12 unit in it without any Town permits?

13 A. Can you repeat the question?

14 Q. You put up an accessory structure without -- for
15 people to reside there without any Town permits?

16 A. That wasn't the case when we put the structure
17 there.

18 Q. Did you the get a permit to put it there in the
19 first place?

20 A. I didn't know there was a requirement to put an
21 accessory structure there. We got that structure
22 from the wind -- from the millwright that was
23 working on the mill. At the end of his time
24 restoring the mill, he offered us that structure.

25 Q. Does it have electricity?

1 A. Yes.

2 Q. Did you get a permit to do that from the Town?

3 A. I don't believe so.

4 Q. How about plumbing?

5 A. There is no plumbing.

6 Q. What do the people who stay there use for a
7 bathroom facility?

8 A. We have a bathroom in the studio that they use.

9 MR. CALLAGHAN: I would like to introduce
10 as an exhibit, the portion of the zoning ordinance
11 which indicates that a B&B is not a permitted use
12 in an RR200 zone.

13 MR. BOREN: I will mark that Historical
14 Society Exhibit A.

15 (Historical Society Exhibit A so marked.)

16 MR. WAGNER: What is the section?

17 MR. BOREN: It is II, Lodging, Bed and
18 Breakfast House, which is not permitted in any
19 residential zone.

20 THE WITNESS: I just want to make it clear
21 it's not a bed and breakfast.

22 BY MR. CALLAGHAN:

23 Q. It's an Airbnb?

24 A. Yes.

25 Q. What does "Airbnb" stand for?

1 A. A dwelling that you rent out.

2 Q. Bnb is for bed and breakfast, isn't it?

3 A. No. It's like -- you would have to go on the site
4 and look up what bnb means. But it is -- I'm
5 understanding that a bed and breakfast means you
6 serve food to these people.

7 Q. Can you identify this document?

8 A. Can I identify that as my house?

9 Q. The document itself.

10 A. Apartment Therapy, yes.

11 Q. What is that?

12 A. It's a site where people that have interesting
13 dwellings share on the web.

14 Q. In this document -- how did you get on this or how
15 was this prepared?

16 A. Someone approached us.

17 Q. And the document on page 4, can you read that
18 provision, which I highlighted in yellow?

19 A. "The Clancys' sprawling grounds include a guest
20 cabin."

21 Q. A guest cabin?

22 A. Yes. We don't have space in our house to
23 accommodate friends and family that come to stay,
24 so sometimes we put them up in the cabin out back.

25 Q. Just friends and family?

1 A. No. We have gone over that. We rent the property.
2 We rent the cabin sometimes on Airbnb.

3 MR. CALLAGHAN: I would like to have this
4 introduced as an exhibit as well.

5 MR. BOREN: This will be Historical
6 Society B.

7 (Historical Society Exhibit B so marked.)

8 BY MR. CALLAGHAN:

9 Q. So, it's pretty clear it's not just for friends and
10 family; is that correct?

11 A. No. It's clear that it's for friend and family
12 foremost.

13 Q. Can you identify this document for me?

14 A. (Witness reviewing document.) I think that's an
15 Airbnb thing; isn't it?

16 Q. Yes. Request to book for your property?

17 A. Yes. I think we have made it clear that we book,
18 that we rent the cabin out to Airbnb.

19 MR. CALLAGHAN: I would like to submit
20 that as well.

21 MR. BOREN: Historical Society Exhibit C.
22 (Historical Society Exhibit C so marked.)

23 MR. WAGNER: Can you tell us what you're
24 introducing into evidence?

25 MR. CALLAGHAN: Request prepared by the

1 Clancys for booking their Airbnb.

2 I have other questions which I would like to
3 reserve pending my examination of the architect or
4 designer, whoever is going to testifying with
5 respect to the dimensions of the particular
6 building.

7 MR. BOREN: After the architect testifies
8 you would like to --

9 MR. CALLAGHAN: Possibly, depending upon
10 what the --

11 MR. BOREN: We'll leave it open at this
12 time.

13 Do you have any further questions,
14 Mr. Liberati?

15 MR. LIBERATI: Just one question.

16 MR. BOREN: Redirect.

17 MR. LIBERATI: Just to clear up the
18 record.

19 REDIRECT EXAMINATION

20 BY MR. LIBERATI:

21 Q. Do you serve breakfast when you rent out the room?

22 A. No.

23 Q. Okay. And are you also emphasizing to the board
24 that you will no longer rent the Airbnb space until
25 such time as you have whatever approvals are

1 necessary to do so?

2 A. Yes.

3 MR. LIBERATI: No further questions.

4 MR. BOREN: Thank you. Would you present
5 your next witness, please.

6 MR. LIBERATI: I'm sorry?

7 MR. BOREN: Your next witness, please.

8 MR. LIBERATI: Oh, okay. Shahin, please.

9 **SHAHIN BARZIN**

10 called as a witness and having been first duly

11 sworn, testifies as follows:

12 THE REPORTER: Your name, please.

13 THE WITNESS: Shahin Barzin, S-h-a-h-i-n

14 B-a-r-z-i-n.

15 THE REPORTER: Thank you.

16 DIRECT EXAMINATION

17 BY MR. LIBERATI:

18 Q. Mr. Barzin, are you a member of the American

19 Institute of Architect?

20 A. Yes, I am.

21 Q. And are you licensed as an architect in

22 Rhode Island?

23 A. Yes, I am.

24 Q. How long have you been a practicing architect in

25 Rhode Island?

1 A. In Rhode Island, in '96.

2 Q. And elsewhere?

3 A. In New York. I'm licensed in New York as well.

4 Q. How many years have you been licensed?

5 A. I started working back in the late 80s.

6 Q. And have you designed homes as part of your
7 practice?

8 A. Yes, I have.

9 Q. And have you qualified as an expert before this
10 board before?

11 A. Yes, I have.

12 MR. LIBERATI: And I ask that Mr. Barzin
13 be qualified as an expert.

14 MR. BOREN: So qualified.

15 BY MR. LIBERATI:

16 Q. Have you reviewed the plans that are the subject of
17 this application?

18 A. Yes, I have.

19 Q. Have you visited the site?

20 A. Yes, I have.

21 Q. And did you bring with you an aerial map?

22 A. I think there is one.

23 Q. I show you this. Is that an aerial map of the
24 site?

25 A. That's correct.

1 MR. LIBERATI: And I believe we had that
2 marked as Exhibit 1. If we could continue to do
3 so.

4 MR. BOREN: Is this a new aerial site?

5 THE WITNESS: It's the same as before.

6 (Applicants' Exhibit 1 so marked.)

7 BY MR. LIBERATI:

8 Q. So, referring to the aerial map, and based on your
9 visit to the site, would you please describe the
10 houses in the neighboring area?

11 A. Yes. The house is surrounded by farmland. It is
12 mostly farm to the north and to the east and to the
13 south, and it is interrupted by the Historical
14 Society windmill property. The north -- to the
15 west, it will be Watson Farm because of North Road.

16 Q. And how close is the nearest dwelling?

17 A. The nearest dwelling is approximately 1,000 feet
18 away, and it's the house of Harry Chase and the
19 house of Mark Neil.

20 Q. Please describe for the board the existing home,
21 and please refer to the plans that you mounted.

22 A. The existing house, the cottage, it consists of the
23 structure, it's about 31 feet, 31'6" by 22 feet,
24 and it has a smaller attachment, 14 by 14, to the
25 north of it. The main living area is basically

1 divided in half. The west portion of that space
2 is -- consists of mainly a staircase that brings
3 occupants to the second floor. Right in the middle
4 of the house there is a flue. There is a very
5 small space for storage, less than 2 feet. But
6 most of that space in the middle of the house is
7 consumed by the flue of the furnace and the wood
8 burning stove. And then there is a -- the other
9 half consists of a small living space, and the
10 bathroom. That 14 by 14 space is the kitchen area.

11 When you go up to the second floor, the second
12 floor covers only the 22 by 31 foot space. It has
13 eaves, so the entire space is not usable. That
14 space upstairs, if you come up and -- up to the
15 landing, right next to the staircase on the landing
16 there is a space approximately 4 foot by 8, that is
17 where the daughter of the family resides. And then
18 there is a space between the two dormers. That's
19 where the washer and dryer is. And then at the
20 other end of the second floor going east is where
21 the parents reside. There is hardly any separation
22 between the area where the parents sleep and where
23 the daughter resides on the landing. It's the only
24 separation is one of these Japanese-type screens,
25 which is basically rice paper.

1 MR. LIBERATI: Okay. So, at the last
2 hearing, I believe that we entered the site plan as
3 Exhibit 2, and elevations and floor plans as
4 Exhibit 3, and I would like to have those entered.

5 MR. BOREN: Hold on a second. I need to
6 see if I have it. Last time we had the Exhibit 3C
7 was the site plan, Exhibit 3B and C. And I will
8 mark those the same. I'm trying to remember what
9 was A.

10 MR. LIBERATI: A was a view from south to
11 north, 3A.

12 BY MR. LIBERATI:

13 Q. 3A, is that it?

14 A. Yes. I think that's the elevation he's referring
15 to.

16 Q. Right.

17 MR. LIBERATI: I think Exhibit 2 was the
18 site plan. If the Chairman can't locate it, I can
19 give you another one, I'm sure.

20 MR. WAGNER: How many pages?

21 MR. LIBERATI: I think that is two pages.

22 MR. WAGNER: I think this is it right
23 here.

24 MR. BOREN: Exhibit 3A.

25 MR. LIBERATI: Yes. From south to north.

1 So, the only one missing is Exhibit 2.

2 MR. BOREN: I have it.

3 MR. LIBERATI: Okay. Great. I would ask
4 those be admitted as exhibits, please.

5 MR. BOREN: Yes.

6 (Applicants' Exhibits 2, 3A, 3B and 3C so
7 marked.)

8 BY MR. LIBERATI:

9 Q. So, does the house have either a basement or an
10 attic?

11 A. No, no basement. There is no basement, and the
12 attic is basically their second floor living space.

13 Q. And is there a garage?

14 A. There is a garage, which is 19 feet deep by
15 21 1/2 feet wide, and it is too -- it's not deep
16 enough for a standard size vehicle.

17 Q. What is a current standard?

18 A. The current standard is about 23 feet deep.

19 Q. Okay.

20 MR. BOREN: Is what?

21 THE WITNESS: 23 feet deep.

22 BY MR. LIBERATI:

23 Q. Is there a shed attached to the garage?

24 A. There is a shed that is attached to the garage
25 which holds the oil tank, and it's approximately

1 3 feet away from the stone wall, the property line.

2 Q. Are you proposing to remove that?

3 A. We are proposing to remove that, and also the new
4 proposal pushes the garage further away from the
5 property line.

6 Q. So, what kind of storage exists at this point?

7 A. The -- practically nothing. The only storage space
8 that there is is a small closet space on the ground
9 floor, which is less than 24 inches deep, which is
10 not the standard sized closet. And that other
11 space that I had mentioned earlier in the space,
12 which is less than 2 feet, and that is all about
13 it.

14 Q. And directing your attention to the plan, which is
15 the subject of the application, what goals were you
16 seeking to achieve?

17 A. Well, first and foremost was to provide a sleeping
18 area, proper sleeping area bedroom for their young
19 daughter, and then also a bedroom for the parents
20 themselves, provide a more adequate storage space
21 for the family, and also where they can store some
22 of the farm equipment, and a proper garage which is
23 deep enough that they could park their vehicle and
24 provide somewhat more living space as well.

25 Q. And how does the plan, proposed plan, meet these

1 goals?

2 A. If you look at the proposed plans, we have
3 maintained the integrity of the existing cottage.
4 And when we added the new addition, we set it in
5 about 5 feet, and there is a connector that is
6 basically a sunroom, and then that brings you east
7 and to a staircase that will take you upstairs to
8 the new bedroom. And then further east there is
9 space for utility equipment, and then after that is
10 the storage area. And the garage, it will be to
11 the south, basically, where the existing garage is
12 located, except we're pulling it back about a foot
13 from the property line. And then on the second
14 floor, the existing bedroom area will be used by
15 their daughter. The washer and dryer stays where
16 it is. And then the parents will have a bedroom
17 above the utility and the storage area.

18 Q. Is the new garage larger than the existing garage?

19 A. The new garage is actually smaller than the
20 existing garage. The existing garage measures
21 about 410 square feet. The new one measures 396.
22 It's narrower and a bit deeper.

23 Q. Okay. And will the existing structure, including
24 the shed, be -- will the new building be set back
25 farther than the existing building?

1 A. Yes. As I mentioned earlier, yes, we have
2 eliminated that shed altogether, and then we have
3 pulled the garage further north from the property
4 line.

5 Q. Did I ask you to prepare a perspective showing the
6 front of the house from the street?

7 A. Yes, you have.

8 Q. And could you, please, show that to the board?

9 A. Yes. (Documents handed.)

10 MR. LIBERATI: Please mark that as an
11 exhibit.

12 MR. BOREN: Before we mark it as an
13 exhibit, can you lay a foundation as to how it was
14 prepared and what it depicts.

15 MR. LIBERATI: Okay.

16 THE WITNESS: Yes. This is -- the way
17 this was done, we have constructed the existing
18 building and the proposed building on the program
19 called "SketchUp." So, you basically create a 3D
20 model of it. And then the photograph was taken
21 from the middle of North Road. That's what you see
22 in your hand. Measuring the distance of where the
23 photograph was taken and the height of the person
24 who took the photograph, that has been put into the
25 program so you can basically see the same

1 perspective of that view corridor on the
2 3D modeling. And then what you do at that point,
3 you transfer that perspective into the photograph.
4 You position the existing shed, the existing
5 cottage onto the photograph, and then you delete
6 that portion of it so the existing cottage remains
7 as you see in the picture, and then you see the
8 addition in the back. And the purpose of this
9 photograph is to show how you may or may not block
10 the view to the mill.

11 MR. WAGNER: Did you do the same in the
12 office from the other perspective, from north of
13 the house?

14 THE WITNESS: From the north of the house,
15 no, I have not. The north of the house, you have
16 to remember the video -- well, that I showed last
17 time, I'm going to show it again -- is the north of
18 the house. The view is pretty much blocked by the
19 fence and that big tree, the big chestnut tree that
20 you see.

21 MR. BOREN: I'll mark this Applicants'
22 Exhibit 4.

23 (Applicants' Exhibit 4 so marked.)

24 BY MR. LIBERATI:

25 Q. So, will the -- based on this perspective and based

1 upon your expertise as an architect, will the
2 height of the existing house block the view of the
3 top height of the addition?

4 A. If you're standing straight, right in front of that
5 existing cottage, the existing cottage pretty much
6 blocks the roof behind the new addition. I mean,
7 that is if the viewer decides to be standing
8 perfectly there. I mean, as you drive, obviously,
9 the point of perspective changes.

10 Q. Yes. But is it also true that from the
11 perspective -- from this perspective anyway, it
12 almost appears or does appear that the roof line,
13 the height of the roof line of the addition, is
14 lower than the existing house?

15 A. The perspective, yes, absolutely.

16 MR. BOREN: Is the roof line identical or
17 higher?

18 THE WITNESS: If you look at the -- if you
19 look at this drawing, the existing roof is --
20 actually, if you measure it, it's lower, but you
21 have to keep in mind that the property has a pitch
22 to it. I think it's a 3 foot difference from this
23 point to that point (Indicating). And the height
24 of the building is within what the building code
25 requires, so we are not exceeding any height. So,

1 the height is pretty much the same, but the fact
2 that you're on a hill, about 3 feet, if you're
3 looking at this drawing, it appears to be slightly
4 higher than the existing structure. But when
5 you're on the road and you're on the lower ground,
6 the perspective of the -- is blocked by the roof of
7 the existing building.

8 MR. BOREN: What will the material be for
9 the new addition?

10 THE WITNESS: The existing cottage has the
11 shingles, but we are going to use the barn planks,
12 basically, for the new addition just to
13 differentiate between the new and the old
14 structure.

15 MR. BOREN: Why do you feel it should not
16 be consistent with the old structure?

17 THE WITNESS: Well, I mean, we did our
18 utmost to preserve the appearance of the existing
19 cottage. That's why we -- that addition is set
20 back 5 feet inside so the integrity of the existing
21 cottage is maintained. And by doing a different
22 material it basically, you know, you're being
23 sincere that this is a new addition. You're not
24 trying to pretend that this is an old structure.
25 So, it preserves the integrity and the look of the

1 existing cottage. And just we're putting an
2 addition, but we are using a different material so
3 it will be very apparent for the viewer that is the
4 old, this is the new.

5 MR. BOREN: But if you were to use the
6 same materials, even though they would be new
7 today --

8 THE WITNESS: Uh-huh.

9 MR. BOREN: -- in a number of years they
10 would weather and start to look more like the
11 additional house, wouldn't they?

12 THE WITNESS: Of course, the material will
13 weather, but I think the main purpose was to
14 maintain the integrity of the existing old building
15 and not try to pretend this is part of the old
16 building. As you said, the material will old, will
17 age, and the coloration will change. And the
18 tonality of the building, the new and the old, will
19 probably be the same, but it's just the
20 symmetricality that will be different, that will
21 preserve the integrity and differentiate the two
22 buildings.

23 MS. COLEMAN: What is the height
24 difference between the two structures?

25 THE WITNESS: The height difference? The

1 height is pretty much of the same, but what
2 happens, because of the grade, it -- that goes a
3 bit.

4 MR. WAGNER: The grade is 3 feet?

5 THE WITNESS: It's 3 feet difference.

6 MS. COLEMAN: 3 feet.

7 MR. WAGNER: Is the addition 3 feet higher
8 than the house?

9 THE WITNESS: No, it's not 3 feet higher
10 than the house. It is probably about a foot or so
11 higher.

12 MR. LIVINGSTON: So, in any event, it is
13 higher?

14 THE WITNESS: It is higher, yes, but its
15 still within code.

16 MR. LIBERATI: Not only within code --

17 MR. LIVINGSTON: If you look at the zoning
18 decision from April of 2003 in this case?

19 THE WITNESS: Yes.

20 MR. LIVINGSTON: Where it says "No
21 additions may be made to the existing house which
22 are wider or higher than the present house."

23 THE WITNESS: We are not higher in the --
24 if you measure it, it's not higher, but just the
25 fact it's on a slope.

1 MR. LIVINGSTON: You said it was a foot
2 higher.

3 MS. CLANCY: No.

4 THE WITNESS: No, no, no. Because we're
5 taking into consideration the difference in the
6 height of the grade, the building is pushed up.
7 But the building itself, if you put them on a flat
8 surface, it's not higher.

9 MR. LIVINGSTON: Is the addition of
10 the -- is it wider to the north or south?

11 THE WITNESS: No, it's not. That's the
12 garage. Okay. And then this portion of this is
13 pushed in, and then it expands. It is not wider
14 than this building. It is not. This is
15 17 foot 9, that is 22 feet.

16 MR. BOREN: Did you say at the beginning
17 what is the age of the house?

18 MR. LIBERATI: 17 --

19 MS. CLANCY: 1787.

20 THE WITNESS: 1787.

21 MR. BOREN: 17 --

22 THE WITNESS: '87.

23 MR. BOREN: -- 87. Is there a cost
24 difference between using barn plank as opposed to
25 shingles?

1 THE WITNESS: Not that much of a
2 difference, no.

3 MR. BOREN: Is one more expensive than the
4 other; would the barn planks be less than shingles?

5 THE WITNESS: I think it's pretty much in
6 the same neighborhood. Depending on the type that
7 you use, yes. It's not that much of a difference
8 in the cost.

9 MR. BOREN: Do you have -- I think this
10 may have already been asked. Did you take a
11 picture of the exact same location of the house and
12 the garage as it presently exists?

13 THE WITNESS: Yes, I have. I didn't print
14 it. You still can see part of an existing garage
15 in there. If you look here. You see that? This
16 is the existing garage. The darker brown, that's
17 the existing garage.

18 MR. BOREN: Can you print for us a picture
19 of just the existing condition?

20 THE WITNESS: Sure.

21 MR. BOREN: The view.

22 THE WITNESS: Yes, yes. Absolutely.

23 MR. GROMADA: That difference, is that the
24 foot that the garage is set back?

25 THE WITNESS: Right, right. In the

1 photograph?

2 MR. GROMADA: Yes.

3 THE WITNESS: Yes.

4 MR. GROMADA: That's the foot that you
5 mentioned earlier?

6 THE WITNESS: Yes, right.

7 MR. BOREN: Any other questions?

8 MR. LIBERATI: Yes, sir.

9 BY MR. LIBERATI:

10 Q. All right. Does -- can you draw the board's
11 attention to the locate of the existing septic
12 system?

13 A. The existing septic system lies to the north of the
14 building, existing building.

15 THE WITNESS: Do you have that?

16 MR. LIBERATI: I have a site plan. I'll
17 get it out in one second.

18 A. Here is the North Road, existing structure
19 (Indicating), and the septic system lies north of
20 this building. So, it's approximately in this area
21 here. The tank sits right here, the septic tank,
22 and the line goes in here and into the leach field
23 in the back there.

24 MS. COLEMAN: That is right outside the
25 kitchen if you're looking out the kitchen window?

1 THE WITNESS: Basically, yes. You see
2 that dotted line that goes up? That's your septic
3 tank there.

4 MS. COLEMAN: Has this been marked?

5 MR. LIBERATI: No. But we can offer that,
6 please, as an exhibit.

7 MR. BOREN: So moved. I will have that,
8 please. That will be Exhibit 5.

9 (Applicants' Exhibit 5 so marked.)

10 BY MR. LIBERATI:

11 Q. So, does the presence of the septic system impede
12 the ability to move the addition north?

13 A. Yes. It will cause a financial burden and -- yes,
14 absolutely.

15 Q. What is the financial burden?

16 A. I mean, you have to relocate the septic system from
17 the -- and the tank, in particular the line coming
18 out of the house, and the extra expense, and also
19 the -- environmentally you will be compromising
20 that magnificent tree.

21 Q. Is there a buffer associated with the septic
22 system?

23 A. And then also the DEM requires a 25-foot buffer for
24 new construction, yes.

25 Q. Okay. If the addition were moved north, you would

1 lose the ability to drive directly into the garage;
2 is that correct?

3 A. That would become a problem, and then depending
4 what the design ends up to be then you may need a
5 new curb cut as well, you know, to -- it depends
6 where you put the garage and come up with a new
7 layout, but definitely it becomes an issue.

8 Q. Right. But it's not just simply a question of
9 moving the garage 10 feet. You have to move the
10 garage a sufficient distance for a turning radius
11 coming in and out?

12 A. Absolutely.

13 Q. And then you run into the problem of running into
14 the septic system; is that correct?

15 A. Absolutely. It's more, you know, work and much
16 more complicated process.

17 Q. All right. Drawing your attention to the
18 conditions of the ordinance for dimensional
19 variances, in Section 82-606, the first condition
20 is that the hardship from which the Clancys seek
21 relief is due to the unique characteristics of the
22 land or structure. Is this request for relief due
23 to the unique characteristics of the land or
24 structure?

25 A. Yes, it is. It is basically where the house is

1 located on the southwest corner of the property.

2 Q. And you mean the plan that you have presented --

3 A. Uh-huh.

4 Q. -- is determined by the location of the present
5 house?

6 A. By the location, yes, absolutely.

7 Q. Okay. And the second condition is that the
8 hardship is not the result of a prior action of the
9 applicant and does not primarily result from the
10 desire to realize greater financial gain. Does
11 this request result from the prior action of the
12 applicant?

13 A. No, it does not. The existing house was put there
14 back in the eighteenth century, and the main
15 purpose of this addition, most important thing, is
16 to provide a proper living space for their daughter
17 and not to do with gaining financial gains.

18 Q. All right. And the third condition is that the
19 granting of the variance will not alter the general
20 character of the surrounding area or impair the
21 intent or purposes of the ordinance. Will the
22 granting of the variance alter the general
23 character of the surrounding area?

24 A. No, it doesn't, because this is zoned -- the
25 surrounding area is farmland and single family

1 homes, and this is consistent with the ordinance.
2 And adding the new addition is not compromising
3 anything, and it's within the ordinance, yes.

4 Q. The fourth condition is that the relief sought is
5 the least relief necessary. Are the Clancys
6 requesting the least relief necessary?

7 A. Yes, they are. And also you have to remember the
8 previous zoning ruling has -- puts, you know, some
9 limitations in those, in the size of the building,
10 the width and the orientation of it. So, what we
11 have proposed in here is probably asking for the
12 least, yes.

13 Q. All right. And the ordinance contains one further
14 condition, and that is that the hardship that will
15 be suffered if this application is not granted will
16 amount to more than a mere inconvenience. If this
17 application is not granted will the hardship result
18 in more than a mere inconvenience?

19 A. No doubt. There is no doubt. I mean, for the
20 eight-year-old daughter to live on the stair
21 landing, that's -- I mean, you judge that yourself.

22 MR. LIBERATI: I have no further
23 questions, except that we would like Shahin to play
24 the video that he played last time.

25 And there is one other issue that I would like

1 to raise at this point. There was not by way of
2 testimony but by way of concern certainly that got
3 back to us about the size of the deck. We did
4 provide an alternative, which is a lesser intrusive
5 plan than the prior plan, which I will show to my
6 brother and give copies to the board as something
7 the board may want to consider. And, in fact, we
8 didn't get this in testimony but Shahin can tell
9 you that perspective does have that new plan, the
10 perspective which is marked Exhibit 4.

11 BY MR. LIBERATI:

12 Q. Is that not correct?

13 A. That is correct. Yes, that perspective drawing
14 shows the new compromise.

15 MR. LIBERATI: It's not much different.
16 It just shows a smaller deck.

17 MR. WAGNER: I thought the deck came out
18 already to the edge of the garage?

19 MR. LIBERATI: Yes, sir. This alternative
20 does not.

21 MR. BOREN: That will be 6, is it?

22 MR. LIBERATI: I believe so.

23 (Applicants' Exhibit 6 so marked.)

24 THE WITNESS: Unfortunately the projector
25 is not set up, so I have to use my laptop to show

1 you this video. I don't know how visible.

2 MR. BOREN: Mr. Callaghan, do you want to
3 come up?

4 MR. CALLAGHAN: We were hoping -- we also
5 have an exhibit we would like to use the projector
6 for.

7 MR. COSTA: No. We didn't know. Our IT
8 guy is not around.

9 MR. CALLAGHAN: That is unfortunate. It
10 was available last time.

11 THE WITNESS: It was, yes.

12 MR. CALLAGHAN: We assumed it would be
13 available tonight as well.

14 MR. BOREN: Well, let's take -- when we
15 get to that point we'll discuss it, because I don't
16 anticipate a decision tonight. I anticipate legal
17 briefs. I anticipate getting copies of the
18 transcript. And we can add anything the next
19 meeting that we did not finish this evening. If
20 both of you would like the opportunity to wait to
21 show at least the video until next time, maybe we
22 should do it that way to make sure that we have the
23 IT person to set it up.

24 MR. LIBERATI: If you would like that
25 opportunity, then there is no reason to show this

1 tonight.

2 THE WITNESS: That's fine.

3 MR. LIBERATI: We'll show it the next
4 time.

5 MR. CALLAGHAN: What is this tonight
6 you're showing?

7 MR. LIBERATI: Same as last time.

8 THE WITNESS: Same video we showed last
9 time.

10 MR. CALLAGHAN: That was the up and down
11 the street?

12 THE WITNESS: Up and down, correct.

13 MR. CALLAGHAN: May I have a moment?

14 MR. BOREN: Yes.

15 (Pause.)

16 MR. CALLAGHAN: We have put some time into
17 putting a video, whatever you want to refer to it,
18 together. Perhaps it might be a good idea just to
19 reserve that to the next meeting and go ahead
20 tonight with our paper product.

21 MR. BOREN: Let me tell you my thoughts.
22 I thought that the testimony would be completed
23 this evening. People who want to testify in favor
24 of and opposed will have the opportunity to speak.
25 Then I would give each of you the opportunity --

1 you have already supplied us with a memorandum of
2 law. I would give you the opportunity to give us a
3 memorandum of law. I would want each memorandum
4 actually to be more involved. I would like a
5 transcript, and a much more as a memorandum of law
6 would be with a transcript. Then we could see both
7 videos at the next time and then would be in a
8 position to vote at that point in time.

9 MR. LIBERATI: Okay.

10 MR. CALLAGHAN: Is the board going to let
11 us know specifically what legal issues you want
12 briefed and when the brief should be submitted by?

13 MR. BOREN: Well, not really. The only
14 thing I would suggest, I would suggest each of
15 you -- one second -- read Judge Rubine's decision
16 that came down very recently. I would suggest each
17 of you read McGowan v. Zoning Board of Review of
18 the City of Warwick. It's a 2017 new decision of
19 Judge Rubine concerning what has to be proven
20 regarding a dimensional variance, and the zoning
21 board of review is overturned in not granting, and
22 what has to be proven and what a mere inconvenience
23 is, what the Supreme Court says a mere
24 inconvenience is. I would suggest each of you read
25 that. It's a Kent County case. And the decision

1 is less than a year old.

2 MR. LIBERATI: Okay.

3 MR. BOREN: Do you have anything further
4 of --

5 MR. LIBERATI: No, sir. If he is --
6 Shahin is going to play the video the next time
7 then --

8 MR. BOREN: Before you cross-examine,
9 Mr. Callaghan, I do have a couple of questions.

10 THE WITNESS: Yes.

11 MR. BOREN: What is the difference between
12 the alternate deck and the proposed deck from last
13 time?

14 THE WITNESS: The original deck had the
15 garage with the flat roof and the railing around
16 it. The compromise design, we have maintained a
17 gable roof for the garage, so the appearance of the
18 garage will basically remain as it is right now,
19 and there is a much smaller deck above the garage
20 area but is encircled by the pitched roof. So, you
21 don't necessarily see the larger flat roof with the
22 railing around it.

23 MR. GROMADA: So, the new design has an
24 8 by 16 foot deck. What was the size of the older
25 one?

1 THE WITNESS: The other one was pretty
2 much the size of the new garage area, which is
3 12 by 24, just give or take.

4 MR. GROMADA: I'm sorry?

5 THE WITNESS: 12 by 24, basically over the
6 garage. Now it's reduced and less visible.

7 MR. BOREN: Mr. Barzin, do you know when
8 the fence was erected?

9 THE WITNESS: The fence?

10 MR. BOREN: The fence, when it was
11 erected?

12 THE WITNESS: When it was erected? No, I
13 do not have the date.

14 MR. BOREN: Do you know the height of the
15 fence?

16 THE WITNESS: I believe it's about 6 feet.
17 I'm not -- I don't have the exact height of that
18 fence.

19 MR. BOREN: Do you know whether the fence
20 affects the view of the windmill or blocks the view
21 of the windmill?

22 THE WITNESS: At the moment?

23 MR. BOREN: Yes.

24 THE WITNESS: Well, that video kind of
25 could show you how that works. It does slightly,

1 yes. But you have to also keep in mind the -- that
2 video that I showed last time, the whole -- which I
3 started filming it from the northern part of the
4 property when it's a lower hill and you climb up
5 the hill, that distance, it took about
6 22 seconds at that 40 miles an hour speed to
7 travel. So, you want to keep that in mind as well,
8 I mean how much is visible. And that fence portion
9 of the video, probably like ten seconds, that you
10 will be traveling in that direction. I think it's
11 best to see it on the video again so you can judge
12 it for yourself how much is blocking the mill or
13 not. And also you have to keep in mind we have
14 that big tree there, and when it's green that
15 itself will block a fair amount of visibility.

16 MR. BOREN: Okay. Mr. Liberati, could you
17 just ask your client when it was erected and height
18 of the fence?

19 MR. LIBERATI: I do believe you did
20 receive a zoning variance for that or some approval
21 of it? There is some reference.

22 MS. CLANCY: Could I be sworn in?

23 MR. LIBERATI: Go ahead.

24 MR. BOREN: You have to be sworn in.

25 JENNIFER CLANCY

1 called as a witness and having been first duly
2 sworn, testifies as follows:

3 THE REPORTER: Your name, please.

4 THE WITNESS: Jennifer Clancy.

5 So, the fence was erected, I believe -- this
6 is a slight guess -- around 2006, after our dog
7 that we had at that point in time, who has since
8 passed, ran out into the middle of the road. It's
9 a 6-foot fence, which we were told by the building
10 inspector was allowable.

11 And just as a point of interest, I will let
12 you know previous to that point in time, and again
13 I'm estimating the time zone, maybe sometime around
14 between 2000 and 2002 we had gone before the zoning
15 board to request putting up an 8-foot fence,
16 because we were concerned about our animals at that
17 point in time going out into the road, and also we
18 were getting a lot of sound pollution coming onto
19 our property. Well, we went through the process of
20 requesting to be able to build the 8-foot fence.
21 We received the variance. And before we could make
22 good on the variance other things came up and we
23 didn't have the finances available to us to build
24 the 8-foot fence.

25 Anything else you would like to know about the

1 fence?

2 DIRECT EXAMINATION

3 BY MR. LIBERATI:

4 Q. So, then you built a 6-foot fence?

5 A. As years passed we needed the fence for the dog and
6 we built a 6-foot fence. As has been stated
7 before, the grade of our property as you get from
8 the top of the mill comes down through our property
9 down to the road. So, in actuality, if you think
10 about standing in our backyard and looking at a
11 6-foot fence that's farther away down the hill, it
12 probably has the appearance of a 4-foot fence.

13 MR. LIBERATI: Thanks.

14 MR. BOREN: Mr. Callaghan, do you want to
15 cross-examine Mr. Barzin?

16 MR. CALLAGHAN: Yes.

17 **SHAHIN BARZIN**

18 called as a witness and having been previously
19 sworn, testifies as follows:

20 CROSS-EXAMINATION

21 BY MR. CALLAGHAN:

22 Q. Mr. Barzin, the existing house, how much of that
23 house is within the zoning setback?

24 A. It is within the setbacks.

25 Q. The entire house?

1 A. Yes.

2 Q. And so the addition that you would be putting on is
3 within the setback?

4 A. Uh-huh.

5 Q. So, you're -- you indicated that you're going to be
6 moving or taking that shed out, which will be, say,
7 3 feet or so?

8 A. Uh-huh.

9 Q. But the new addition will be far more than that and
10 will be within the setback?

11 A. Yes.

12 Q. I would like to get the dimensions of the existing
13 house straightened out and also the dimensions of
14 the proposed addition.

15 A. Uh-huh.

16 Q. Now, with respect to the existing house, you
17 indicated that the house itself is 31 feet by
18 22 feet?

19 A. 31 foot 6 by 22.

20 Q. Okay. So that's --

21 A. And there is a 14 by 14.

22 Q. Right. But I'm saying 31 by 22 foot section is
23 682 feet?

24 A. Yes, give or take.

25 Q. And the 14 by 14 foot section is 196 feet. So, the

1 existing house is 878 feet; is that correct?

2 A. That's correct, yes.

3 Q. Now, the addition that is being proposed to the
4 house, what are the dimensions of that?

5 A. It's about 720 square feet.

6 Q. Another 720 square feet?

7 A. Yes.

8 Q. Almost doubling the size of the existing house?

9 A. Yes. A little less, but --

10 Q. Pretty close?

11 A. Pretty close, yes.

12 Q. And what is the size, again, of that? Do you have
13 the length and width?

14 A. It varies because it goes in and out, but if you
15 add it up it's about 720 square feet.

16 Q. And the garage would be cut down about 14 feet?

17 A. From 410 to 396.

18 Q. 14 feet. So, we're still talking about an addition
19 of over 700 square feet for this?

20 A. Yes.

21 Q. And the Clancys, in their application, you have
22 indicated several times in your testimony the real
23 purpose here is to add a bedroom?

24 A. Well, that is one of the main purposes, but it's
25 not the sole purpose.

1 Q. Okay.

2 A. That is one of the main purposes, yes. The other
3 reasons is also storage and a little bit more
4 living space in the garage.

5 Q. And all that would be within the setback?

6 A. Yes.

7 MR. CALLAGHAN: I have no other questions.

8 THE WITNESS: Okay.

9 MR. BOREN: Do you have anything further,
10 Mr. Liberati?

11 MR. LIBERATI: No, sir.

12 THE COURT: Do you have any other
13 witnesses?

14 MR. LIBERATI: Yes, sir. Jason Iacobucci,
15 please.

16 **JASON IACOBUCCI**

17 called as a witness and having been first duly
18 sworn, testifies as follows:

19 THE REPORTER: Your name, please.

20 THE WITNESS: Jason Iacobucci,
21 I-a-c-o-b-u-c-c-i.

22 DIRECT EXAMINATION

23 BY MR. LIBERATI:

24 Q. Jason, are you a licensed architect in
25 Rhode Island?

1 A. Yes, I am.

2 Q. And are you licensed in any other states?

3 A. I am. I am licensed in New York, Maine and
4 Massachusetts.

5 Q. Okay. And are you employed in Rhode Island?

6 A. I am.

7 Q. And who are you employed by?

8 A. I'm employed by Robinson Green & Berretta Corp.

9 Q. How long have you been so employed?

10 A. I have been with them three years.

11 Q. Have you been involved in the design and
12 construction of residential projects?

13 A. Yes.

14 Q. How many?

15 A. What was that?

16 Q. How many?

17 A. Probably on residential projects, probably about 40
18 or 50 through my years.

19 MR. LIBERATI: I ask that Mr. Iacobucci be
20 qualified as an expert.

21 MR. BOREN: He is qualified as an expert.
22 I presume that there is not going to be the same
23 testimony, that you're not going to be repetitive.

24 MR. LIBERATI: It's not going to be
25 repetitive, no.

1 MR. BOREN: So qualified.

2 BY MR. LIBERATI:

3 Q. Have you and your firm been engaged to provide,
4 design and consulting services in watersheds?

5 A. Yes.

6 Q. Could you give the board some examples?

7 A. In the past, prior to my time, at least, at RGB,
8 but my experience I have had in South Kingstown
9 rescue, rehab'd some watershed area there. It was
10 additions to our nursing home facility that
11 provides water for the Town of South Kingstown. I
12 have also worked on the Oak Mill rehab and
13 renovation project, which is right up against the
14 Scituate Reservoir, which is also where the entire
15 Hope Village is in a watershed. And then in
16 addition to renovations to Auburn Plaza, which is
17 in upstate New York, Auburn, New York, for the
18 Finger Lakes region. A couple of examples.

19 Q. And have you and your firm been engaged to provide,
20 design and consulting services in the historic
21 districts?

22 A. Yes.

23 Q. And could you give the board a few examples?

24 A. Examples, a couple of examples, are currently we're
25 working with/for the Lonsdale Bleachery in Lincoln,

1 Rhode Island. That is contributing structures to
2 the overall Lonsdale Mill District. They had a
3 fire there. We're dealing with a restoration of
4 that mill. I have done, in terms of residential,
5 Costantino residence, which is a mid-century modern
6 structure that was placed within a historic
7 district along Ocean Road in Narragansett. So that
8 was -- had to be reviewed for the fact it was,
9 basically, kind of a nonconforming structure to the
10 district. And then also the Hope Mill, which is
11 also part of the Hope Mill Town District in
12 Scituate.

13 Q. Have you had occasion to visit the site which is
14 the subject of this petition?

15 A. Yes, I have.

16 Q. And please describe for the board the site, not
17 generally the layout and all of that, but basically
18 the nature of the surrounding area.

19 A. Yes. The house sits pretty much right up against
20 the road. It's one of the higher points of the
21 watershed area within the zoning RR200. The
22 property is bounded pretty much on all sides, with
23 the exception of the windmill property, by farm and
24 single family residential. Very low density. Open
25 space.

1 Q. And did you have an opportunity to review the
2 proposed addition?

3 A. Yes. I have taken a look at it.

4 Q. You have listened to the testimony here tonight; is
5 that correct?

6 A. Yes.

7 Q. Did I ask you to review the Jamestown Comprehensive
8 Plan, specifically the provisions dealing with an
9 RR200 zone?

10 A. Yes.

11 Q. And did you?

12 A. I did.

13 Q. Is it true that an RR200 zone is a zone which is
14 intended to protect the watershed by requiring
15 development on the properties that have at least
16 200,000 square feet?

17 A. Yes.

18 Q. Does the relief requested impair the intent or
19 purpose of the comprehensive plan?

20 A. I don't see it as being a conflict of the
21 comprehensive plan.

22 Q. And why?

23 A. You're maintaining the use and occupancy of the
24 structure. It's not changing. It's still
25 maintaining it as a single-family residence. It's

1 still maintaining the same occupancy within it.
2 It's still the same number of people. It's still
3 being used in the same manner that it is currently
4 used now. They're only expanding the living space
5 necessary for the occupants. The overall footprint
6 of the new addition, when you take down the garage,
7 the shed, and there is also an impervious patio
8 that is off to the back side of the house, and you
9 put the addition on, you're not really increasing
10 the footprint by any major significant amount. You
11 are increasing the square footage of the house, but
12 the footprint of the house is not growing
13 substantially. One of the key points with, you
14 know, a watershed area, in this case, is the
15 density and impact minimal. You're not going to be
16 adding anything that isn't pretty much already
17 there. There is already a garage. All that is
18 existing uses to be maintained. So, it still stays
19 consistent.

20 MR. LIBERATI: No further questions.

21 MR. BOREN: Mr. Callaghan, any questions?

22 MR. CALLAGHAN: No questions.

23 MR. BOREN: Do you have anything further?

24 MR. LIBERATI: No, sir.

25 MR. BOREN: Subject to the video, do you

1 rest?

2 MR. LIBERATI: Yes.

3 MR. BOREN: Mr. Callaghan, do you intend
4 on presenting any witnesses?

5 MR. CALLAGHAN: Yes, I do. I know it will
6 be subject of the memo that I still contend that
7 the Jamestown zoning ordinance does not authorize
8 the expansion of existing nonconforming uses.

9 MR. WAGNER: Are you going to deal with
10 that in your memo?

11 MR. CALLAGHAN: Yes, sir.

12 My first witness will be Ross Cann.

13 **ROSS CANN**

14 called as a witness and having been first duly
15 sworn, testifies as follows:

16 THE REPORTER: Your name, please.

17 THE WITNESS: Ross Cann, C-a-n-n.

18 DIRECT EXAMINATION

19 BY MR. CALLAGHAN:

20 Q. Mr. Cann, what is your occupation?

21 A. I'm an architect here in Rhode Island.

22 Q. And how long have you been so employed?

23 A. I got my New York licensure originally in '93 and
24 Rhode Island licensure in 2006.

25 MR. CALLAGHAN: I would like to present

1 Mr. Cann's resume?

2 MR. BOREN: That will be Historical C or
3 D? D.

4 (Historical Society Exhibit D so marked.)

5 BY MR. CALLAGHAN:

6 Q. What is your educational background, Mr. Cann?

7 A. I obtained my bachelor's at Yale in architecture.
8 I then proceeded to do an architectural history
9 degree at Cambridge, and then I returned to the
10 United States to do my master's in architecture at
11 Columbia University.

12 Q. And your employment history?

13 A. I have been employed since graduating in 1990, and
14 I opened my own firm here in Rhode Island in 2004.

15 Q. Have you had any experience teaching as well?

16 A. Yes. I have taught at numerous institutions over
17 the years in addition to practicing architecture.

18 MR. CALLAGHAN: I would ask Mr. Cann be
19 recognized as an expert in architecture.

20 MR. BOREN: I'm sorry?

21 MR. CALLAGHAN: I would ask he be
22 recognized as an expert in architecture.

23 MR. BOREN: Yes. So recognized.

24 BY MR. CALLAGHAN:

25 Q. Mr. Cann, you had prepared a video to show tonight;

1 is that correct?

2 A. Well, a Power Point presentation, yes, that's
3 correct.

4 Q. And you were hoping to do that and you thought it
5 would explain our position more clearly, but you
6 have prepared plans, as I understand it, which are
7 pretty much the Power Point presentation?

8 A. They are very similar, yes.

9 MR. CALLAGHAN: I would like to -- I have
10 copies for everyone.

11 MR. BOREN: Very good. That's Exhibit
12 Historical E.

13 (Historical Society E so marked.)

14 BY MR. CALLAGHAN:

15 Q. Mr. Cann, why don't you just go through this page
16 by page and show us what you have put together, and
17 again have an opportunity at the next meeting to do
18 the Power Point presentation.

19 A. Sure. Well, the cover, I was engaged by the
20 Historical Society from two perspectives: One, as
21 an historian, they wanted my opinion on the
22 application to renovate the adjacent property to
23 the windmill, which is their prime asset, and the
24 very important historical object, both in that area
25 and for the entire community; and, two, to evaluate

1 elements of the application from an architectural
2 standpoint.

3 So, the first page, very similar to what was
4 explained by the opposing architect, was to
5 recreate the original structure and then to model
6 very quickly the structure as proposed -- you're
7 seeing, obviously, the earlier version of the deck,
8 because that's all we were aware of -- so that we
9 could look at it from a number of different
10 perspectives very quickly and understand what the
11 impact was going to be both towards the windmill
12 and also from the windmill. So, that's essentially
13 what you see on the first page.

14 MR. LIBERATI: I'm sorry. I'm going to
15 have to object for the record. I understand this
16 is not a court and I'm not going to be objecting to
17 every question, but I'm going to object to any
18 testimony that is directed towards the esthetics of
19 this proposal. I don't think the zoning board has
20 any jurisdiction over esthetics. And if the
21 testimony is to the effect that this plan could
22 have been nicer looking or whatever, again, I'm
23 objecting to -- a continuous objection to that line
24 of testimony.

25 MR. CALLAGHAN: That's not our intent nor

1 will that be a part of our presentation.

2 MR. BOREN: Yes.

3 A. Yes. Okay. So, moving onto the second page. This
4 just gives a very quick overview reference of the
5 entire area as an extremely agrarian farm-oriented
6 area, and you do see that the existing miller's
7 cottage and the windmill are very close because
8 historically they were associated with the same
9 property, one was the cottage for the other, and so
10 they are in very, very close approximation in an
11 area which is largely unpopulated by buildings.

12 Moving onto to the third page, this just kind
13 of establishes, for the record, what things look
14 like right now. We thought you might have some
15 questions about that, both towards the windmill,
16 towards the miller's cottage from the south, and
17 then from the windmill looking back at the
18 structure itself. And you'll see in our later
19 presentation some analysis of our understanding of
20 what the application as we last saw it would look
21 like from these various perspectives.

22 The next sheet, 004, models essentially the
23 building as it is, and you can compare that to the
24 photographs in the previous page to see that we
25 have, you know, modeled it very -- you know, as

1 accurately as possible given the constraints of
2 time, but that our intention was to be as true to
3 the heights with depths, et cetera, as possible.
4 And then immediately to the right are the views of
5 the application proposal showing what it would look
6 like both looking back towards the windmill and
7 then as you would approach the building from the
8 southern direction showing that essentially it's
9 gone from one large structure or one main structure
10 to two connected by a connector.

11 The next sheet essentially is just documents,
12 that same aerial view showing the perimeter of
13 setback areas and indicates the two existing
14 structures as they currently reside.

15 And then the Sheet 0.11 is that same view
16 enlarged to show how the structures sit within the
17 setback currently.

18 Q. All the structures are within the setback?

19 A. That's correct. 100 percent of them are currently
20 in that. And that issue as we move forward to 0.20
21 you see the new structure falling within that same
22 area. And we should have probably also hatched in,
23 although we are looking down on it, the garage
24 structure, which is shown as a deck. I would, you
25 know, want that hatched as well because that

1 includes coverage area. So, our thought was, yes,
2 they're moving away from the property line by
3 3 feet, but they're increasing the amount of
4 building within the setback by more than
5 100 percent. So, if you think of it in terms of
6 square footage, we thought from the Historical
7 Society perspective it has a large encroachment on
8 that side setback.

9 The next sheet is essentially our
10 documentation of the existing floor plan as we
11 understand it to be in a -- working from the
12 materials that were submitted as part of the
13 application.

14 Q. Did also you get a view of the property?

15 A. Yes. We participated in the walk-through that the
16 various commission members were able to attend, I
17 believe during the month of December.

18 Q. Tell us again what this A1.10 shows?

19 A. 1.1 essentially shows our close analysis of what
20 exists right now. So, you have, as you say, that
21 that stair in the -- in the large area to the west,
22 kind of a living area and bathroom to the east, and
23 a kitchen to the north. And from an architectural
24 perspective it occurred to me immediately that
25 basically half of the house is being occupied by a

1 stair, and elements of that stair don't meet code,
2 and there are other elements that I would bring to
3 the attention of the board. But essentially the
4 efficiency of the space was compromised by the
5 location of that stair, and that is something that
6 jumped out at me as an architect immediately. And
7 then 1.20 is, again, just our representation of
8 what the existing second floor looks like from a
9 plan metric standpoint.

10 Moving on, Sheet 2.10B -- and B indicates the
11 proposed construction as applied for by the
12 applicants previously, and that's what we have
13 tried to document for purposes of measuring
14 distances and sizes and other things. This
15 essentially gives you a layout of what the ground
16 floor would look like going forward.

17 And then 2.10C is just an off-the-cuff idea.
18 Since the application is required to meet the
19 minimum standard we thought, well, if you move the
20 stair and that gave you more space for the living
21 area that you would be able to accommodate,
22 especially if you go to 2.2C, which we think is
23 fairly illuminating, the opportunity to do a master
24 suite, a bedroom and a small bathroom on the second
25 level so that the parents and child can be in the

1 same building instead of essentially in adjacent
2 structures. And this is accommodated by adding two
3 dormers to the north side, Nantucket-style dormer,
4 and -- which is very similar in appearance to the
5 dormers that exist on the southern side. So, that
6 gives you a little bit more room, head room, on
7 that, and we thought that in the existing building
8 you could accommodate the stated requirements of
9 having separate bedrooms for the parents and child
10 as well as we saw the opportunity of adding a
11 bathroom up there so that they didn't have to be
12 constantly going up and down, instead of noncode
13 complying stairs.

14 MR. BOREN: Staying with 2.2, 2.2B, for a
15 moment, where is the stairway?

16 THE WITNESS: 2.2B.

17 MR. BOREN: Isn't that what you have just
18 been referring to?

19 THE WITNESS: Yes, that's correct. The
20 stairway for the proposed structure stays exactly
21 where it is currently, which is in the middle of
22 that space. So, if you see that large rectangle
23 off to the -- to the west side, that stair
24 continues to kind of occupy that large area because
25 it -- because it falls right in the middle of it,

1 it kind of paralyzes and makes the space around it
2 not as usable as it otherwise might be.

3 MR. BOREN: Where are the dormers on the
4 second floor located, the proposed dormers?

5 THE WITNESS: If you go to 2.2C, you will
6 see the bump out on the north side, which is where
7 the new stair vestibule is at the top, and those
8 essentially create additional space on the north
9 side of the existing structure.

10 BY MR. CALLAGHAN:

11 Q. And there are already dormers on the south side of
12 the structure?

13 A. That is correct.

14 Q. Would these -- are they matching type dormers?

15 A. They mimic the size and slope of those to create
16 the additional space on the north side.

17 Sheet 2.21 -- and again very similar. I
18 expect our perspective is not that much different
19 than the one presented by the applicant -- shows
20 the existing structure and sort of a ghost
21 structure of what the new structure would look like
22 in a perspective view.

23 And to anticipate your question, we did it
24 exactly the same way he did, which is to create a
25 model, choose the exact same perspective point,

1 overlay the building and the addition such that the
2 building model exactly modeled that of the
3 photograph, and then remove that portion of it
4 leaving just the addition.

5 And I think probably one of the more important
6 presentation items we have is 2.22, which is a
7 photograph and rendering of the new structure from
8 the area in front of the windmill. So, you kind of
9 get more than an understanding of what the property
10 looks like currently and what it would look like
11 going forward. So, if you want, you can compare
12 that to the photograph that you see on Sheet 0.103.

13 Now, I think we're almost at the end here. We
14 did a couple of elevation views just to understand
15 the size of these buildings from an elevational
16 standpoint.

17 Sheet 7.10 shows the existing cottage and
18 garage from the south and then below that from the
19 west.

20 And then next page, 7.11, shows it from the
21 north and from the east so that you have kind of
22 all four views.

23 And then 7.2B -- again "B" indicating the
24 previous version of the applicants' proposal --
25 shows the kind of doubling of the cottage, which we

1 thought not only kind of impedes in the view shed
2 of and from the windmill, it also kind of changes
3 the character of this building, which as we have
4 heard is an eighteenth century building that has
5 been added to over time into something that has
6 kind of a much more of a modern appearance,
7 something much more suburban in its massing and
8 character.

9 7.2C essentially shows our proposal and how
10 that would compare in that you can see the new
11 dormers on the north side on 7.21B -- excuse me,
12 7.21C. And more or less the character of the
13 masses remains unchanged from one of those
14 previously.

15 MR. WAGNER: Is this proposal, the new
16 dormers, is that assuming they are going to keep
17 the existing garage?

18 THE WITNESS: They could change the garage
19 somewhat, but this does not modify the garage. We
20 did not really kind of take that into
21 consideration. We were just mainly concerned with
22 the use of the existing structure to meet their
23 needs and, you know, we have seen in Apartment
24 Therapy how creative the owners are in utilizing
25 all the square footage in very clever ways and we

1 really thought we could do the same thing from an
2 architectural standpoint to give them better views
3 of the structure that they have.

4 MR. BOREN: To expand or to add the
5 dormers, would that add square footage to the
6 second level?

7 THE WITNESS: It does. It does add not
8 square footage in terms of the footprint but it
9 adds usable square footage because now suddenly you
10 can stand someplace where you otherwise would not
11 be able to stand as the structure exists currently.

12 MR. LIVINGSTON: Then is that the same
13 rationale for moving the stair or the staircase, to
14 move the stairs, so that you have more --

15 THE WITNESS: Yes, so you have more usable
16 space. Because right now half of the house is
17 basically occupied by a 3-foot wide stair with a
18 large space around it. It utilizes both the
19 upstairs and the downstairs on the west side such
20 that those can't be really used either for a living
21 space or for a second bedroom upstairs because
22 this -- this house is the size and scale of many
23 houses, colonial era houses in Newport, that have,
24 you know, two bedrooms in them. And the main way
25 to do it is with a central stair with bedrooms on

1 either side on the top of that stair.

2 MR. LIVINGSTON: Is it easy to move that
3 stair?

4 THE WITNESS: Well, the existing stair, as
5 we have noted, is not to code. It only has one
6 railing. The railing doesn't meet the 4-inch
7 sphere rule that is required. It's open on the
8 other side. So, this would require a new stair to
9 be built. This isn't, you know, an easy proposal,
10 but it's certainly a much easier proposal, and we
11 thought a less impactful one than essentially
12 building an entirely new house to the east side of
13 the existing miller's cottage.

14 MS. COLEMAN: Mr. Cann, where is the flue
15 from the furnace?

16 THE WITNESS: That would run up beside the
17 stair.

18 MS. COLEMAN: That is not actually shown
19 on the stair. Wouldn't that take up more space?

20 THE WITNESS: Not very much space. The
21 flue on those things is about this large
22 (Indicating) and it's called a "D vent," so it has
23 a flue inside of a flue so the air intake is
24 through the outer circle which helps to cool the
25 flue. And you'll note in their plans that that

1 flue at the second level basically doesn't exist
2 because it just travels up through.

3 So, I am not saying these are working drawings
4 yet. It's our assertion that we just thought that
5 this solution certainly deserved to be considered
6 in light of the fact that minimal relief is part of
7 the kind of the promise of the zoning board for the
8 relief approval.

9 MS. COLEMAN: No, I understand that. But,
10 I mean, if the whole premise is to get, you know,
11 in addition to living space for their child, also
12 storage, I know that there was storage in there
13 right where the flue was. It doesn't look like
14 that would be maintained. And then I don't see
15 anywhere on here a space for the washer and dryer
16 that are currently up on that second floor.

17 THE WITNESS: We can very much -- I mean,
18 those are absolutely things that could be tailored
19 and fit into the proposal. This is an early
20 version just to offer one solution to show that we,
21 as the abutters, are not unaware of their needs,
22 but simply offering ideas to accommodate both what
23 their stated needs are and meet the historic needs
24 of the Jamestown Historical Society and the
25 community at large for whom they're protecting the

1 property.

2 A. And Sheet 9.0 is just our analysis to show how much
3 headroom. You can see the old roof line, which
4 comes down to a very, very short thing, and then
5 you can see the new roof line of the dormer between
6 the gable dormers showing how much more headroom
7 that achieves and explains how, you know, we're
8 doing this little slight of hand to try and fit all
9 of the functionality within the space.

10 So, anyway, that concludes our presentation
11 with regard to our understanding and analysis of
12 the proposal and an alternative that we would like
13 to at least consider.

14 Q. Mr. Cann, are you -- it is your opinion, as an
15 architect, that the proposal you have just
16 presented to the board would serve the needs that
17 have been requested by the applicants for
18 additional bedroom space, basically, plus some
19 other moving around in that space within the
20 existing footprint of the house?

21 A. Yes. That was our goal. I attended the last
22 meeting where they stated what their wants and
23 needs were, and we did our best to come up with an
24 accommodation to that.

25 Q. With respect to one of the questions asked already,

1 but -- this proposal, would this be less expensive
2 than almost doubling the size of the house as
3 proposed by the applicants?

4 A. I would say it would be significantly less
5 expensive.

6 MR. CALLAGHAN: I have no other questions.

7 MR. BOREN: Do you know whether the
8 Historical Society has an opinion regarding the
9 movement of the garage, just the garage, and
10 expanding it in depth and slightly less in terms of
11 width? Do you know if there is an opinion on that?
12 I'm separating the garage from the building.

13 THE WITNESS: Sure. You know, we really
14 haven't had a chance to discuss that jointly. My
15 take is, I would like to see the garage enlarged to
16 meet their needs but within the outside of the
17 setback area so that it doesn't require the zoning
18 relief with regard to this very, very tight area
19 adjacent to how everybody comes to see the windmill
20 during the summer months. So, my feeling is to
21 maintain what is there is, obviously, allowed and
22 if expansion is needed I would like to see that
23 expansion occur outside of the side setback area if
24 at all possible.

25 MR. BOREN: When you say "outside of the

1 setbacks," are you talking about moving the garage
2 completely to the north?

3 THE WITNESS: That is a possibility in my
4 mind, to create a driveway with an easy turning
5 radius with a large parcel there. There really is
6 not going to be a problem with that beyond the side
7 terrace, and then if they need a one- or two-car
8 garage 40 feet distance from the sideline then at
9 least they're not requesting a variance with regard
10 to that kind of important and sensitive area
11 immediately adjacent to the Jamestown property.
12 Other people in the organization may feel
13 differently, but that's just my interpretation.

14 MR. BOREN: Thank you.

15 Mr. Liberati -- are you finished?

16 MR. CALLAGHAN: Just one thing.

17 BY MR. CALLAGHAN:

18 Q. Did you prepare a written statement that you would
19 like to submit to the board as well?

20 A. Sure. This was something that we wrote, and I'm
21 now kind of speaking from a historical standpoint,
22 and this will be submitted. I have been asked to
23 render an opinion on the application for the
24 expansion of a property located on Jamestown
25 windmill -- in front of the Jamestown windmill on

1 North Road in Jamestown, Rhode Island. Based on
2 the research I would make the following points:

3 The Jamestown windmill was thought to have
4 been built in 1787 and is one of the oldest extant
5 structures in Conanicut Island. This is listed as
6 a national historic landmark with the Secretary of
7 Interior, and in 1973 of the highest grading for an
8 historic structure. The historic district in which
9 it sits is called the "Jamestown Windmill Hill
10 District" emphasizing the importance of the
11 structure as both to that area and to the community
12 as a whole.

13 The windmill itself from North Road is
14 partially included by a small cottage which is in
15 front of it. Any addition to the structure would
16 damage the visibility of the structure, which would
17 be a detriment to the community as a whole as it
18 would diminish the presence of this noteworthy and
19 beloved structure.

20 It is our understanding at the approval to a
21 previous renovation of the cottage prohibited any
22 further blockage or change of the view of the
23 structure from the public right-of-way.

24 In summary, historic structures are rare and a
25 precious resource. Once they or that view to them

1 is damaged or destroyed that harm is very difficult
2 or in many cases impossible to be undone.

3 Jamestown has seen a period of tremendous
4 development with severe pressure across the island
5 for increased size and development and is in danger
6 of crossing a line from equate agrarian scale
7 community it once was to a more anonymous suburban
8 enclave like so many others which exist in
9 New England. Jamestown owes itself to protect the
10 view and surrounding character of one of its most
11 recognizable and beloved monuments. Sincerely,
12 Ross Cann.

13 (Historical Society Exhibit F so marked.)

14 MR. WAGNER: Do you consider the millhouse
15 itself to be historically significant?

16 THE WITNESS: I do in that it and the mill
17 originally comprised part of the application for
18 the district, and the scale and character of them
19 from a historic standpoint paint the picture of
20 what agrarian life once was with a small cottage
21 adjacent to the mill which was served by that
22 cottage.

23 MR. CALLAGHAN: I just have one final
24 question.

25 BY MR. CALLAGHAN:

1 Q. Is it your architectural opinion that the proposal
2 you have made would provided the relief the
3 applicants are seeking with the least amount of
4 relief required as required by the ordinance?

5 A. Well, that was certainly our intention. I haven't
6 explored all the different opportunities, but it is
7 one alternative, we think, offers a better version
8 than the one that is before this board.

9 Q. And requires less relief from the zoning
10 requirements?

11 A. Oh, absolutely, much less relief.

12 MR. CALLAGHAN: Thank you.

13 MR. BOREN: Mr. Liberati?

14 MR. LIBERATI: Sure.

15 MR. BOREN: Any questions?

16 CROSS-EXAMINATION

17 BY MR. LIBERATI:

18 Q. Mr. Cann, you are familiar with the prior zoning
19 variance that was granted by this board, are you
20 not?

21 A. I am, yes.

22 Q. You know that that zoning variance required that
23 any expansion of the existing home go east from the
24 existing structure, correct?

25 A. That is what is outlined in that document, yes.

1 Q. Yes. So, your testimony concerning placing of the
2 garage indicated a personal preference as moving
3 north outside of the setbacks of the property,
4 correct?

5 A. Correct. But I saw that not as an expansion to the
6 building itself, because it's a separate structure
7 and, therefore, in my opinion, especially if that
8 structure were to occur outside of the setback, it
9 would be compliant.

10 Q. But the purpose of the restriction in the zoning
11 variance was to preserve the view corridor to the
12 windmill; is that correct?

13 A. I believe it was to preserve the view corridor to
14 the windmill from the street with regard to the
15 miller's cottage that is currently there.

16 Q. And with regard to no other portion of the
17 property?

18 A. I don't think -- well, I'm not a lawyer. I'm only
19 an architect. My take is that --

20 Q. I'll switch places.

21 (Laughter.)

22 A. If you were to propose building somewhere else, say
23 on the far corner of the property elsewhere, that
24 that zoning assessment would not prohibit that.

25 MR. CALLAGHAN: I will just represent on

1 behalf of the Historical Society that the location
2 of the garage where it is or within a couple feet
3 is not a problem for us at all.

4 BY MR. LIBERATI:

5 Q. So, do you acknowledge that the Clancys were
6 seeking to respect the philosophy or the algorithm
7 of that prior zoning decision by going east with
8 their proposal, correct?

9 A. I would say with regard to the direction, yes.
10 With regard to the size and amassing of it I have a
11 question.

12 Q. But there were no limitations in the prior zoning
13 decision to size; is that correct?

14 A. That's correct. But we're not just looking at that
15 one document. We're also looking at the intention
16 of the zoning guidelines for the community of
17 Jamestown.

18 Q. Right. So -- and you also said something like
19 we're basically doubling the size of the structure;
20 is that correct?

21 A. I would say the new structure, the new addition
22 with the connector has about the same or even a
23 little bit more cubic footage than the existing
24 building.

25 Q. The existing house?

1 A. Correct.

2 Q. But you didn't count in that calculation the
3 existing garage, did you?

4 A. I would say even including the garage that's the
5 case, yes.

6 Q. And did you go on that site and visit that thing?

7 A. I did.

8 Q. You know there is a very big porch outside with a
9 deck, if you will?

10 A. Yes.

11 Q. So, if you take the impervious coverage from the
12 deck and you take the impervious coverage from the
13 existing garage, you are really not doubling the
14 footprint, are you?

15 A. Well, by our calculations, looking at that, the
16 existing footprint of all of those components was
17 1157 square feet.

18 Q. Can you break that down, please?

19 A. Sure. And these are, again, off of documents.
20 Working from there, we have approximately 690 feet
21 for the existing building, 347 feet for the
22 existing garage, which I actually understand is a
23 little small, 120 feet for the deck to give us a
24 total of 1157 square feet.

25 Q. What is the footprint of the proposed addition?

- 1 A. All told, we have 2259 feet for the building and
2 its connector, and 120 feet for the deck at which I
3 guess we can -- we figured the deck is going to be
4 moving someplace else, which -- and so that shows
5 essentially 2200 square feet. So, we're going from
6 1157 to 2200. So, it's approximately double.
- 7 Q. So, can you please draw my attention to your first
8 proposal for modification to the existing
9 structure? I don't know --
- 10 A. Sure. If you would go to Sheet 2.21C.
11 (Mr. Liberati complying.)
- 12 A. They're in order. It essentially moves the stair
13 from the west area to --
- 14 MR. LIBERATI: I'm sorry.
- 15 MR. WAGNER: 2.20C.
- 16 MR. CALLAGHAN: Yes.
- 17 THE WITNESS: Yes, 2.20C.
- 18 A. It moves the stair from where it was to centering
19 it creating additional living space at the ground
20 level. There is storage under the stair, and it's
21 not an open stair like the existing one. And then
22 the next drawing you want to go to is 2.20C, which
23 is the second floor plan. Maybe another three
24 sheets forward.
- 25 Q. Now I'm confused. I have got 0 -- 2.A, 2.20C.

- 1 A. That's correct. That's what is the second floor
2 plan of an alternate option.
- 3 Q. What is the first one?
- 4 A. 2.10C. 1 is for first floor, 2 is for second
5 floor.
- 6 Q. Oh, I see. Okay. All right. Let's do 2.10C
7 first.
- 8 A. Okay.
- 9 Q. Do you show any closet space whatsoever in that
10 plan?
- 11 A. Yes. The space under the stair would provide for
12 some closet and mechanical area.
- 13 Q. All right. And that -- is that the size of the
14 existing closet?
- 15 A. Not exactly.
- 16 Q. Approximately?
- 17 A. We didn't measure that. It's probably smaller.
- 18 Q. Probably smaller?
- 19 A. Yes. It's smaller.
- 20 Q. That now has two flue pipes in it, does it not?
- 21 A. One flue pipe, yes. Two flue pipes can go up
22 through that sidewall adjacent to the stair.
- 23 Q. Well, right now the closet has two in it, correct?
- 24 A. Correct. That's right. One for the furnace and
25 one for the wood burning stove.

1 Q. And so in the entire first floor plan that you have
2 drawn you're showing one closet?

3 A. I'm showing one closet area, but we have now made a
4 lot of more useful space in the east side. I could
5 probably draw some additional closets in that area
6 which we've now freed up from the stair, which was
7 basically occupying half of the original structure
8 of the cottage in terms of its utilities.

9 Q. But this is the plan you have presented, and it
10 shows one closet, correct?

11 A. Correct, yes.

12 Q. And the kitchen hasn't changed in configuration?

13 A. It has not.

14 Q. And has the bathroom changed in configuration?

15 A. Yes. The bathroom is actually a little larger than
16 it was.

17 Q. In fact, it wipes out the closet that currently
18 exists when you walk in the door, does it not?

19 A. Yes. I believe there is a small closet there.

20 Q. Right. A coat closet when you first enter the
21 house?

22 A. Correct.

23 Q. Correct me if I am wrong. It appears to me as
24 though this floor plan that you have drawn really
25 provides for one living space, which is on the west

1 side of the house facing the street?

2 A. And also a living, a small living area similar to
3 the size of the kitchen in the -- in the east side.

4 Q. Right. That has two hallways and one atrium
5 door -- I'm sorry. It's got one doorway into the
6 bathroom, and one doorway into the kitchen, two
7 doors going outside, and two areas of ingress and
8 egress into the other room, correct?

9 A. Yes. There are -- it's a lot of circulation.

10 Q. Right. So, it's not particularly usable, is it?

11 A. I have seen smaller areas be utilized very well by
12 clever arrangements, so I am not going to say it's
13 not usable.

14 Q. Okay. And how big is this living room? And I
15 would admit it is usable.

16 A. I would say -- I don't have that dimension drawn on
17 here. I can certainly provide that for you, if you
18 want.

19 Q. Can you give us an estimate?

20 A. Sure. I would say the new living room as drawn is
21 approximately 20 feet by 15 feet.

22 Q. Okay. All right. And then going to A2.20C?

23 A. Uh-huh.

24 Q. You have redrawn the living space or the bedroom
25 space, I guess you call it, with the stairway up

1 the center, correct?

2 A. That is correct.

3 Q. And a left door and a right door as you go up the
4 stairs; is that correct?

5 A. That's correct.

6 Q. Okay. And the right -- if you go into the right
7 door you go into a master bedroom; is that correct?

8 A. Correct.

9 Q. How big is the master bedroom?

10 A. It is essentially -- it's bigger than the one
11 currently because it takes up, basically, half of
12 the house. So, I would, again, say it's very hard
13 because parts of it are in dormers and eaves, but
14 again in terms of measurement along the floor plane
15 it's about 20 by 15.

16 Q. And where is the closet space in the master
17 bedroom?

18 A. That could easily be any number of different places
19 there. It could be opposite the bed. I'm not
20 saying that we have drawn every single detail.
21 This is a conceptual plan that would show an
22 alternate way of thinking about the project instead
23 of assuming that it can't be solved using the
24 existing structure. I would like to think that our
25 design is an opening in a different direction that

1 could yield both what the client needs and what we
2 think is appropriate from a historic and minimal
3 variance standpoint.

4 Q. All right. So, now I'm confused. Are you saying
5 this house can be built and be used in an efficient
6 way, or are you saying --

7 A. Yes.

8 Q. -- maybe but we need more detail and we haven't
9 thought about that detail?

10 A. I would say the second, because we haven't had a
11 chance to do this. We're not the architects on
12 this project. This is simply a way of showing a
13 different approach that clearly meets the clients'
14 needs, but it does not impact the Jamestown
15 Historical Society's rights for the minimal
16 variance adjacent to their property.

17 Q. Right. So, in any event this plan doesn't show any
18 closets, does it?

19 A. I would be happy to draw some in, if I had time.

20 Q. And you've got a dormer facing north, a dormer
21 facing south and a bed on the east wall, correct?

22 A. That's correct.

23 Q. All right. And the dormers have windows in them?

24 A. Correct. Yes.

25 Q. Okay. And how many feet are there between the end

1 of the bed and the wall for the staircase?

2 A. I don't have that exact dimension, but I'll say
3 it's about 4 feet.

4 Q. Okay. And now you go to the other bedroom. It's
5 also -- do you know how big the bedroom is, the
6 second bedroom?

7 A. That bedroom is approximately 10 by 12.

8 Q. All right. What is that? The little block in the
9 northwest corner is the gable end of the roof where
10 it meet the dormer; is that correct?

11 A. That's correct.

12 Q. So, again, you have no closets in this bedroom,
13 correct?

14 A. Not as currently drawn, that's correct.

15 Q. Well, you got two doors in this bedroom, you have
16 got a dormer, you have got a bed. And I'm sorry,
17 what was the dimensions of the bedroom?

18 A. I was estimating approximately 10 by 12, or 12 by
19 12.

20 Q. All right. So, if you were to give this plan the
21 thought necessary to build it, if you will, and to
22 accommodate the needs of the applicants, isn't it
23 possible or are you probable that you would suggest
24 bumping this house out in one direction or another
25 to create space for closets?

1 A. It's possible that we might anticipate that, but I
2 believe our first take, because it is a historic
3 structure near a very another important historic
4 structure, we do this frequently in other projects,
5 is to try to stay within the mass of the building
6 as possible. But if we were to bump out a small 5
7 or maybe 10 foot bump out in an easterly direction
8 of the existing mass might achieve all of those
9 results. But I would do that only as a last case
10 alternative if we weren't able to figure out how to
11 utilize some of the eve spaces for the purposes
12 required.

13 Q. Did you hear the testimony about one of the goals
14 being an area to place the tractor and the other
15 lawn maintenance equipment?

16 A. I did hear that, yes.

17 Q. Did you provide for that in the plan?

18 A. I did not, no.

19 Q. I think you have already been asked the question
20 about a washer and a dryer. Do you show a location
21 for a washer and a dryer?

22 A. I do not have that currently indicated, but I can
23 think of several places where it might go.

24 Q. All right. What is the next proposal from the ones
25 we just went through?

1 A. (No response.)

2 Q. That you have made for an alteration?

3 A. I'm sorry?

4 Q. Didn't you make a number of proposed -- didn't you
5 give a number of proposed options?

6 A. Well, there are -- we have shown three different
7 versions here, the existing, the proposed as we
8 previously understood it, and the beginnings of a
9 concept for a third option. So, we have only shown
10 those three versions, existing, proposed and then
11 an alternative proposal.

12 Q. Where is the alternative?

13 A. This is the alternative. Our design is the
14 alternative.

15 Q. So, are you saying that your testimony that you
16 gave right now is the only alternative you
17 presented to the board?

18 A. Correct, yes.

19 Q. All right.

20 MR. LIBERATI: I have no further questions
21 at this time, but I would like the opportunity to
22 have the witness's testimony rebutted when that
23 time comes with our own witness.

24 MR. BOREN: Okay.

25 THE WITNESS: Okay.

1 MR. BOREN: Mr. Callaghan, do you have any
2 redirect?

3 MR. CALLAGHAN: No. Is that this evening,
4 or at some later point?

5 MR. LIBERATI: At the board's pleasure.

6 MR. BOREN: I'm sorry. Why don't you
7 repeat what you just said.

8 MR. LIBERATI: Okay. All I would like is
9 the opportunity to rebut the testimony that was
10 given right now with testimony of our own architect
11 about the feasibility of this proposal.

12 MR. BOREN: Tonight is the first time
13 you've had the opportunity to review that; is that
14 correct?

15 MR. LIBERATI: Yes, it is, sir.

16 MR. BOREN: Why don't we get to that at
17 the end of -- first, Mr. Callaghan, do you rest?

18 MR. CALLAGHAN: Not yet, no.

19 MR. BOREN: Pardon?

20 MR. CALLAGHAN: No.

21 MR. BOREN: You have other witnesses?

22 MR. CALLAGHAN: I would like to have a
23 moment to speak to the other witnesses because of
24 what has transpired this evening before I present
25 another witness. And then I assume members of the

1 public would like to speak as well, unless you
2 would like to take them right now while I speak
3 with my client.

4 MR. BOREN: No. Why don't we stop for a
5 second. And let's talk about what is going on this
6 evening. We are going to stop at ten o'clock. I
7 have a feeling that the next matter will take close
8 to an hour. I myself have 30 to 40 questions
9 regarding that property.

10 How do you pronounce it?

11 MR. LAGER: Lager.

12 MR. BOREN: What is it?

13 MR. LAGER: Lager.

14 MR. BOREN: Okay. I think my questions
15 alone would be a half hour. I think we will easily
16 go past ten o'clock just on the second matter.

17 So, we have 19 pieces of correspondence, 18 of
18 which were in favor of the application, 1 opposed
19 to the application. So, if I asked people in the
20 audience to speak, I will ask anybody who has not
21 given us a written correspondence may have the
22 opportunity to speak for or against. I'm presuming
23 that that will take some period of time. And my
24 suggestion -- and it's up to everybody here on the
25 application -- other than Lar --

1 MR. LAGER: Lager.

2 MR. BOREN: -- Lager I would suggest the
3 matter be continued to the February meeting at
4 which time we just have one matter at the moment,
5 and that matter would be the last one in February.

6 (Other unrelated matters excluded.)

7 MR. BOREN: Mr. Callaghan, do you want to
8 go proceed at this point?

9 MR. CALLAGHAN: Yes. We can proceed if
10 you'd like. I think we're heading for the meeting
11 where we were going to be showing the video. Do
12 you want to -- I don't know what your schedule is
13 going to be at that point with respect to --

14 MR. BOREN: Do you have a witness right
15 now?

16 MR. CALLAGHAN: We can put people on. I
17 know there is some people in the audience that want
18 to speak.

19 MR. LIVINGSTON: Yes.

20 MR. BOREN: Why don't we have any
21 people who are your witnesses can continue on.

22 (Audience members exiting.)

23 THE REPORTER: Mr. Chairman, could we have
24 five minutes?

25 MR. BOREN: Yes.

1 (Recess.)

2 MR. BOREN: I call the meeting back to
3 order.

4 MR. CALLAGHAN: Please we have no further
5 witnesses. We are assuming open public comment.

6 MR. BOREN: So, Mr. Callaghan, subject to
7 Mr. Liberati --

8 MR. LIBERATI: Yes, sir.

9 MR. BOREN: You want the opportunity to
10 have your architect review what has been prepared
11 by their architect and potentially have that
12 architect testify next time regarding what has been
13 proposed by the Historical Society.

14 MR. CALLAGHAN: Yes, sir. That's what I
15 would like to do.

16 MR. BOREN: Is there anything that you
17 would like next time in terms of testimony?

18 MR. CALLAGHAN: Just depending what is
19 presented at that point our architect would like to
20 have an opportunity to respond to whatever is
21 brought forward by --

22 MR. WAGNER: Not a problem.

23 MR. BOREN: So, we're not going to -- in
24 one sense you're both resting but both being given
25 the opportunity for cross-examination and redirect.

1 MR. LIBERATI: Okay.

2 MR. CALLAGHAN: Certainly with respect to
3 that end, with respect to Power Point's or videos
4 that are presented at next time.

5 MR. BOREN: Yes. I won't get to the issue
6 yet. Don't go away. I won't get to the issue yet
7 of what I think we would like next time from you
8 until we hear from people in the audience.

9 MR. LIBERATI: Okay.

10 MR. CALLAGHAN: Thank you.

11 MR. BOREN: At this point, I would like to
12 ask anybody in the audience who would like to speak
13 in favor of the application come up and do so.

14 However, I already have 18 letters in support
15 of the application, and if you have written a
16 letter I'm not going to ask you to come up because
17 we will read those letters and they will be part of
18 the record.

19 So, is there anybody in the audience that
20 would like to speak in favor of the application?

21 (Pause.)

22 MR. BOREN: Fine. So, the 18 letters --

23 MR. WAGNER: You have one over here.

24 MR. BOREN: I'm sorry. Yes, please.

25 You're not one of the people who sent a letter?

ROBERT vanCLEEF

1
2 called as a witness and having been first duly
3 sworn, testifies as follows:

4 THE REPORTER: Your name, please.

5 MR. VanCLEEF: Robert vanCleeef,
6 v-a-n-c-l-e-e-f like Frank.

7 I will be very brief.

8 I just want to say communities are defined in
9 large extent by the buildings that they have. And
10 any building worth its salt is going to outlive the
11 owner. In the case of the building in question,
12 it's been around three centuries so, therefore,
13 it's outlived a lot of owners. In that period of
14 time the needs and the uses of the people who own
15 the building change. I mean it was an eighteenth
16 century house when it was built and now it's in the
17 twenty-first century. But communities are also
18 made up of people, not just buildings. And it's
19 the people who own those buildings that really is
20 the heart of the community. And in this case
21 there's a building that has been around for a long
22 time. And in the case of this family it does not
23 meet their needs. It does not meet the reasonable
24 needs that you would expect for a growing family in
25 this day and age. And they have gone way above and

1 beyond any reasonable expectation to try to
2 preserve the view corridor. And it seems
3 reasonable to me that they should be able to modify
4 this house to meet the needs of a family that is in
5 the twenty-first century.

6 MR. BOREN: I'm sorry. Can you state your
7 address?

8 THE WITNESS: I live at 133 Frigate
9 Street.

10 MR. BOREN: Thank you.

11
12 MR. vanCLEEF: Thank you very much for
13 your time.

14 MR. BOREN: Is there anybody else who
15 would like to speak in favor of the application who
16 has not submitted a letter?

17 (Pause.)

18 MR. BOREN: Is there anybody that would
19 like to speak in opposition to the application?
20 And we have only received one letter in opposition.

21 Sir, would you come forward, please.

22 **JAMES BUTTRICK**

23 called as a witness and having been first duly

24 sworn, testifies as follows:

25 THE REPORTER: Your name, please.

1 MR. BUTTRICK: James Buttrick,
2 B-u-t-t-r-i-c-k.

3 MR. BOREN: Mr. Buttrick is the one person
4 who has submitted a letter in opposition, but I'm
5 going to let you speak because you have indicated
6 that you are a member of the Society of
7 Architectural Historians. And rather than --

8 MR. BUTTRICK: I actually didn't realize
9 that that letter had actually been submitted
10 because it wasn't submitted by me. But I'm
11 certain --

12 MR. BOREN: I'm going to let you speak
13 based upon your own expertise.

14 MR. WAGNER: Your address?

15 MR. BUTTRICK: 24 Prudence Road.

16 MR. WAGNER: Thank you.

17 MR. BUTTRICK: I did want to speak to the
18 historic importance of this location, specifically
19 addressing the Windmill Hill Historic District. As
20 you on --

21 MR. BOREN: Could you tell us a little bit
22 about your background first, and what is the
23 Society of Architectural Historians.

24 MR. BUTTRICK: The Society of
25 Architectural Historians is a group of people who

1 are very interested in architectural history, have
2 studied it, have often written about it, have --
3 may teach it. There are no specific requirements
4 to be in the society other than an abiding interest
5 in the subject.

6 MR. BOREN: What is your background?

7 MR. BUTTRICK: I have -- I have studied
8 and I studied -- I studied architectural history
9 with a number of organizations, the Boston College
10 of Architecture, the Society of Architectural
11 Historians, the Victorian Society, the Adium
12 (Phonetic) Trust in Britain. Those are the main.
13 The occasional course at Brown. That is my general
14 background. And in Jamestown I have written about
15 architecture here and put on exhibitions on
16 Jamestown architecture.

17 So, to speak of the Windmill Hill Historic
18 District, as you probably know, an historic
19 district is comprised of contributing buildings and
20 noncontributing buildings. There is not gradation.
21 There is buildings that are considered historic and
22 contingent to the district and others. In Windmill
23 Hill there are ten contributing entities, six
24 historic farmsteads, an eighteenth century burying
25 ground, the meeting house, the windmill and the

1 miller's cottage. And the point that I would make
2 particularly about the miller's cottage in this
3 historic district is that it is right in the center
4 of it at the place where more people are, you know,
5 passersbys. People in this historic district are
6 going to have a better sense of the miller's
7 cottage than any other building in the 700-acre
8 historic district. This is the -- this is
9 basically the center, the focal point, even though
10 the windmill is of more importance, the building
11 that you see is the miller's cottage. And I think
12 it takes on an outside importance because of its
13 visibility to the public.

14 The aspects of the categories of contributing
15 and noncontributing, I do believe that if the
16 project goes forward as proposed the miller's
17 cottage would no longer be considered by the
18 historical authorities that designate these
19 districts. I don't believe that it would any
20 longer be contributing. It would be of a scale
21 that is inappropriate for its original use.

22 The addition is in a board and batten
23 configuration, or surface materials, which really
24 don't have anything to do with the historic aspect
25 of the cottage. And I think that the -- you know,

1 the second floor deck, I don't believe that it will
2 be sufficiently historic. I don't believe it will
3 be any longer contributing to the nature of the
4 historic district.

5 One of the things I do in the summer is I'm a
6 docent at the windmill. And I point out when I am
7 there that the miller's -- the integral nature of
8 the miller's cottage. I am not aware of any other
9 windmills in New England that have an adjacent
10 miller's cottage. A lot of people think that
11 windmills belong to farmers. I think that the --
12 how the mill works with a miller who is dedicated
13 to that profession is important, and that
14 relationship is made obvious by a miller's cottage
15 directly next to the mill.

16 So, from my standpoint, the view of the
17 cottage from the mill is important. If it looks
18 more or less like a contemporary, perhaps
19 historically minded, but in a contemporary house
20 that connection between the windmill and the miller
21 himself will be lost.

22 So, I think these are important aspects to
23 justify maintaining the miller's cottage in its
24 original envelope and to, you know, preserve that
25 relationship between the windmill and the cottage.

1 So, that is my argument for minimal -- you
2 know, the least possible change in that structure.

3 MR. BOREN: Mr. Buttrick, as a docent, do
4 you know whether, in fact, that garage was built at
5 some later date? I presume it was not there in
6 1786.

7 MR. BUTTRICK: I presume that also. I
8 don't have a later date, but I think we're safe in
9 that assumption.

10 MR. BOREN: Okay. So, the garage is not
11 necessarily part of the historic nature of the
12 combination miller's cottage and the windmill.

13 MR. BUTTRICK: True. True. But I think
14 if you're standing out in front of the windmill and
15 you're looking at the cottage it is sort of easy to
16 picture beyond the fact that there is a presumably
17 twentieth century garage there.

18 MR. BOREN: Does anybody else have any
19 questions?

20 (Pause.)

21 MR. BOREN: Thank you, Mr. Buttrick.

22 Is there anybody else that would like to speak
23 in opposition? Right here.

24 You're next.

25 **ARTHUR MILOT**

1 called as a witness and having been first duly
2 sworn, testifies as follows:

3 THE REPORTER: Your name, please.

4 MR. MILOT: Arthur Milot, M-i-l-o-t,
5 60 Walnut.

6 Thank you for giving me the time to say
7 something.

8 My first reaction to this entire situation was
9 that the people that are involved with the house
10 have, as far as I know, a good reputation, and the
11 product that they produce is desirable. However, I
12 was disturbed to hear that the court -- and I --
13 this is hearsay. I haven't read anything from
14 them. That this was not permitted, a commercial
15 enterprise was not permitted in this setting. I
16 don't know if that is still true or not, but I
17 thought that nothing had changed.

18 The other thing that I would like to point out
19 is that the -- we have a flag in front of this
20 commercial enterprise that suggests to people who
21 come on the scene quickly that maybe it's part of a
22 windmill and what have you. I think it's a
23 dishonest approach to suggest that this flag is
24 part of this complex and, therefore, there is
25 something worthy to be seen here. That may not be

1 of any consequence within the context of your
2 deliberations, but to those of us who ride here
3 every day and see that flag next to the windmill,
4 it's a non sequitur there. It's an eighteenth
5 century structure, and here we are blowing glass.
6 To my knowledge, I have asked people about this,
7 there was no silhouette in Jamestown so that the
8 relationship between blowing glass and that house
9 is tenuous at best, and I think that should be
10 taken into consideration.

11 When I was told that the small addition was on
12 the internet so that people could -- so people
13 could consider this as a temporary house for
14 weekends or what have you, I certainly was opposed
15 to that.

16 I was associated for a number of years with
17 the nature conservancy. And on a number of
18 occasions we had fund drives, and the most recent
19 one was to raise 55 million. And that gives some
20 idea of the value that people place on open space
21 and land, and to -- what is trying to be done here
22 with this cottage in the context of what people
23 want who are willing to put money down to preserve
24 it I think there is no connection.

25 And I hope that you turn this proposal down

1 regardless of the merits of these people in
2 relation to their jobs, which everyone says, from
3 what I have heard, pretty good, but this is not the
4 place to put that kind of structure with the money
5 that has been laid out to preserve all that acreage
6 from the farms up to the waterfront that you see
7 there, that stream that or that inlet that faces
8 the area in question.

9 So, I thank you for giving me your time, and
10 hope you put this into your book and give it some
11 consideration.

12 MR. BOREN: Go ahead.

13 **STEPHANIE AMERIGIAN**

14 called as a witness and having been first duly
15 sworn, testifies as follows:

16 THE REPORTER: Your name, please.

17 MS. AMERIGIAN: Stephanie Amerigian,
18 A-m-e-r-i-g-i-a-n, 194 Narragansett Ave.

19 I just wanted to comment on just yesterday the
20 State of Rhode Island and University of
21 Rhode Island dedicated 29 acres in the middle of
22 the campus to be an historic district. It was
23 approved by the U.S. Department of Interior. This
24 includes nine buildings, the earliest built in
25 1796, the latest in 1931. The windmill was built

1 in 1787, nine years before the earliest designation
2 at the site at URI.

3 To have the State of Rhode Island and the
4 University of Rhode Island to set aside 29 acres in
5 the middle of the campus -- and this is our public
6 university -- shows a commitment to preserve the
7 important structures that define the history of
8 this state. The Town of Jamestown should show the
9 same commitment and sensitivity to protecting one
10 of the few historic eighteenth century structures
11 from encroachment.

12 MR. BOREN: Thank you.

13 Come forward, please.

14 **MARY HEATH**

15 called as a witness and having been first duly
16 sworn, testifies as follows:

17 THE REPORTER: Your name, please.

18 MS. HEATH: Mary Heath, H-e-a-t-h,
19 87 Columbia Avenue.

20 I have a letter that was sent to me today, so
21 I would like to present the letter. And I know I
22 probably shouldn't read this but I want to let you
23 know who it is from. It is from the team leader
24 Preservation Services of Historic New England.
25 They actually are the owners of Watson Farm

1 location. They're the abutters. And they wanted
2 to make sure that they called the attention that
3 Heather and Don Minto are tenants of the Historic
4 New England and not authorized to speak for the
5 Historic New England on property matters, and I
6 wanted to present the letter.

7 MR. BOREN: Thank you.

8 Anyone else who would like to speak in
9 opposition? Yes.

10 **MARTHA MILOT**

11 called as a witness and having been first duly
12 sworn, testifies as follows:

13 THE REPORTER: Your name, please.

14 MS. MILOT: Martha Milot, M-i-l-o-t,
15 60 Walnut Street. I apologize for my voice.

16 I think the Clancys are very talented
17 individuals. I was on the committee to buy
18 initially, to look into buying the miller's cottage
19 when it came on the market. I was disappointed
20 then we did not buy. I am more disappointed now.

21 I think it's important to keep in mind the
22 fact that they have had an Airbnb running there. I
23 don't think they can be selling their glass.
24 According to the Supreme Court in Rhode Island,
25 that was/is not to be permitted and they are doing

1 it.

2 Jamestown residents pride the rural character
3 and have voted many, many times to retain that
4 character. Jamestown is a very special place. My
5 sole hope is that future generations will be able
6 to enjoy the historic mill as it is and as it has
7 been since 1787.

8 I do not think an addition to the miller's
9 cottage is compatible.

10 Thank you.

11 MR. BOREN: Is there anyone else who would
12 like to speak in opposition?

13 **ROSEMARY ENRIGHT**

14 called as a witness and having been first duly
15 sworn, testifies as follows:

16 THE REPORTER: Your name, please.

17 MS. ENRIGHT: Rosemary Enright,
18 E-n-r-i-g-h-t.

19 MR. BOREN: Your address, please.

20 MS. ENRIGHT: 44 Clark Street.

21 I would like to speak to the issue of storage
22 that has been one of the issues that they have put
23 forward as a reason for a need for expansion.

24 The building that is currently being used as a
25 B&B was built on Jamestown Historical property as a

1 temporary structure in 2000 as a building in which
2 we built the new pieces of the windmill when we
3 were doing the shingling, the reshingling at that
4 time. It was given, as David said, to them by the
5 millwright who built it and who occasionally stayed
6 overnight when he had to be there early in the
7 morning the next day. It was given to them as a
8 storage shed. It seems to me that the transfer
9 of a storage shed into a place where someone can
10 live is doing -- is creating the issue that they
11 are now trying to mitigate by building more storage
12 on their property.

13 This doesn't, of course, address the issues of
14 where they put their clothes in the house or
15 anything like this. This addresses the issue of
16 where the outside materials are that they are
17 talking about putting.

18 Thank you.

19 MR. BOREN: Thank you.

20 Is there anyone else who would like to speak
21 in opposition? Come forward, please.

22 **BEATRICE HUTCHESON**

23 called as a witness and having been first duly
24 sworn, testifies as follows:

25 THE REPORTER: Your name, please.

1 MS. HUTCHESON: Beatrice Hutcheson, but I
2 go by Polly, H-u-t-c-h-e-s-o-n, and 75 Bay View
3 Drive.

4 I don't have any prepared remarks. I am a
5 member of the board of the Jamestown Historical
6 Society. My family has been coming here since my
7 grandfather, Captain Robert Chew, first came in
8 1888 when he was one year's old. I have been
9 coming my entire life and moved here year round
10 16 years ago.

11 I well remember when the Town made the
12 decision to try to purchase the development rights
13 for the farm, because of that view shed, because of
14 that rural character, and it's not just the view
15 shed looking from North Road. Driving along North
16 Road that's not what you remember. You remember
17 driving up from Zeek's Creek, and from the -- you
18 know, from that area you can see it from the
19 Newport bridge where hundreds of thousands of
20 people cross each year.

21 It is an extraordinary site. It is a treasure
22 to a lot of people in this community, both to those
23 who live here year round and those who visit in the
24 summer. It's the reason that we have paid so much
25 attention to maintaining open lands and area, and

1 to have a building that size move that close to the
2 windmill is truly going to change the nature of the
3 way you look at that.

4 I have been a docent at times at the windmill,
5 and you see the kids go up to the top of it and
6 they look out the windows in all directions.
7 They're fascinated by what it is and what they see,
8 and they see it in what looks like what might have
9 looked like when it was first built.

10 I would, you know, respectfully ask that you
11 keep that view corridor the way it is.

12 Thank you.

13 MR. BOREN: Thank you.

14 Somebody else wanted to speak? Yes. Come
15 forward please.

16 **LINDA WARNER**

17 called as a witness and having been first duly
18 sworn, testifies as follows:

19 THE REPORTER: Your name, please.

20 MS. WARNER: Linda Warner, W-a-r-n-e-r,
21 13 Shady Lane.

22 My family also goes back here a long way. My
23 great grandfather came here in 1870 and piloted the
24 ferries and so forth. I am a docent both at the
25 windmill, the museum and at Beavertail.

1 I have run into people who have come here
2 because this island is special. I enjoy talking
3 with them. I talk to them constantly when they
4 come to visit. And when at the windmill, it's like
5 you're in another world. Basically they look off
6 and see Newport. Everything is beautiful.

7 The miller's cottage, as it is, is fine. The
8 garage was built, approximately, I would say, 1970,
9 before we had zoning laws. But I'm not concerning
10 myself with that now. But this would just totally
11 change the look of that area when you turn that
12 small house into such a large one. I think if
13 anything can be done to solve the problem of more
14 room without having to build such a large thing, it
15 would be wonderful, because we can never go back.
16 We cannot change things. Once we take that away,
17 it's gone.

18 Thank you.

19 MR. BOREN: Thank you.

20 Anyone else wish to speak in opposition?

21 (Pause.)

22 MR. BOREN: Okay. Thank you very much.

23 At this point we're going to close the Clancy
24 matter for this evening.

25 I would like both counsel to step forward for

1 a moment to discuss what we are going to do next
2 time. First, in terms of -- I know we're not going
3 to close this evening. So, any briefs that you
4 write may not be complete. I'm going to ask
5 whether you would like to submit briefs for the
6 memorandum before the next meeting and have a
7 decision to us by February 27 or whether you want
8 to continue to have further testimony and we would
9 make a decision probably the next time.

10 MR. LIBERATI: My opinion is that because
11 we're going to have a rebuttal of what was said
12 here tonight, it's a very, very difficult thing to
13 anticipate where the record ends up. So, as much
14 as I think everybody would like to get a resolution
15 of this, I think it's going to go to the meeting
16 after the next meeting for a decision.

17 MR. BOREN: Okay.

18 MR. CALLAGHAN: I would tend to agree.

19 MR. BOREN: What we will do is we will
20 just continue this to the next meeting for further
21 testimony.

22 You may want to think about either ordering
23 the transcripts tonight or waiting until the next
24 meeting and then ordering transcripts and then
25 think about what issue you want to brief and also

1 whether you want to each submit briefs
2 simultaneously or whether, Mark, you want to submit
3 a brief first, Matt, you want to do a reply brief,
4 and then you would get to do a very short response
5 to Matt's brief. I don't know.

6 MR. LIBERATI: I think one shot. We'll
7 both submit.

8 MR. CALLAGHAN: No rebuttals.

9 MR. LIBERATI: No.

10 MR. BOREN: No rebuttals. We can discuss
11 that next time.

12 MS. WESTALL: Can we have a motion?

13 MS. COLEMAN: Motion.

14 MR. BOREN: I move that we continue the
15 matter to the February 27 meeting for further
16 testimony.

17 MR. WAGNER: Second.

18 MR. GROMADA: Second.

19 MR. BOREN: All in favor?

20 (Voice vote.)

21 MR. BOREN: Thank you.

22 - - -
23
24
25

C E R T I F I C A T I O N

I, Brenda D. P. Hanna, do hereby certify that the foregoing pages are a true, accurate, and complete transcript of my notes taken at the above-entitled hearing before the Town of Jamestown Zoning Board of Review on 23 January 2018.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March 2018.



BRENDA D. P. HANNA, NOTARY PUBLIC/
REGISTERED PROFESSIONAL REPORTER

IN RE: Application of CLANCY, David and Jennifer

1/23/2018

applicant #1



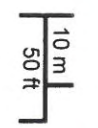
SA 1

Google



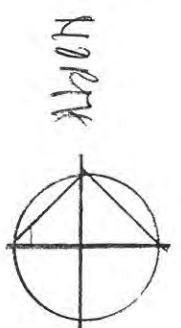
Town of Jamestown, Rhode Island

Printed 10/19/2017 from <http://www.mainstreetmaps.com/ri/jamestown/public.asp>
This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The Town of Jamestown, Rhode Island and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.



MainStreetGIS, LLC
www.mainstreetgis.com

SITE PLAN	PROPOSED SITE PLAN FOR ADDITION TO 382 NORTH MAIN ROAD	FOR JUSTIFIED DWIP CHANGI KP 7 LOT 22	PARTIAL SITE PLAN 1" = 10'-0"
-----------	--	---------------------------------------	-------------------------------



PARTIAL SITE PLAN
382 NORTH MAIN ROAD
1" = 10'-0"

40'-0"

TO FEAR LOT UNDS
68'-0"

TO SIDE SETBACK

NEW ADDITION TO HORSE

HEAD

FEED SERVICE

EXISTING SERVICE TRAIL

EXISTING WELL

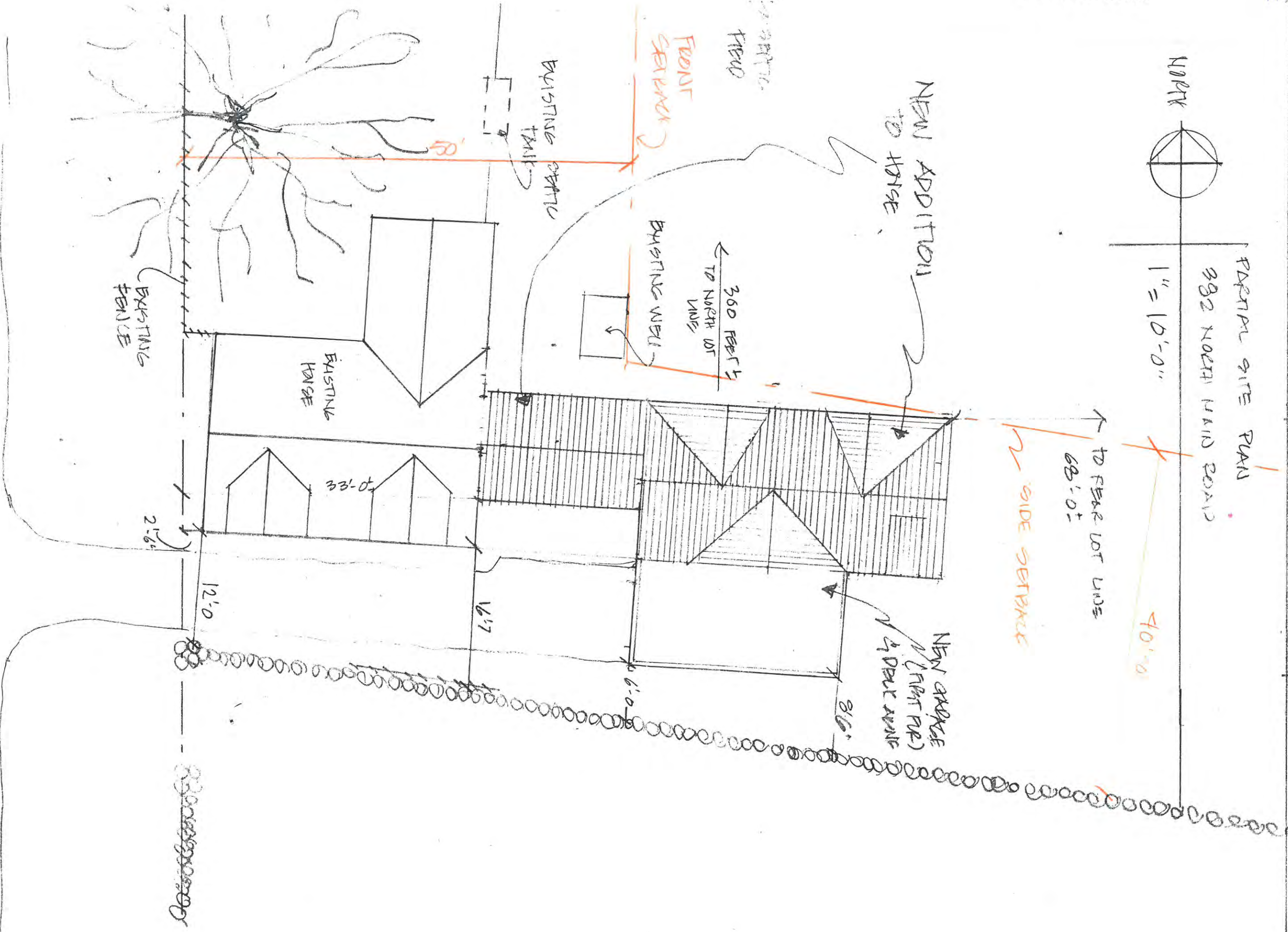
360 FEET TO NORTH LOT UNDS

EXISTING HORSE

EXISTING FENCE

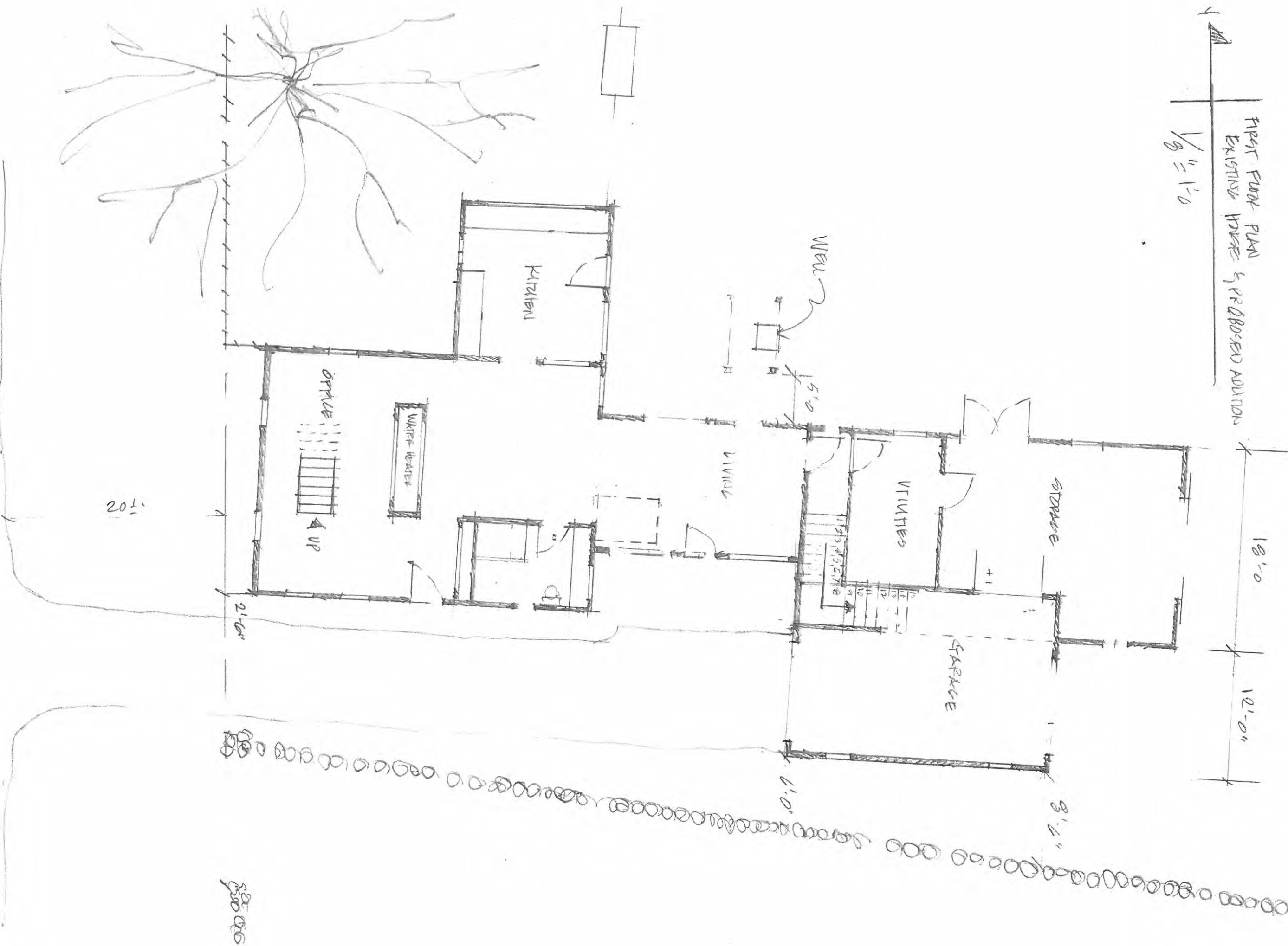
NEW GARAGE (FIRST FLOOR) 4 DECK AVAIL

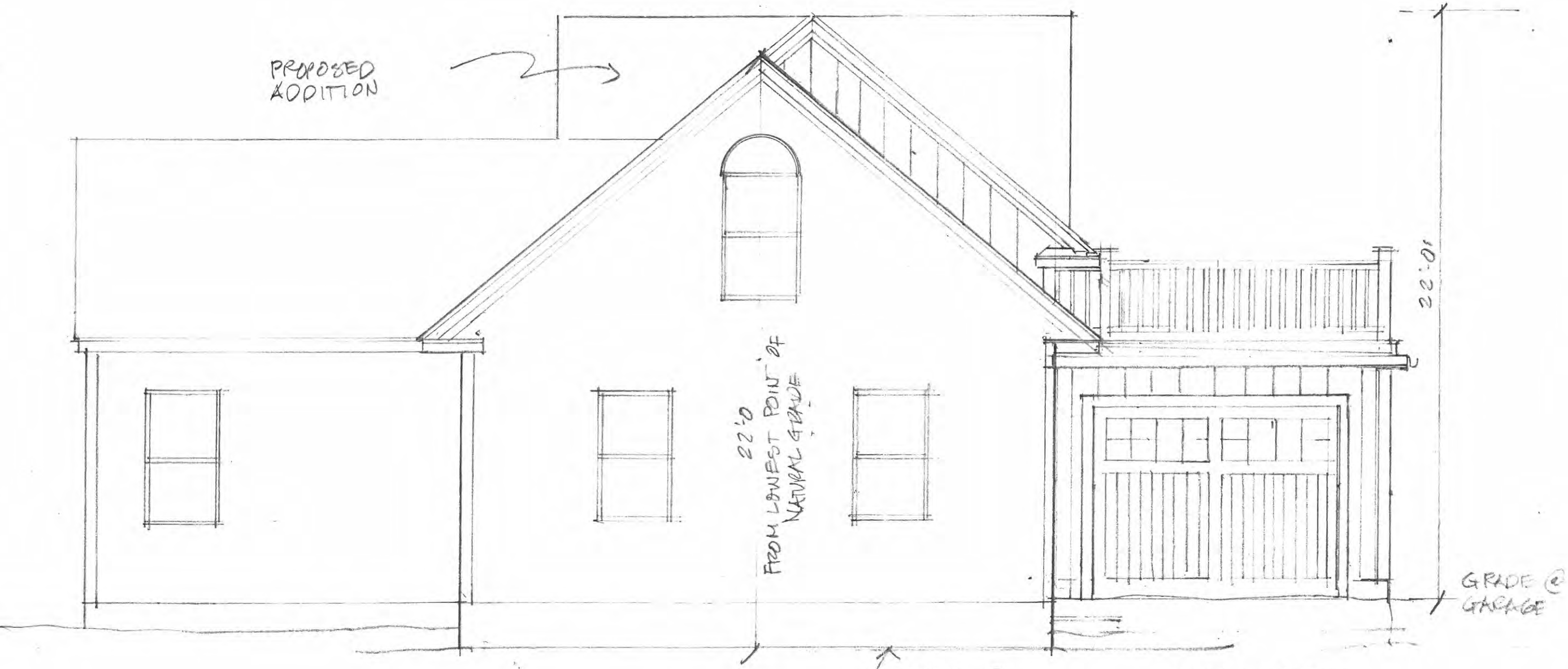
NORTH MAIN ROAD



A1	PROPOSED ADDITION TO 382 NORTH MAIN ROAD JAMESTOWN, CT	FOR JENNIFER & DAVID CLAWAY	FIRST FLOOR PLAN 1/8" = 1'-0"
----	--	--------------------------------	----------------------------------

FIRST FLOOR PLAN
EXISTING HOUSE & PROPOSED ADDITION
1/8" = 1'-0"





FRONT (STREET / WEST) ELEVATION
OF EXISTING HOUSE & PROPOSED ADDITION

1/4" = 1'-0"

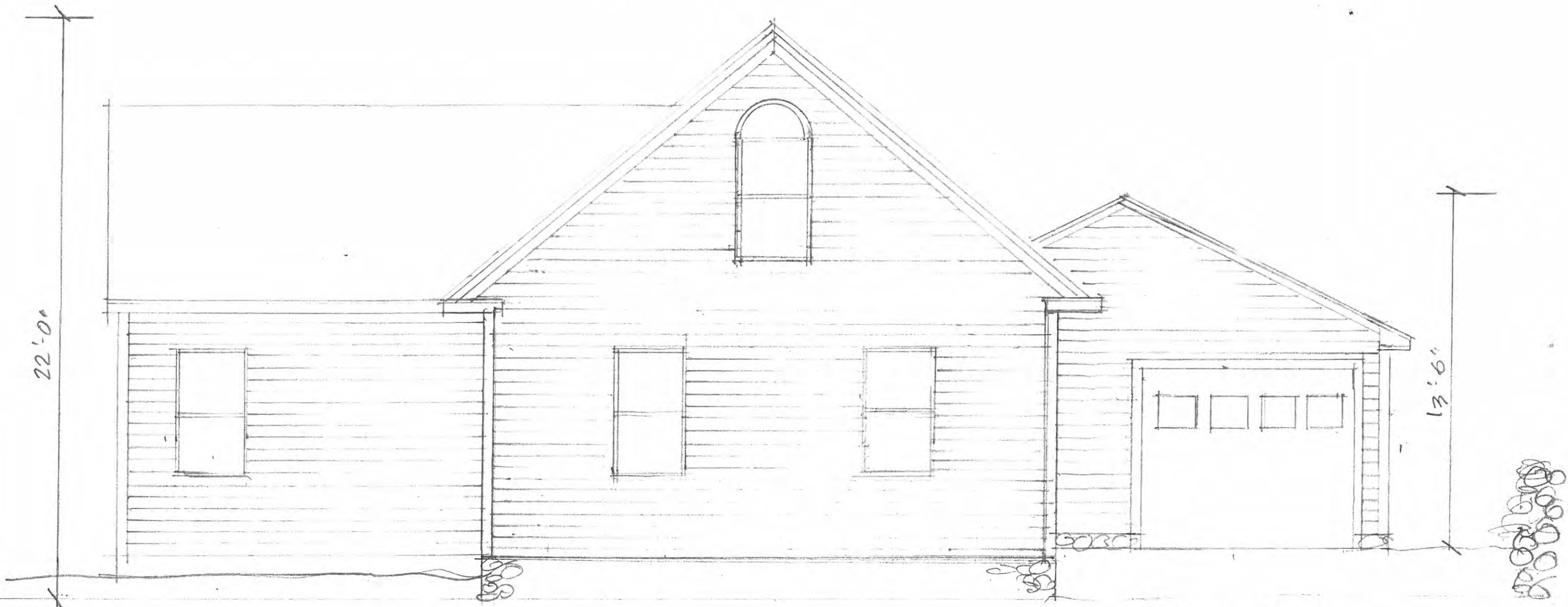
FOR DAVID &
JENNIFER QUANCY

382 NORTH MAIN RD
JAMESTOWN RI

AP 7 LOT 22

PROPOSED ADDITION

A2-



EXISTING HOUSE

EXISTING GARAGE

EXISTING CONDITIONS
 FRONT (STREET/WEST) ELEVATION
 382 NORTH MAIN ROAD

$\frac{1}{4}'' = 1'-0''$

FOR DAVID & JENNIFER CLARK
 AP 7 LOT 22

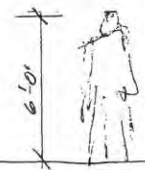
PROPOSED ADDITION TO
 382 NORTH MAIN ROAD
 JAMESTOWN R.I

EXISTING
 CONDITIONS

1-23-2018

Exhibit 3A Site Plan

Applicant EX 3A



EDGE OF ROADWAY



ZONING LINE

EXISTING HOUSE

LIVING AREA & SUN ROOM

35'± PROPOSED GARAGE
GRADE @ STREET

LAWN GRASSED STRIP

CLANCY RESIDENCE 383 NORTH ROAD
SOUTH ELEVATION

1/8" = 1'-0"

Exhibit 3C Site Plan

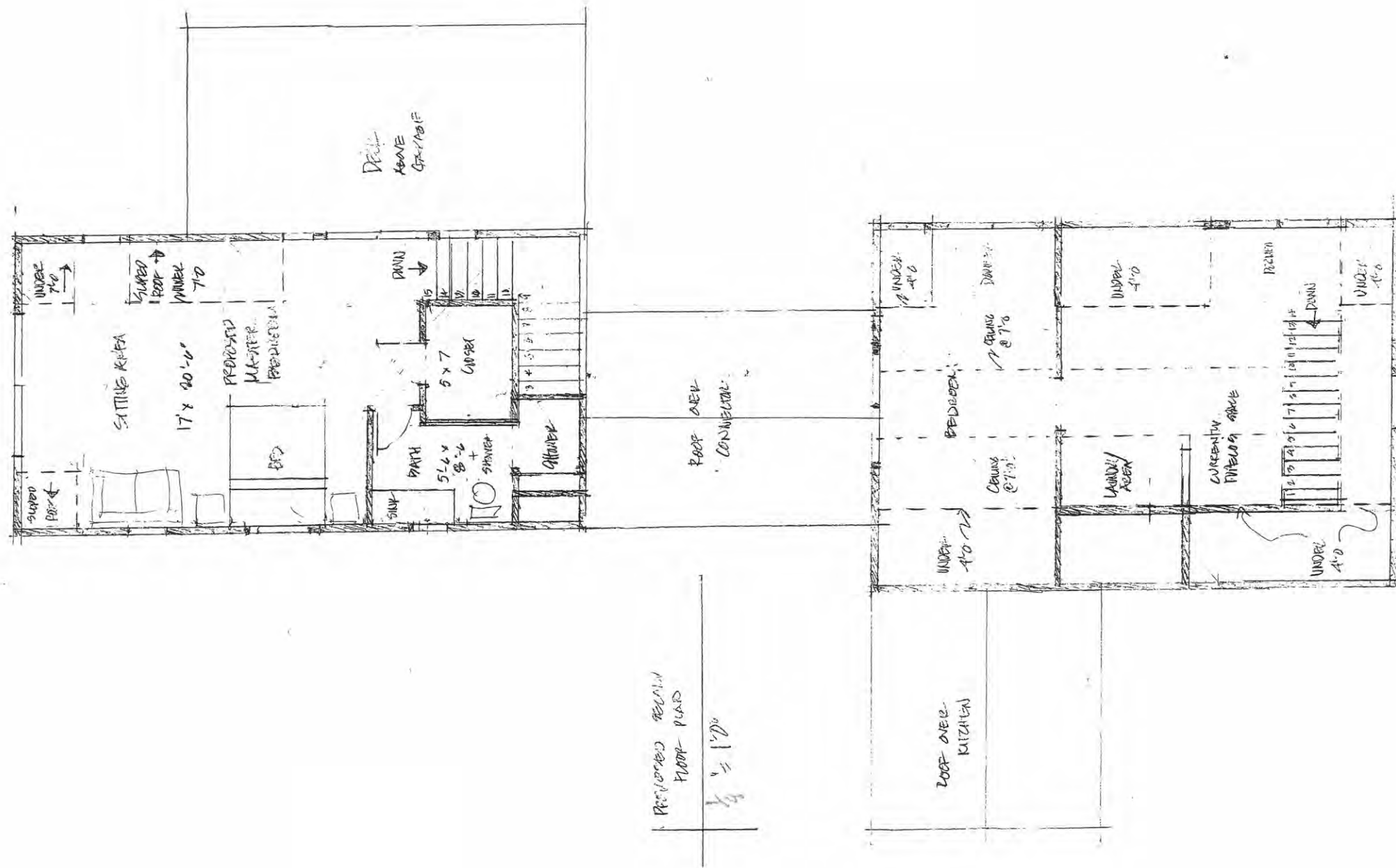


Exhibit 4 Perspective

1-23-2018

Applicants 4

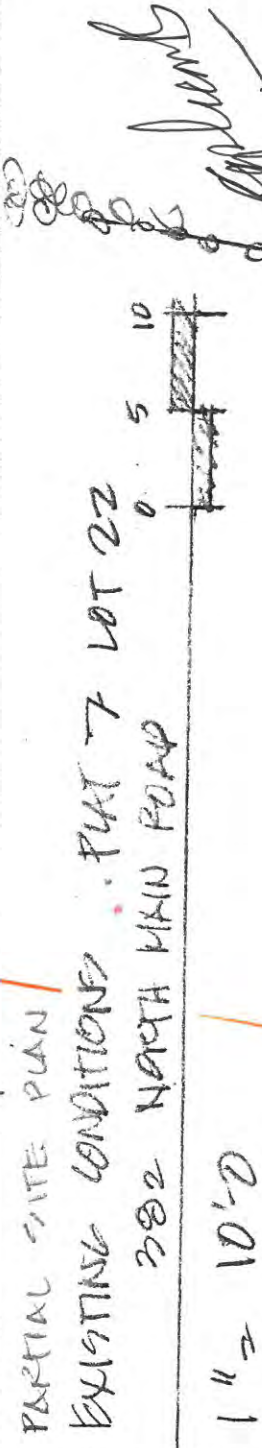
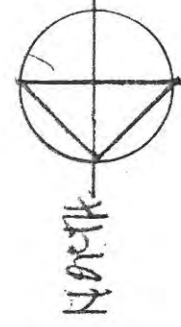


SITE PLAN
EXISTING
CONDITIONS

PROPOSED ADDITION TO
382 NORTH MAIN RD
JAMESTOWN RI

MR DAVID & JENNIFER
CLANCY
AP 7 LOT 22

EXISTING CONDITIONS
1" = 10'-0"



1" = 10'-0"

PARTIAL SITE PLAN

EXISTING CONDITIONS
382 NORTH MAIN ROAD
AP 7 LOT 22



ZONING
SIDE SETBACK

40'-0"

AP 7 LOT 22
1.5 ACRES

ZONING
FRONT
SETBACK

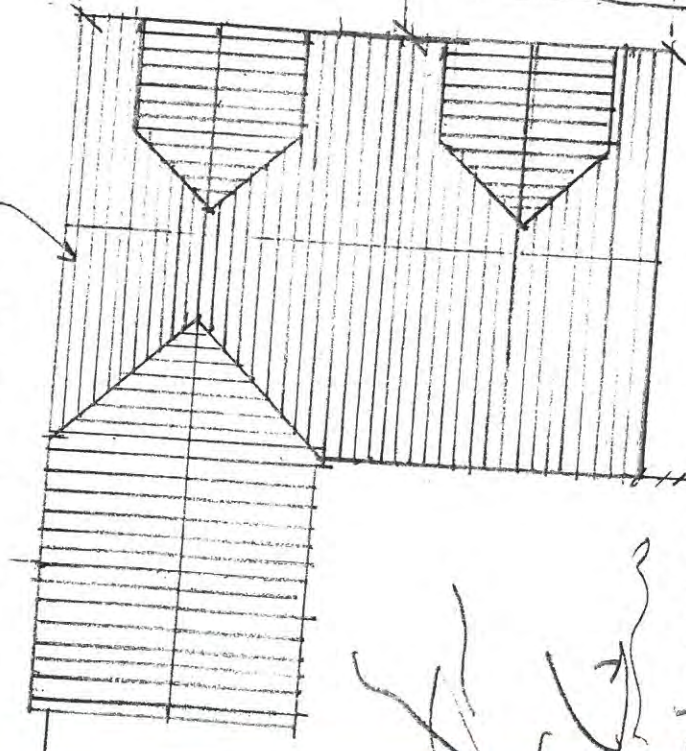


EXISTING WELL

EXISTING SEPTIC
TANK



EXISTING HOUSE



EXISTING
GARAGE



EXISTING
STONE
WALL

EXISTING FENCE

16'-7"

13'-9"

12'-0"

50'-0"

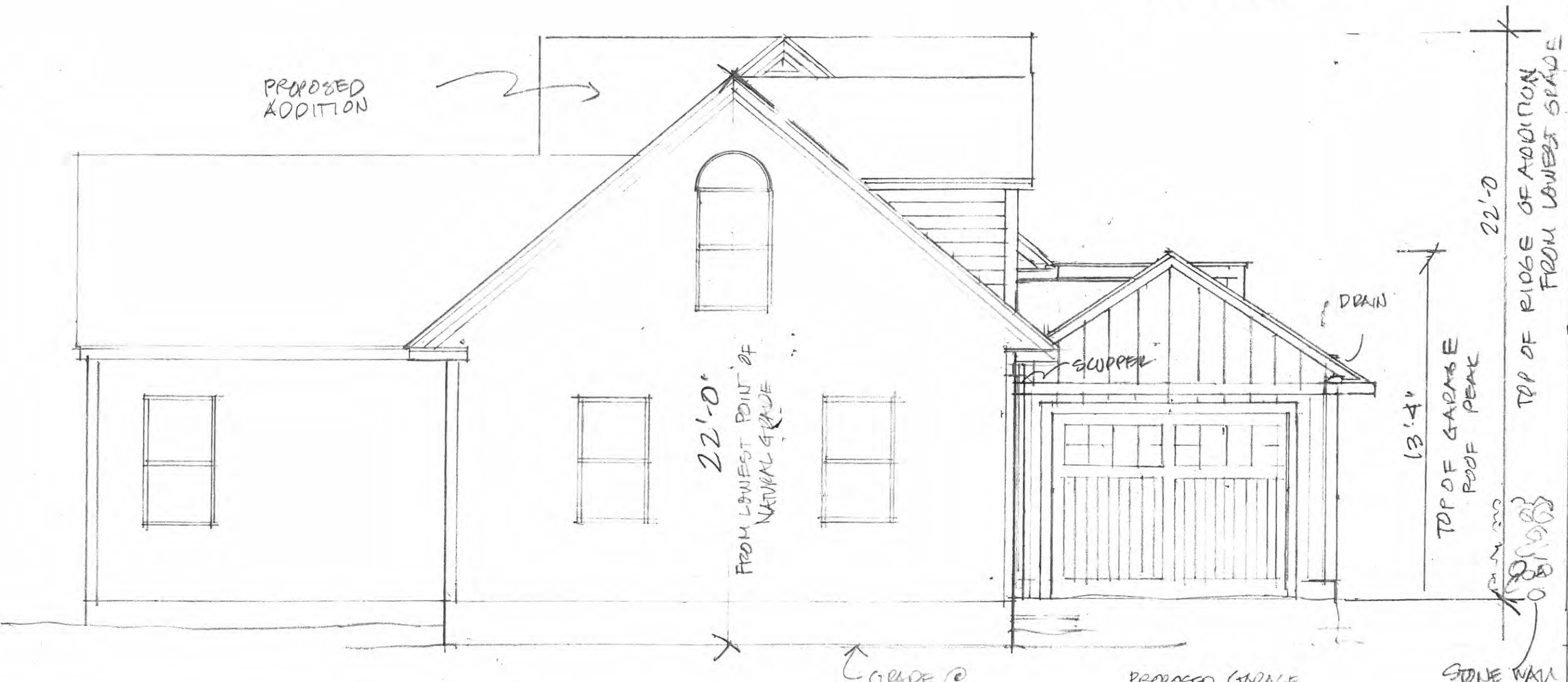
AP 7
LOT 21

NORTH MAIN ROAD

1-23-2018

applicant EX 6
addition for
deck

Exhibit 6 Deck Plan - new



PROPOSED ADDITION

22'-0"
FROM LOWEST POINT OF
NATURAL GRADE

13'-4"
TOP OF GARAGE
ROOF PEAK

22'-0"
TOP OF RIDGE OF ADDITION
FROM LOWEST GRADE

FRONT (STREET / WEST) ELEVATION
OF EXISTING HOUSE & PROPOSED ADDITION

1/4" = 1'-0"

GRADE @
THE FRONT OF
THE RANGE

PROPOSED GARAGE
& DECK AREA

STONE WALL

FOR DAVIS &
JENNIFER CUNY

382 NORTH MAIN RD
JAMESTOWN RI

AP 7 LOT 22

PROPOSED ADDITION

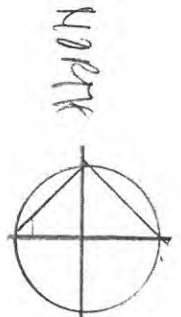
A 2

SITE PLAN

PROPOSED SITE PLAN FOR ADDITION TO 382 NORTH MAIN ROAD

FOR ZONIFIED & DWIP CHANGY XP 7 LOT 22

PARTIAL SITE PLAN 1" = 10'-0"



PARTIAL SITE PLAN
382 NORTH MAIN ROAD
1" = 10'-0"

← TO REAR LOT LINES
68'-0"

NEW ADDITION TO HOUSE

← 360 FEET TO NORTH LOT LINES

2.38PTL HEAD

EXISTING SEWER TANK

EXISTING WELL

EXISTING HOUSE

EXISTING FENCE

NEW GARAGE (FIRST FLOOR)

8x16 Deck

Staircase

Staircase

16'-7"

33'-0"

12'-0"

2'-6"

NORTH MAIN ROAD

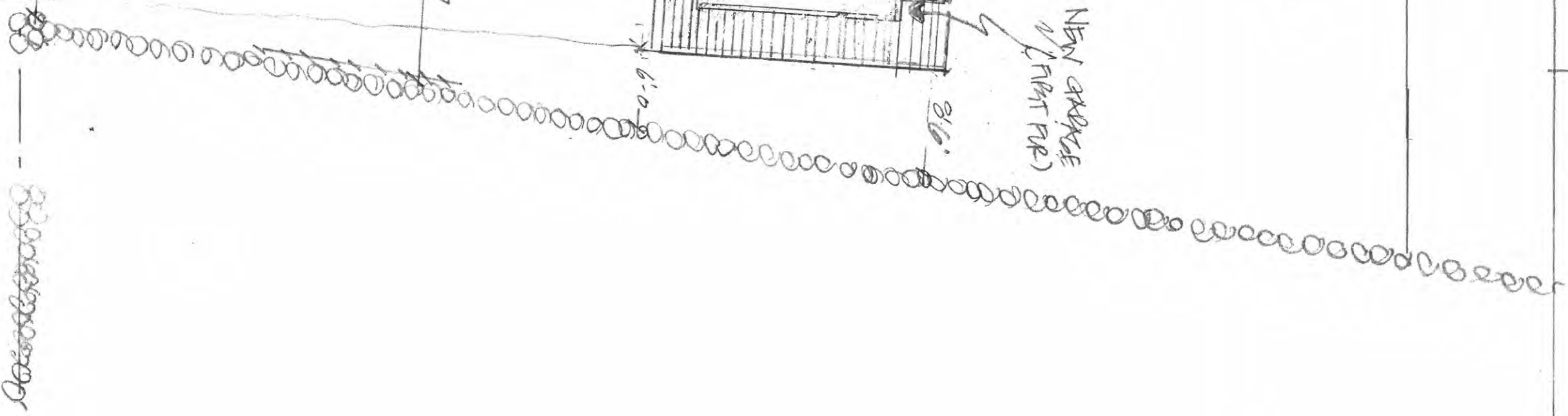
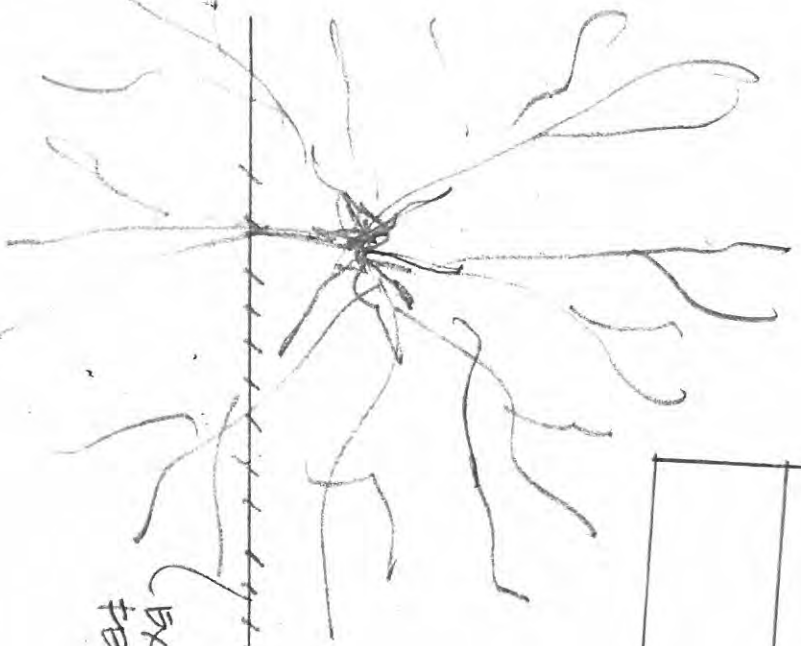


Exhibit A - Ordinance

Use	District												
	P	OS-I**	OS-II**	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw *****	DC
3. Two-family dwelling or duplex	N	N	N	N	N	N	S	Y	Y	Y	N		Y
4. Multifamily dwelling structure 3-12 units	N	N	N	N	S	S	S	S	S	S	S		S
5. Multifamily dwelling project	N	N	N	N	S	S	S	S	S	S	S		S
6. Community residence	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y		Y
7. Family day care home	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y		Y
8. Mobile Home/ Manufactured Home/Trailer Park	N	N	N	N	N	N	N	N	N	N	N		N
9. Transient Trailer Park	N	N	N	N	N	N	N	N	N	N	N		N
10. Mixed use +	N	N	N	N	N	N	N	N	Y	Y	Y	S	S
11. Accessory Dwelling Unit - See 1104 I.	N	N	N	N	N	N	N	N	N	N	N		N
II. LODGING													
1. Motel or hotel	N	N	N	N	N	N	N	N	S	S	N		S
2. Bed and breakfast house***	N	N	N	N	N	N	N	N	S	S	S		S
III. AGRICULTURAL													
1. Field crop farms	Y	N	S	Y	Y	Y	Y	Y	Y	Y	N		N
2. Livestock farms	Y	N	S	Y	Y	S	S	N	N	N	N		N
3. Horticulture nursery	Y	N	S	Y	Y	Y	Y	Y	Y	Y	N		N
4. Keeping and raising of livestock and poultry accessory to permitted use on one acre or greater	Y	N	S	Y	Y	Y	Y	Y	N	N	N		N
5. Keeping and raising of livestock and poultry accessory to permitted use on less than one acre	Y	N	S	Y	Y	S	S	S	N	N	N		N
6. Aquaculture	S	N	S	S	S	S	S	S	S	N	S		S
IV. GOVERNMENT, EDUCATION, INSTITUTIONAL													
1. School or college	S	N	N	N	S	S	S	S	S	S	N		N
2. Religious institution	N	N	N	N	S	S	S	S	S	S	N		N
3. Library, museum, etc.	S	N	S	N	S	S	S	S	S	S	N		N
4. Cemetery	S	N	N	N	S	S	S	S	S	S	N		N
5. Hospital or clinic	N	N	N	N	S	S	S	N	S	S	N		S
6. Rest, convalescence, or nursing home	N	N	N	N	S	S	S	S	S	S	N		S
7. Emergency counseling service or drop-in center	N	N	N	N	N	N	N	N	S	S	N		N
8. Fire or police station	S	N	N	N	S	S	S	S	Y	Y	N		N
9. Government facility (except penal, utility or garage)	S	N	N	N	S	S	S	S	S	S	S		S
10. Government-owned penal, garage or utility facility	S	N	N	N	N	N	N	N	S	S	N		N
11. Halfway house	N	N	N	N	N	N	N	N	N	N	N		N
12. Recreation hall	N	N	N	N	N	N	N	N	S	S	N		N

S & R

Exhibit B Apartment Therapy documents

Rhode Island Dept. of Environmental Management
OWTP
Office of Water Resources, Room 260
235 Promenade St. Providence RI 02835

January 10, 2014

Dear Mr. Ferreira,

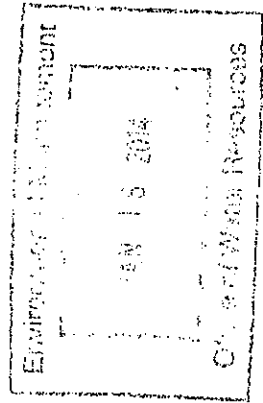
Enclosed please find our System Suitability Determination Application. I hope you'll find all the information you need detailing our proposed addition. We are currently listed as and paying taxes as a two bedroom house although we only have one bedroom. We would like to connect our garage to our house by building an enclosed breezeway and add a second level above the garage (in the same sq. footage footprint) thus creating space for the 2nd bedroom. It is my sincerest hopes that you will accept our application.

Thank you!

Jennifer Clancy ← WIFE

382 North Road
Jamestown RI 02835
401-423-1697

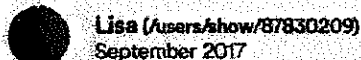
SSD
APP



EXB



October 2017
(/users/show/13220719)



Lisa (/users/show/87830209)
September 2017
(/users/show/87830209)

You will love every second of time you spend at David and Jennifers - you won't find more kind people or more talented and such a beautiful place !!! they are very blessed !! thank you to them for hosting it was such an inspiring time- we will be coming back! My new "happy place"



Response from David:
September 2017
(/users/show/13220719)

Hosted by David

(/users/show/13220719)

Jamestown, Rhode Island, United States - Joined in March 2014

172 Reviews

(/users/show/13220719#reviews)



Verified



(/users/show/13)

David and his wife Jennifer own and operate Clancy designs glass studio. We are both working glass artists. We have slowly been putting the 1787 property back together for the past 20 years. Our home and gardens have been written about in numerous publications including Yankee Magazine, The Boston Globe, and Country Gardens Magazine. Most recently two articles about our home and glass studio were featured on the Apartment Therapy website.

The cabin came into being after a friend of ours needed to move his little post and beam building after he was finished with its use. We took the project on and moved the structure with a crane to its present location. The cabin is such a special place, at one time we called it home while we worked on the main house, and now it has evolved into the guest house / getaway on top of the hill. We would love to share this retreat with anyone who's looking for a bit of peaceful paradise near the sea or creative experience in our glass studio.

We look forward to meeting you!

Contact host

Languages: English

Response rate: 100%

Response time: within a few hours

The neighborhood

David's home is located in Jamestown, (/s/Jamestown-RI) Rhode Island, (/s/Rhode-Island-United-States) United States (/s/United-States).

Cabin is surrounded by beautiful working farms and the Historic Jamestown Windmill and the Clancy's glassblowing studio. The Windmill is open to the public for interior tours on Saturday and Sunday afternoons from 1-4 during the summer months. Fresh produce and grass-fed organic meat and eggs can be purchased from neighboring farms as well as spun wool and wool blankets. Walking Historic Watson Farm makes for a lovely afternoon. Jamestown itself is a perfect Island for running, biking and kayaking. Mackerel Cove is a family friendly beach great for swimming and sunbathing. Beavertail Park is a coastal state park which is perfect for picnics, kite flying, and hiking. It also features a Historic Lighthouse. Downtown Jamestown offers fine dining and outdoor cafes.

+ More

Learn **Request to Book**

Sleep You won't be charged yet

 **Bedroom 1**
1 queen bed, 1 single bed

Report this listing

*Historical Society
EAC*

Exhibit C Air BNB booking request

House Rules

- Not suitable for pets
- No parties or events
- Check-in time is 3PM - 9PM
- Check out by 11AM

Check in 3pm, check out 11am.
 4 people Max - \$20 additional cost for the 4th person.
 Cancellation policy strict as per Airbnb policies.
 \$20 cleaning fee.
 No guest pets allowed.
 Smoking is allowed outside only

Cancellations

Strict

Cancel up to 7 days before check in and get a 50% refund (minus service fees). Cancel within 7 days of your trip and the reservation is non-refundable. Service fees are refunded when cancellation happens before check in and within 48 hours of booking.

[View details \(/home/cancellation_policies?guest_fee_policy=grace_period_48_hours#strict\)](/home/cancellation_policies?guest_fee_policy=grace_period_48_hours#strict)

Safety features

- Smoke detector
- Fire extinguisher

Availability

1 night minimum stay


[View calendar](#)

172 Reviews ★★★★★

[Search reviews](#)

Accuracy ★★★★★

EAC

 Jamestown, RI 02835, United States



Conta Check Out
06/04/2018

Amen Guests

 Fr 1 guest

+ Mor \$190 x 3 nights \$570

Price: Cleaning fee  \$20

Cleanir Service fee  \$76

Occupancy Taxes  \$47

8/27 Candlelight evening looking out over the Windmill.
Arway

Ross Cann

ROSS SINCLAIR CANN, AIA, LEED AP

320 THAMES STREET / STE 353 NEWPORT, RI 02840 T: 401.849.5100

Exhibit D Ross Cann's resume

REGISTRATION LICENSED BY : NY (1993). RI (2005), MA (2006), CT (2007), NCARB (2005)

EDUCATION
1986 – 1990 **COLUMBIA UNIVERSITY (NEW YORK, NY)**
MASTER OF ARCHITECTURE: Awarded Kinne Travel Grant (1989). Teaching Assistant to architectural historians Ken Frampton (1988-1989) and Joan Ockman (1990). Studied with Steven Holl, Robert Stern, Susanne Stephens and Bernard Tschumi among others.

1987 – 1988 **CAMBRIDGE UNIVERSITY (CAMBRIDGE, ENGLAND)**
MASTER OF PHILOSOPHY: Studied with Joseph Rykwert, Dalibor Vesely and Peter Carl. Awarded Trinity Hall Publishing Grant (1988). Crockett Scholar (1987-1988). Thesis: "The Evolution of the Machine in Corbusier's Work and Writing"

1981 – 1985 **YALE UNIVERSITY (NEW HAVEN, CT)**
BACHELOR OF ARTS, CUM LAUDE, with Honors in Architecture. *Perspecta* Staff (1984-1985). Studied with Vincent Scully, Alex Garvin and Maya Lin among others. Played Yale Intercollegiate Ice Hockey (1981-1984).

TEACHING
2001 – PRESENT **COLUMBIA, BAC, ROGER WILLIAMS SCHOOLS OF ARCHITECTURE**
VISITING CRITIC: Reviewer of studio project work.

1993 – 1994 **NEW YORK UNIVERSITY (NEW YORK, NY)**
ADJUNCT FACULTY: Taught "Residential Design" and "Construction Management" classes.

1991 – 1994 **PARSON'S SCHOOL OF DESIGN (NEW YORK, NY)**
ADJUNCT FACULTY: Taught "Spatial Design Studio", "The Social History of the Skyscraper" & "Introduction to Architectural Drawing" classes. Honored in 1993 for excellence in teaching.

WRITING
ARCHI-TEXT (NEWPORT THIS WEEK)
ARCHITECTURAL COLUMNIST: Write a twice monthly column for the East Bay newspapers on the subject of architecture. Subjects range from urban design to architectural history to current news and events relating to the built environment.

DESIGN JOURNAL (RHODE ISLAND HOME & DESIGN)
ARCHITECTURAL COLUMNIST: Write a periodic article on architectural history and design for a monthly magazine distributed throughout the state

BOARDS
2006 – PRESENT **NEWPORT ARCHITECTURAL FORUM (NEWPORT, RI)**
FOUNDER, CHAIRMAN OF THE BOARD: Co-Founded group to honor architecture as a true art form. Organization became, in its first year of existence, the largest membership group within the institution with well attended events each month. Organization has held over 20 lectures, panel discussions, trips and other events since being founded in 2006.

2001 – PRESENT **WASHINGTON SQUARE ADVISORY COMMISSION (NEWPORT, RI)**
Appoint by City Council to the the Commission overseeing the \$4.5million renovation of the historic town center of Newport, RI with four National Register structures adjacent.

2001 – PRESENT **NATIONAL TENNIS CLUB (NEWPORT, RI)**
PRESIDENT: Lead the oldest tennis club in the nation. Oversee the maintenance and operation of the National Historic Register "Newport Casino" structure built in 1880 designed by McKim, Mead and White.

2001 – 2007 **NEWPORT ART MUSEUM (NEWPORT, RI)**
SECRETARY OF THE BOARD OF TRUSTEES, CHAIRMAN OF THE BUILDING & GROUNDS COMMITTEE: Implemented new events and tracking systems to attract new members to the institution. Major Gifts Co-chair for successful \$5.5 Million Capital Campaign.

BOARDS (CONT.)

2001 – PRESENT

YALE ASSOCIATION OF RHODE ISLAND: (PROVIDENCE, RI)

PRESIDENT EMERITUS: Elected by state alumni to serve on Board of Trustees. Led effort to build a 600 name electronic database, establish a monthly eLetter and create a web site that has increased membership in the organization threefold in two years. Arranged for monthly events with high level leaders like Senator Sheldon Whitehouse.

1998 – 2007

YALE ALUMNI SCHOOLS COMMITTEE: (NEW HAVEN, CT)

AQUIDNECK ISLAND COORDINATOR: Increased the number of area applications to Yale by 250%, tripled the number of active alumni interviewers from the represented area.

1993 – 1998

THE YALE CLUB OF NEW YORK (NEW YORK, NY)

BOARD OF GOVERNORS & HOUSE COMMITTEE: Helped plan and guide a \$10 million renovation program, including squash courts, roof top restaurant and 150 guest rooms. Led concept redesign of grille, a \$1.2 million project to reposition informal dining within the club.

PRACTICE

2004 - PRESENT

A4 ARCHITECTURE INC (NEWPORT, RI)*SENIOR ARCHITECT / MANAGING DIRECTOR*

Direct a full-service architectural and planning firm doing projects in Rhode Island, New York, Connecticut and Massachusetts. Projects include medium sized commercial and hospitality design, multi and single family residential design and retail planning initiatives.

Project Highlights:

- **Preservation Society of Newport:** (Newport, RI)
Engaged to do a variety of projects for the premier custodian of historic properties within the state of RI. Work included redesign of Bannister's Wharf flagship store, redesign of entry at the Breakers and other various projects.
- **Carnegie Abbey Bath & Tennis:** (Portsmouth, RI)
Advised on the planning and image of a 250 unit resort development and providing image planning and programming for the 110,000sf clubhouse and multi-family residence.
- **Longwharf North:** (Newport, RI)
Provided design service for renovation of 40,000 sf retail complex and planning services to the developer of a 150-room hotel to be built in downtown Newport.
- **Residential Construction and additions:** (RI, NY, MA & CT)
Numerous additions to estate homes and construction of new residences within historic districts and communities.

2001 – 2004

TAYLOR & PARTNERS (NEWPORT, RI / BOSTON, MA)*DIRECTOR OF RETAIL AND CORPORATE ARCHITECTURE*

Responsible for expanding the firm's geographic and project capabilities by opening a branch office for a Boston-based design firm and by winning clients and completing work outside of the firm's established areas of expertise.

Project Highlights:

- **Newport Town Center:** (Newport, RI)
Led a community charrette process which produced a consensus of priorities and design ideas that was adopted by the Newport City Council and as approved development plan for the Historic Center city area of Newport.
- **Portsmouth Town Center:** (Portsmouth, RI)
Coordinated with town leaders and community at large to develop a proposal for a new town center along a heavily trafficked state highway. Proposal met with strong community support and attracted positive attention from senior RI EDC members.
- **Newport Hospital:** (Newport, RI)
Worked with senior hospital staff to program and design new buildings to better deliver services to patients and to create a more positive environment for doctors and staff to work. Senior designer for Turner 2 & 4 projects and Phase III building studies.
- **Longwharf Markets / Panera Bread:** (Newport, RI)
Worked with two independent real estate developers and city officials to refurbish outdated retail buildings in Newport, RI. Business in renovated properties increased 500% as a result of new construction and tenancy.
- **Northeast Hospital Group:** (Beverly, MA)
Worked with senior management to establish a brand image strategy to win patients in a highly competitive health care market. Developed new standards for environmental and graphic design for 300,000 sf of facility over three sites.

PRACTICE (CONT.)

1998 – 2001

BERGMEYER ASSOCIATES (BOSTON, MA)*GROUP LEADER / ASSOCIATE*

Participated in direction of profit center and served on management group. Led design and production drawing teams of 6-10 people as primary designer and client contact.

Project Highlights:

- **Bank of America:** (National Financial Center and Fixturing Prototype Development)
Business analysis and environmental branding for the new Enhanced Banking Center pilot program. Developed new branch proto-type and fixture design for multiple locations.
- **Cole Haan:** (National Factory Channel and Fixturing Prototype and Rollout)
Conceptual design for helping reposition brand. Prototype architectural and fixture design, construction documentation for national rollout of factory channel store.

1996 – 1998

WALKER GROUP/ CNI (NEW YORK, NY)*SENIOR PROJECT EXECUTIVE*

Senior designer and project executive for clients with annual design fees of \$2.2 million. Directed staff of 8-12 personnel in design and contract drawing production process.

Project Highlights:

- **AT&T Wireless:** (National Retail Prototype Development and Implementation)
Environmental image consulting, design development and construction documentation for national store prototype retail roll-out. More than 1200 stores built on design to date.
- **May Department Stores:** (Eight Locations throughout U.S.)
Interior architectural design, merchandising and construction drawings for 6 new stores and 2 large-scale renovations encompassing 1,300,000 sf of retail space in total.
- **LG Department Store:** (Kuri City, Korea)
Core / shell schematic design package for 330,000 sf department store for Korean retailer and electronics conglomerate. Computer rendering and volumetric studies.

1994 – 1996

RSC ARCHITECTURE & DESIGN (NEW YORK, NY)*INDEPENDENT CONSULTING ARCHITECT*

Implemented CAD systems and standards for various architectural, retailing and hospitality clients. Participated in design process, managed and trained staff, produced schematic budgets and schedules, and directed production of construction documents.

Project Highlights:

- **Lipson Residence:** New York, NY (Lipson Architects)
Adaptive reuse of 19th Century carriage house into single-family residence.
- **Equinox Fitness Clubs:** New York, NY (Equinox Design)
Fast-track design and construction management of 25,000 sf luxury health club and spa.
- **Hambrect & Quist** New York, NY (Barclay Associates)
Multi-million dollar corporate fit-up of 45,000 sf in New York Central Building.
- **Fila Sport:** Nationwide USA (Imaginari Design)
Brand and space design for national co-op program, showroom and flagship stores.
- **The Czech Mission to the U.N:** New York, NY (Adams Rosenberg Kolb)
Wholesale interior and exterior renovation of 40,000 sf 1890's foreign consulate.

1991 – 1994

ASA ARCHITECTS (NEW YORK, NY)*PROJECT ARCHITECT*

Assisted in growing design practice from sole practitioner to seven-person firm while increasing annual billing 600% over two-year period. Responsible for all phases of work.

Project Highlights:

- **Citibank Venture Capital:** (New York, NY)
Fast-track design, furniture selection, construction review for 30,000 sf corporate offices.
- **Citibank / One Court Square:** (Long Island City, NY)
Renovation and restack of 160,000 sf for Citibank. Specification of all systems furniture.
- **Katz Residence:** (New York, NY)
Design, code approval and construction review for a full floor Park Avenue residence.

1990 – 1991

CON-STRUCT ASSOCIATES (NEW YORK, NY) / DESIGNER

Produced presentation materials, models and computer drawings for architectural firms.

1987 – 1987

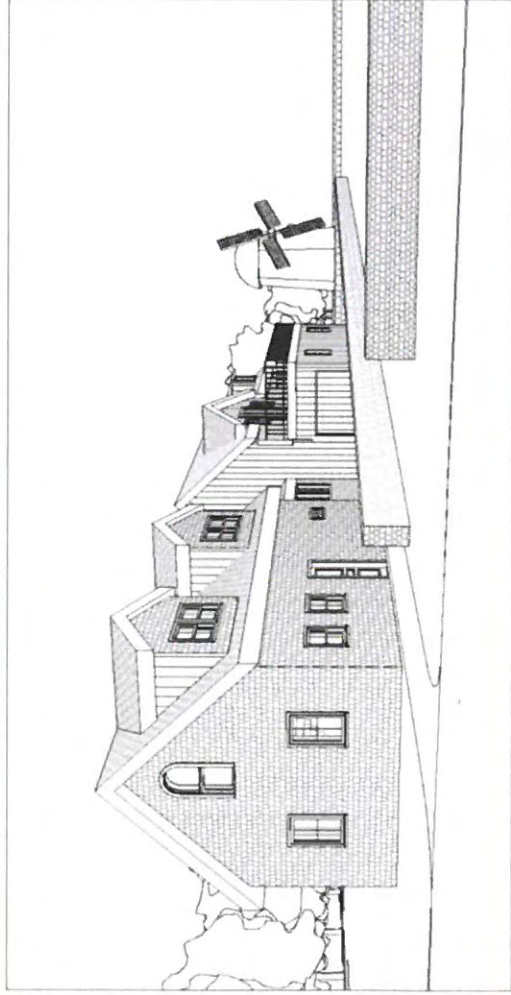
Skidmore Owings & Merrill (NEW YORK, NY) / INTERN DESIGNER

Worked on a variety of large projects including airports and corporate office buildings.

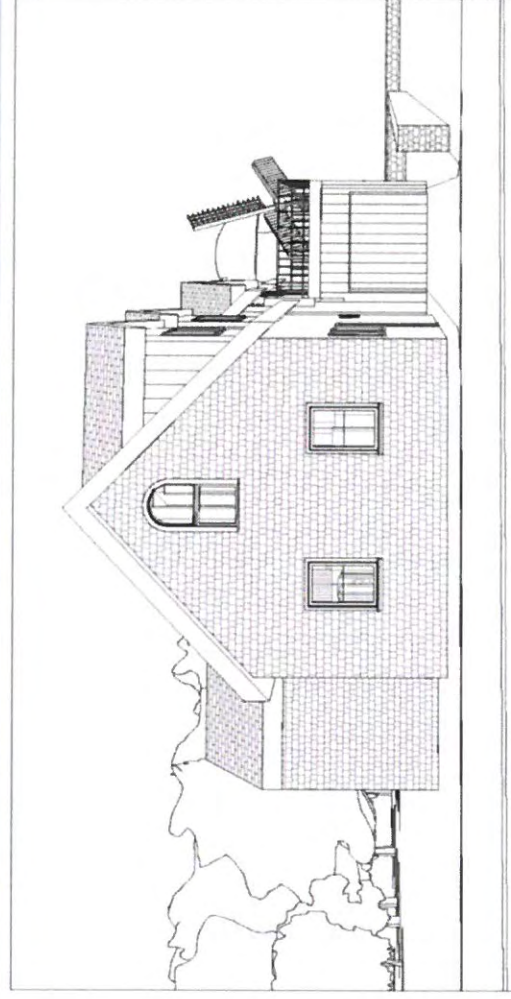
Exhibit E Plans

JAMESTOWN HISTORICAL SOCIETY

382 NORTH RD, JAMESTOWN, RI 02835



PROPOSED STREET VIEW 1 – OPT. B



PROPOSED STREET VIEW 2 – OPT. B



A4 ARCHITECTURE + PLANNING

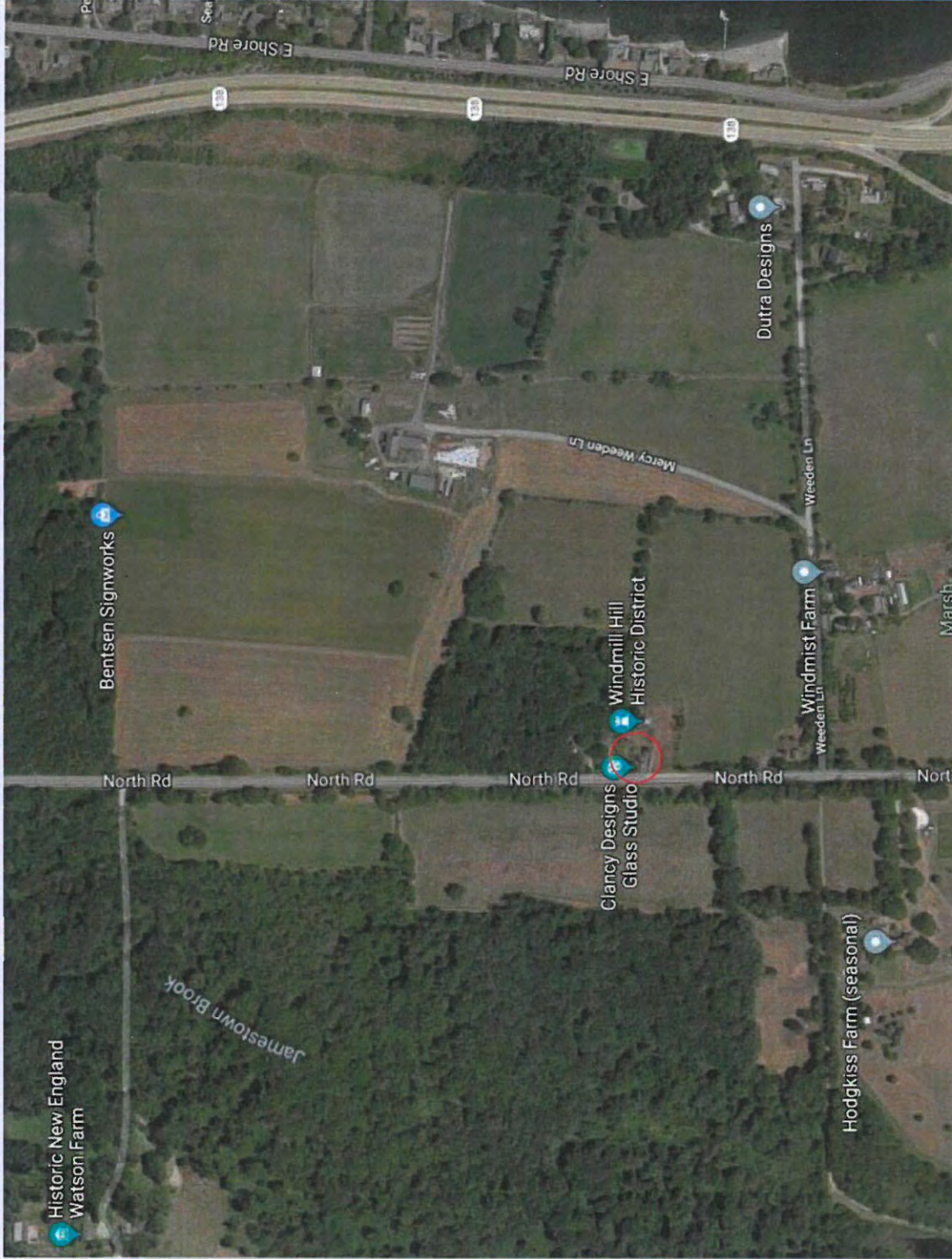
320 THAMES STREET / THIRD FLOOR

NEWPORT, RI 02840

401.849.5100

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LOCATION MAP



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EXISTING CONDITIONS SOUTH & WEST



A4 ARCHITECTURE + PLANNING

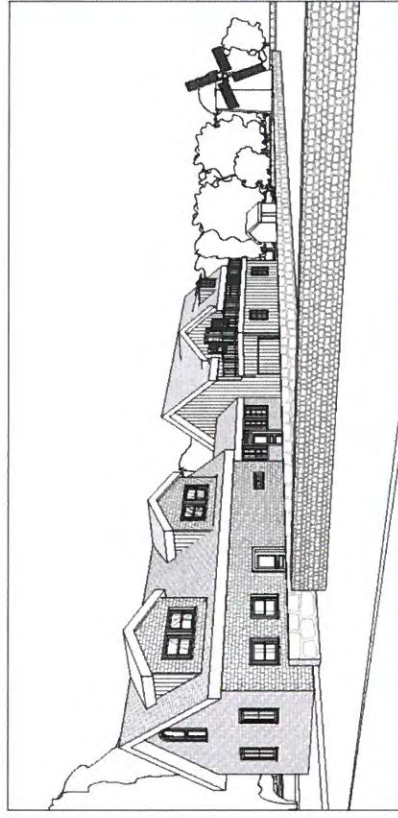
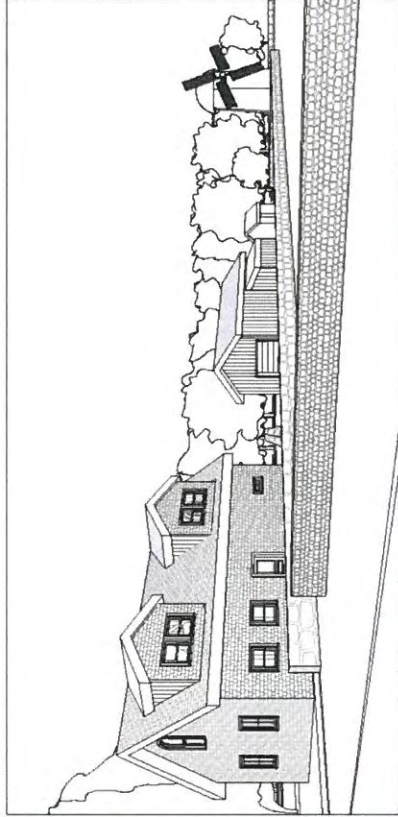
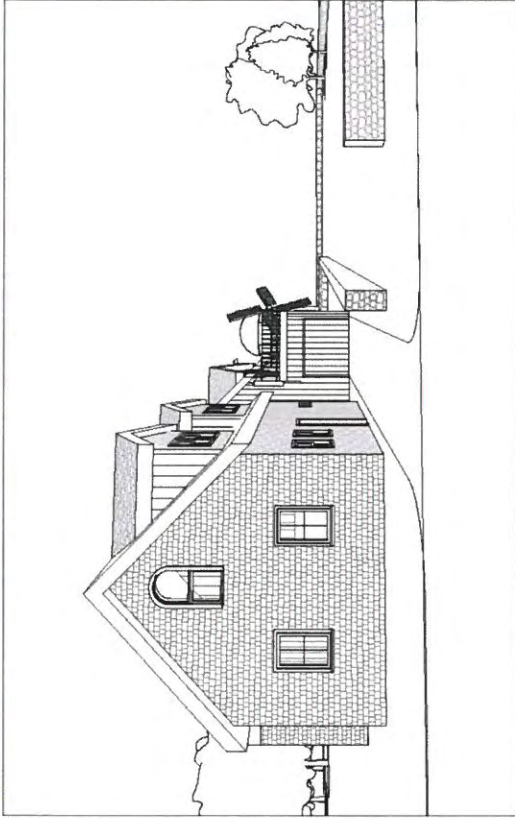
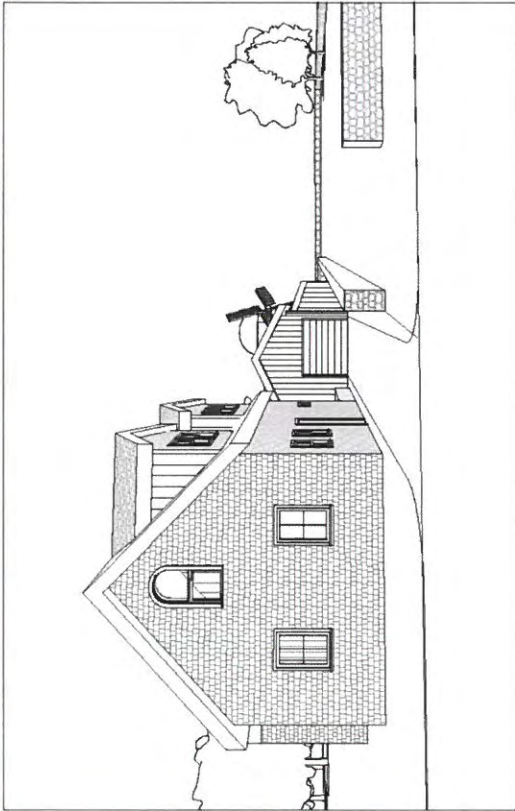
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EXTERIOR VIEWS – EXISTING & PROPOSED



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REPRESENTATION OF PROPOSED CONSTRUCTION WEST – OPT. B



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REPRESENTATION OF PROPOSED CONSTRUCTION EAST – OPT. B



A4 ARCHITECTURE + PLANNING

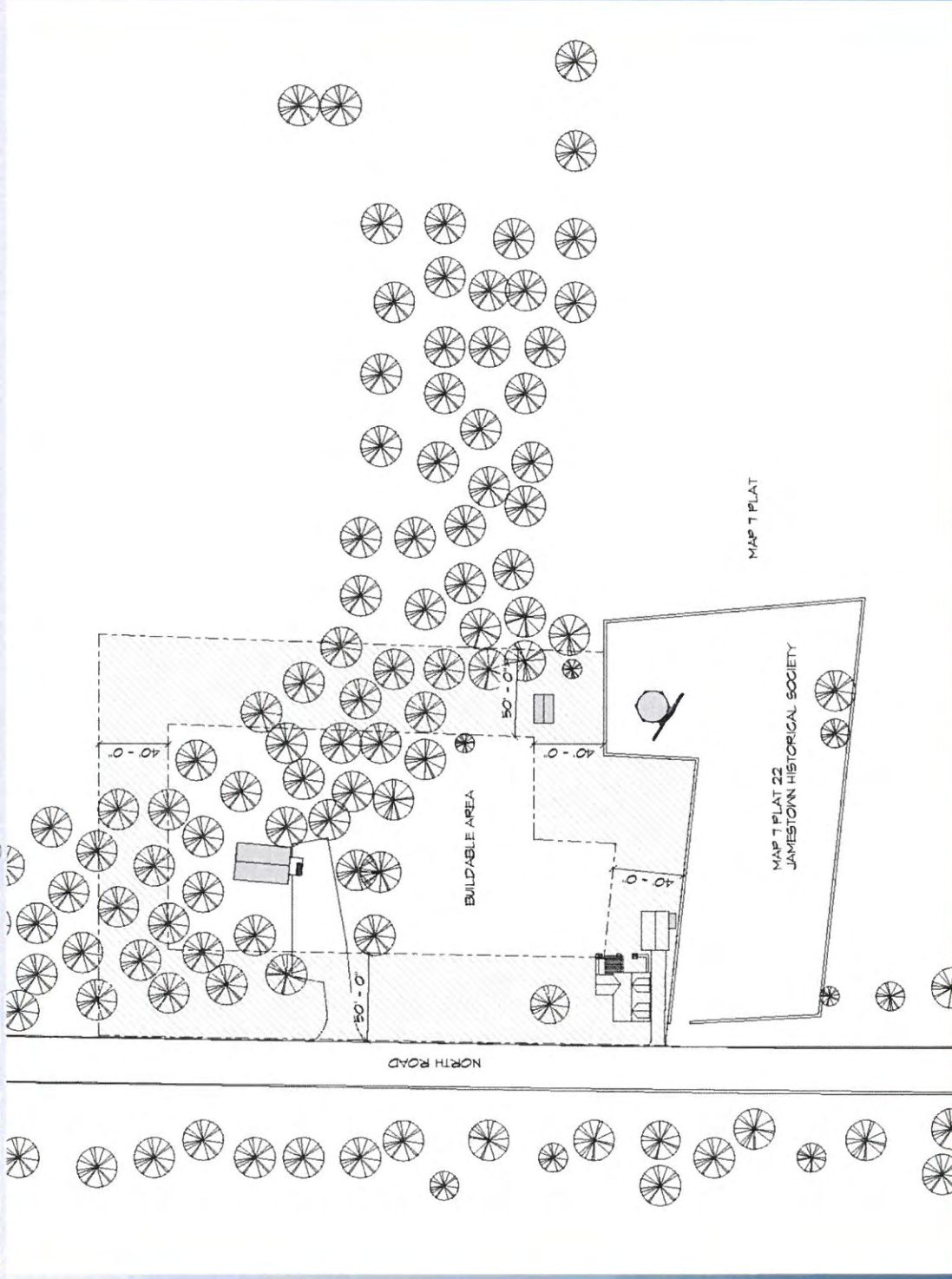
320 THAMES STREET / THIRD FLOOR

NEWPORT, RI 02840

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SITE PLAN — EXISTING ①



A4 ARCHITECTURE + PLANNING

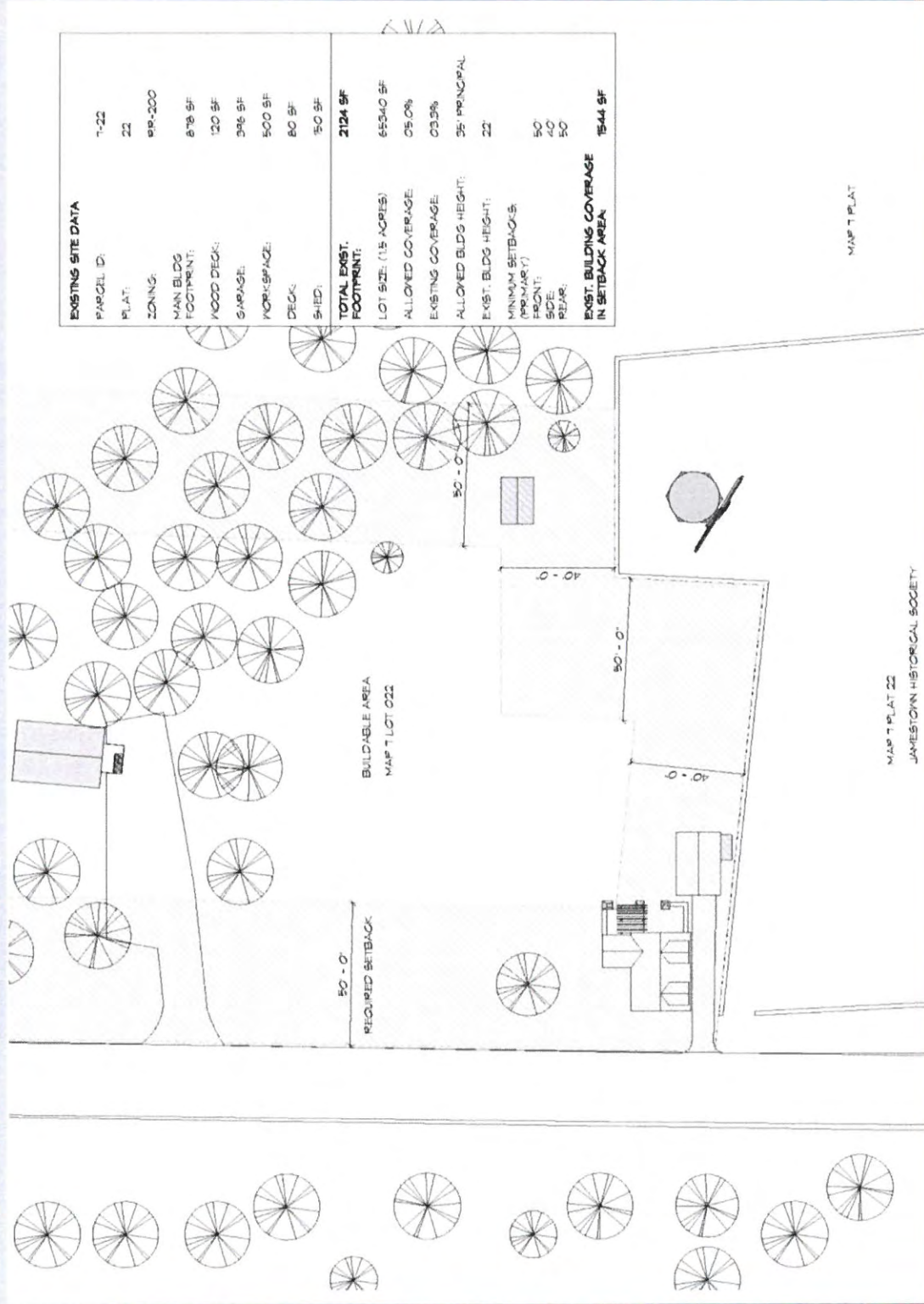
320 THAMES STREET / THIRD FLOOR

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SITE PLAN - EXISTING



EXISTING SITE DATA	
PARCEL ID:	1-22
PLAT:	22
ZONING:	RR-200
MAIN BLDG FOOTPRINT:	878 SF
WOOD DECK:	120 SF
GARAGE:	396 SF
WORKSPACE:	500 SF
DECK:	80 SF
SHED:	150 SF
TOTAL EXIST. FOOTPRINT:	2124 SF
LOT SIZE (1.5 ACRES):	65340 SF
ALLOWED COVERAGE:	05.0%
EXISTING COVERAGE:	03.3%
ALLOWED BLDG HEIGHT:	35' PRINCIPAL
EXIST. BLDG HEIGHT:	22'
MINIMUM SETBACKS (PRIMARY):	50'
SIDE REAR:	50'
REAR:	50'
EXIST. BUILDING COVERAGE IN SETBACK AREA	1544 SF

MAP T PLAT

MAP T PLAT 22
JAMESTOWN HISTORICAL SOCIETY



A4 ARCHITECTURE + PLANNING

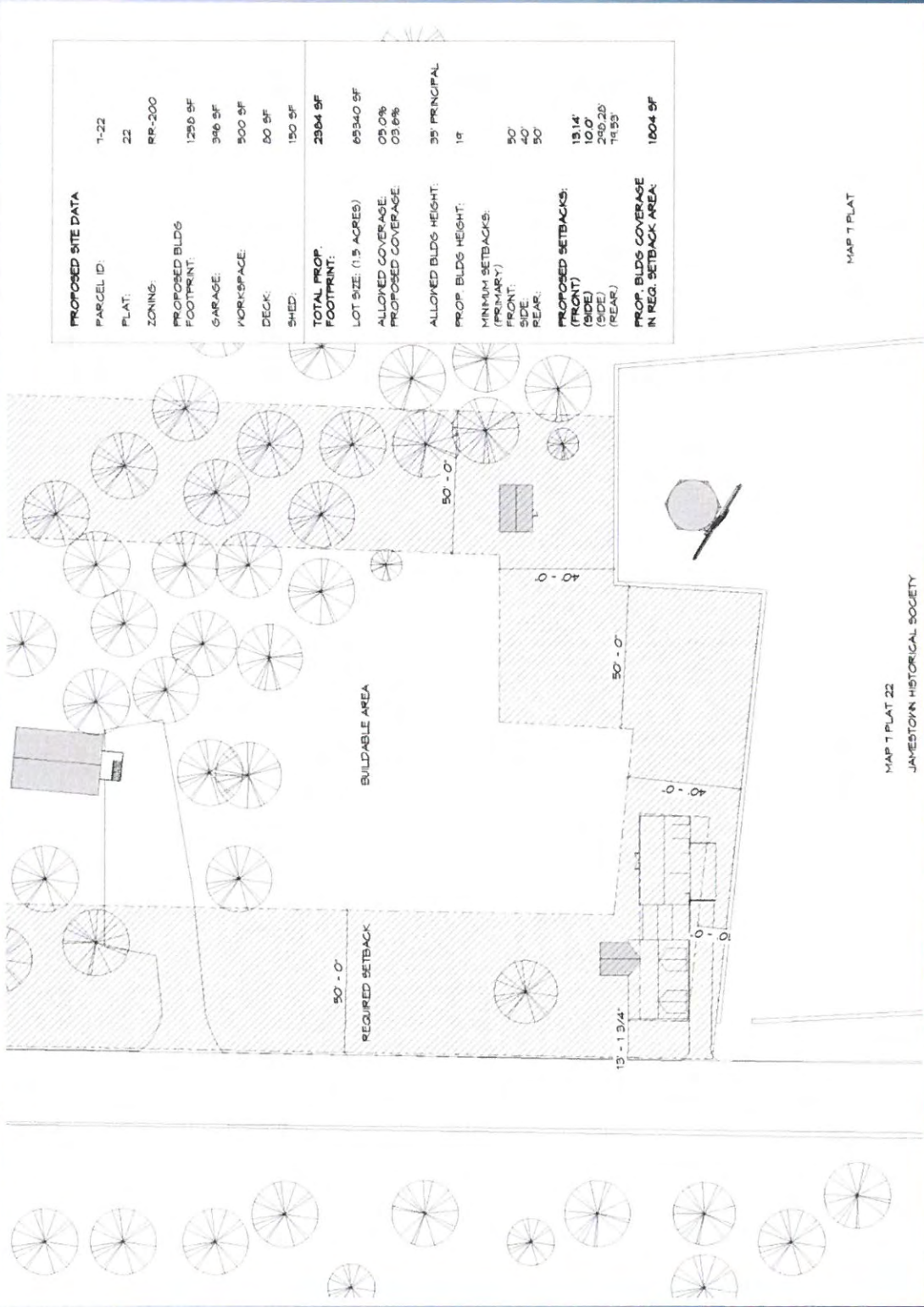
320 THAMES STREET / THIRD FLOOR

NEWPORT, RI 02840

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SITE PLAN – PROPOSED OPT. B



PROPOSED SITE DATA	
PARCEL ID:	1-22
PLAT:	22
ZONING:	RR-200
PROPOSED BLDG FOOTPRINT:	1250 SF
GARAGE:	396 SF
WORKSPACE:	500 SF
DECK:	50 SF
SHED:	150 SF
TOTAL PROP. FOOTPRINT:	2954 SF
LOT SIZE: (1.5 ACRES)	69340 SF
ALLOWED COVERAGE:	03.0%
PROPOSED COVERAGE:	03.6%
ALLOWED BLDG HEIGHT:	35' PRINCIPAL
PROP. BLDG HEIGHT:	19'
MINIMUM SETBACKS: (PRIMARY)	50'
FRONT:	40'
SIDE:	40'
REAR:	50'
PROPOSED SETBACKS: (FRONT)	13.14'
(SIDE)	10.0'
(SIDE)	290.20'
(REAR)	14.93'
PROP. BLDG COVERAGE IN REG. SETBACK AREA:	1804 SF

MAP T PLAT

MAP T PLAT 22
JANESTOWN HISTORICAL SOCIETY



A4 ARCHITECTURE + PLANNING

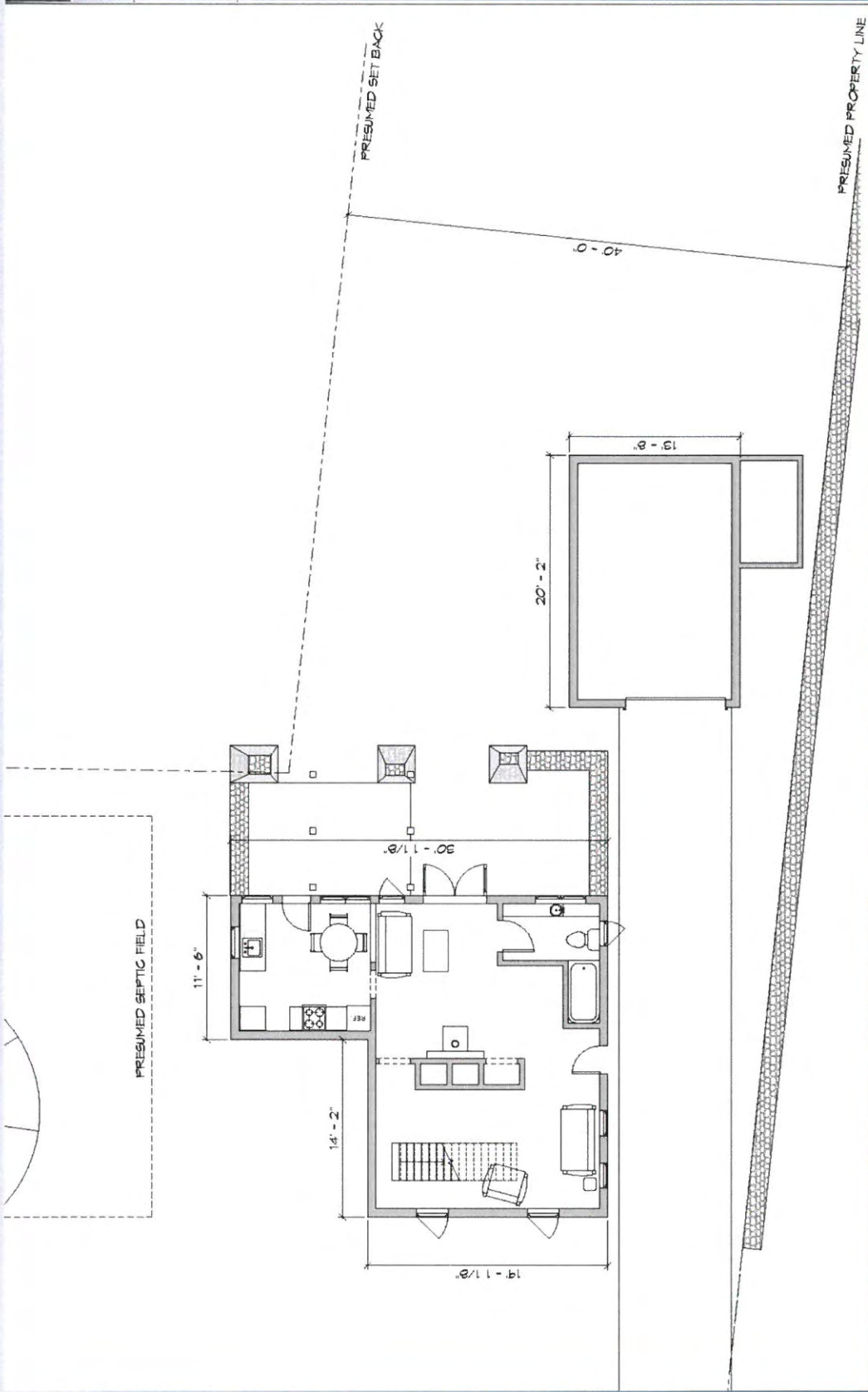
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LEVEL 01 PLAN – OPTION A



A4 ARCHITECTURE + PLANNING

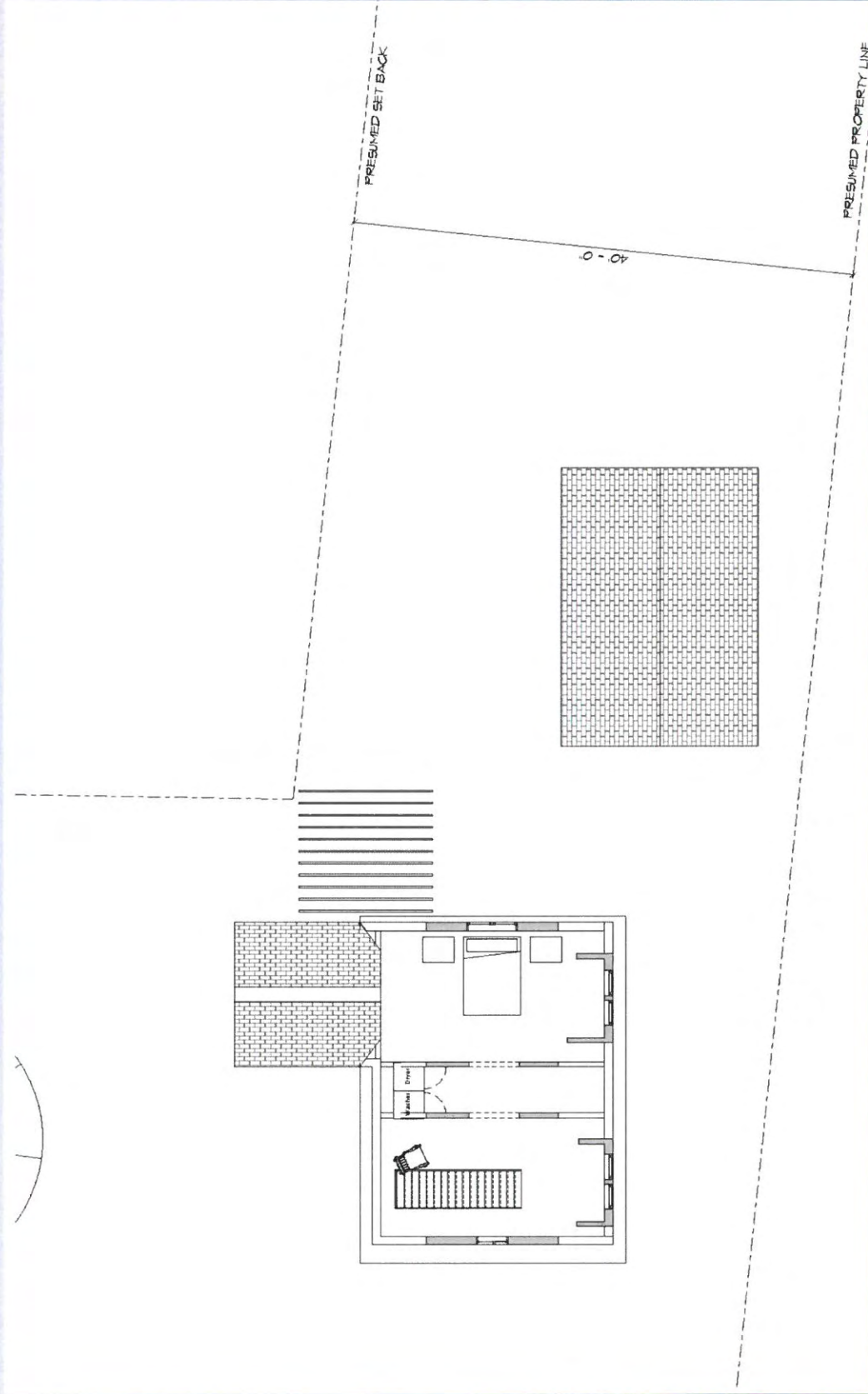
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LEVEL 02 PLAN – OPTION A ①



A4 ARCHITECTURE + PLANNING

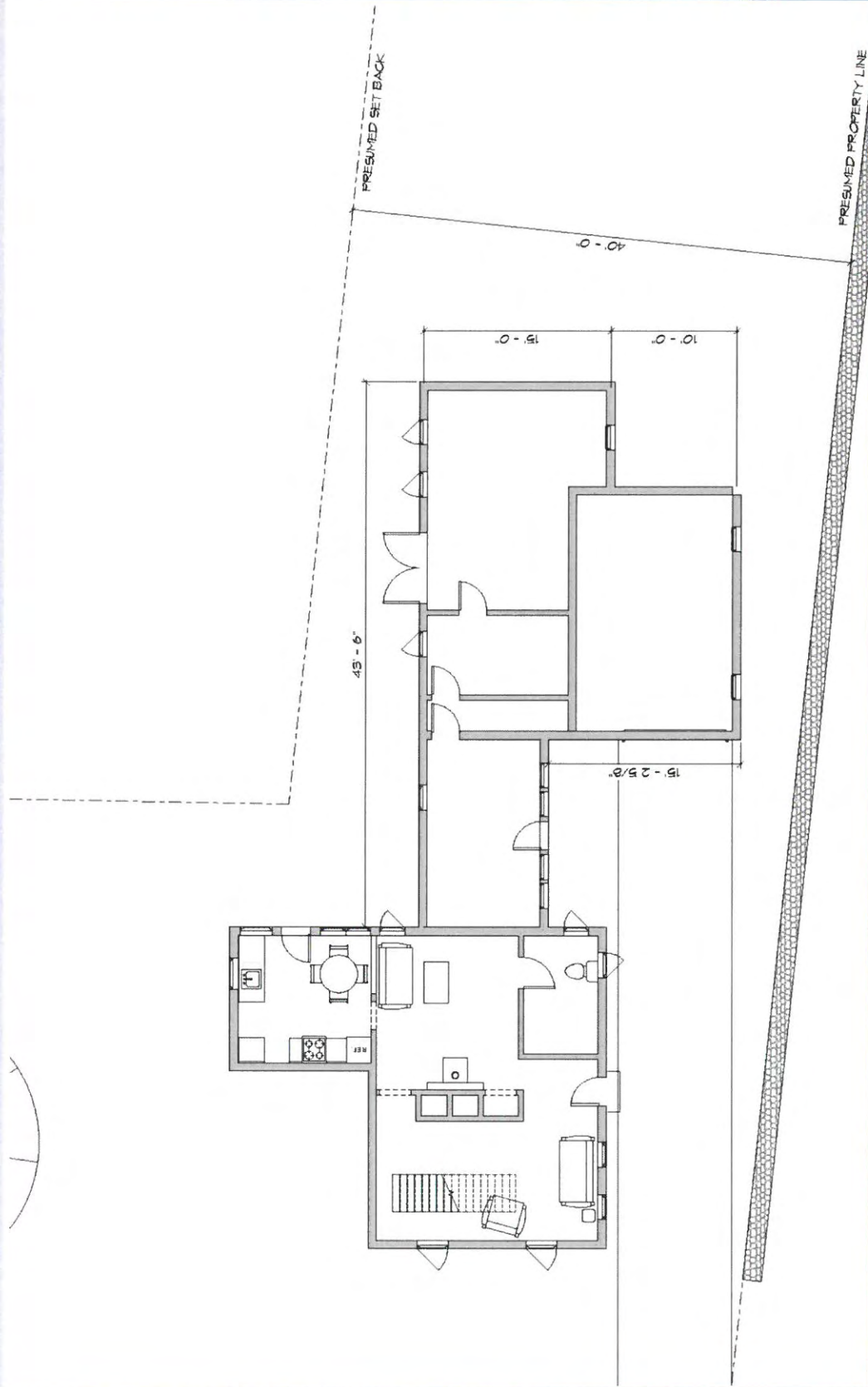
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LEVEL 01 PLAN – OPTION B



A4 ARCHITECTURE + PLANNING

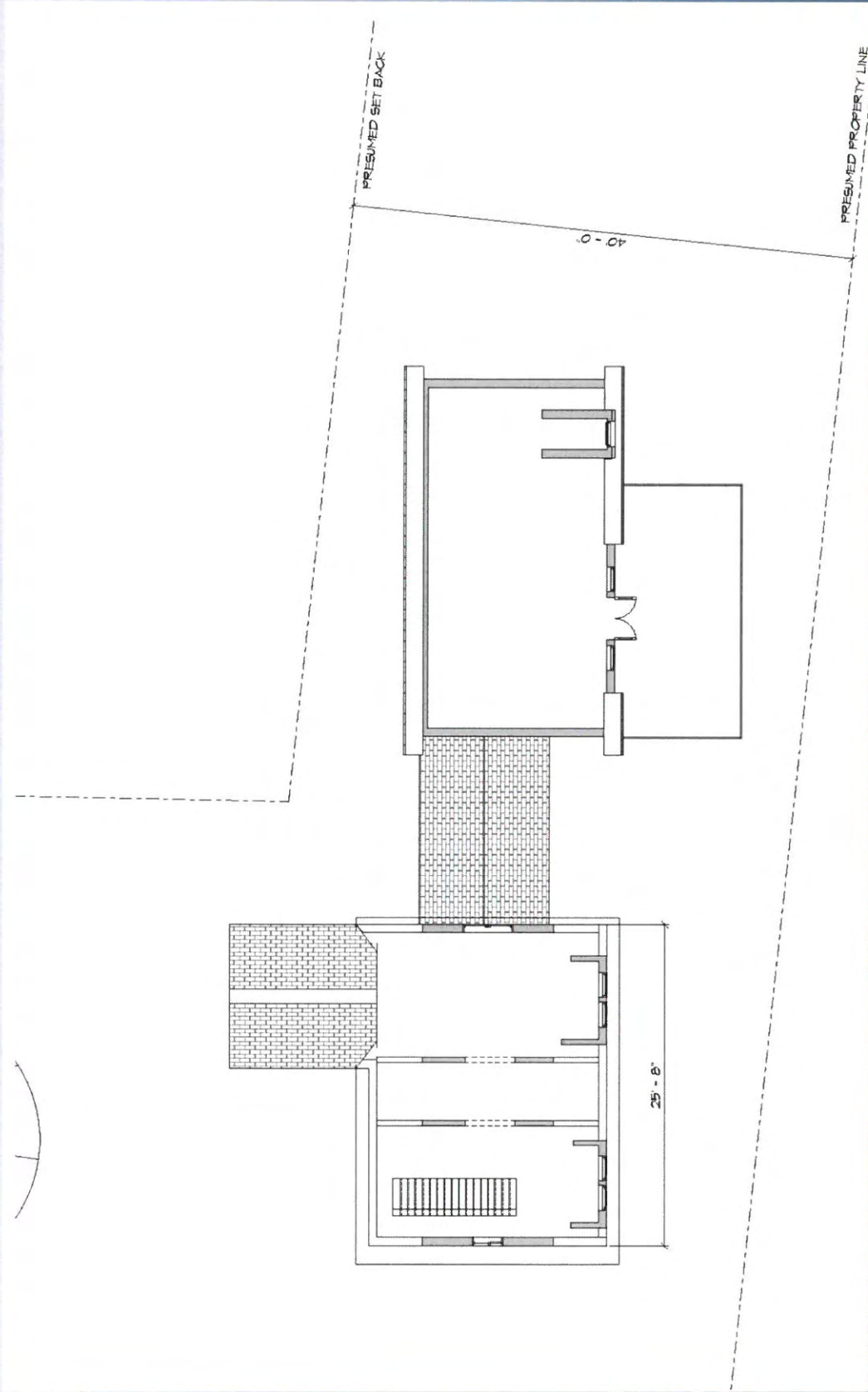
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LEVEL 02 PLAN – OPTION B ①



A4 ARCHITECTURE + PLANNING

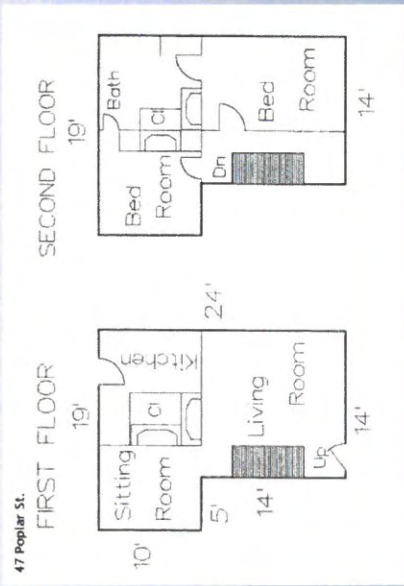
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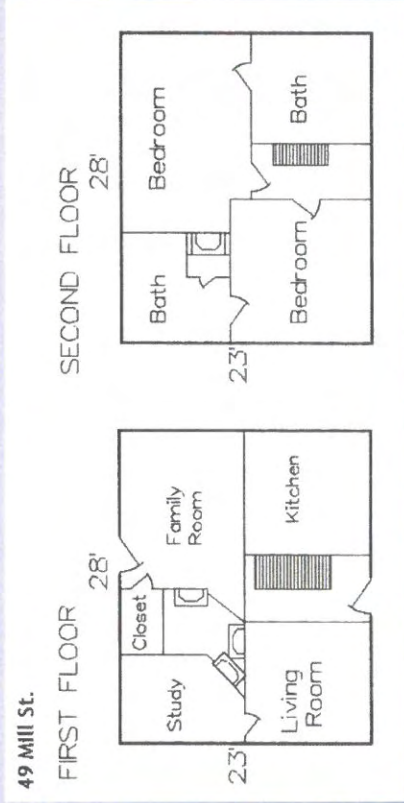
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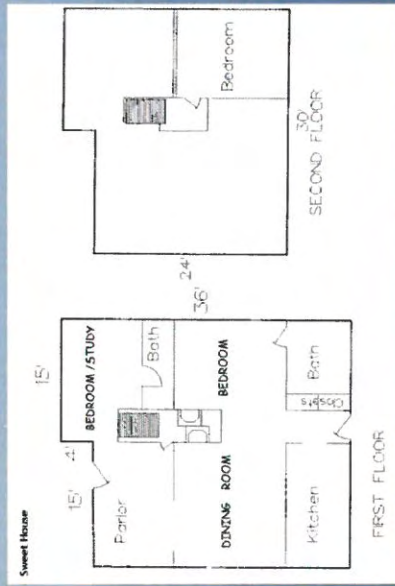
NEWPORT RESTORATION FOUNDATION (NRF) 2-BEDROOM PROPERTIES



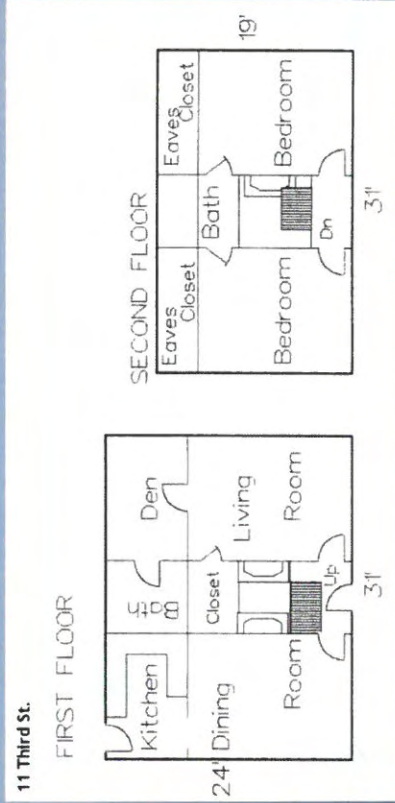
47 POPLAR ST.



49 MILL ST.



SWEET HOUSE



11 THIRD ST.



A4 ARCHITECTURE + PLANNING

320 THAMES STREET / THIRD FLOOR

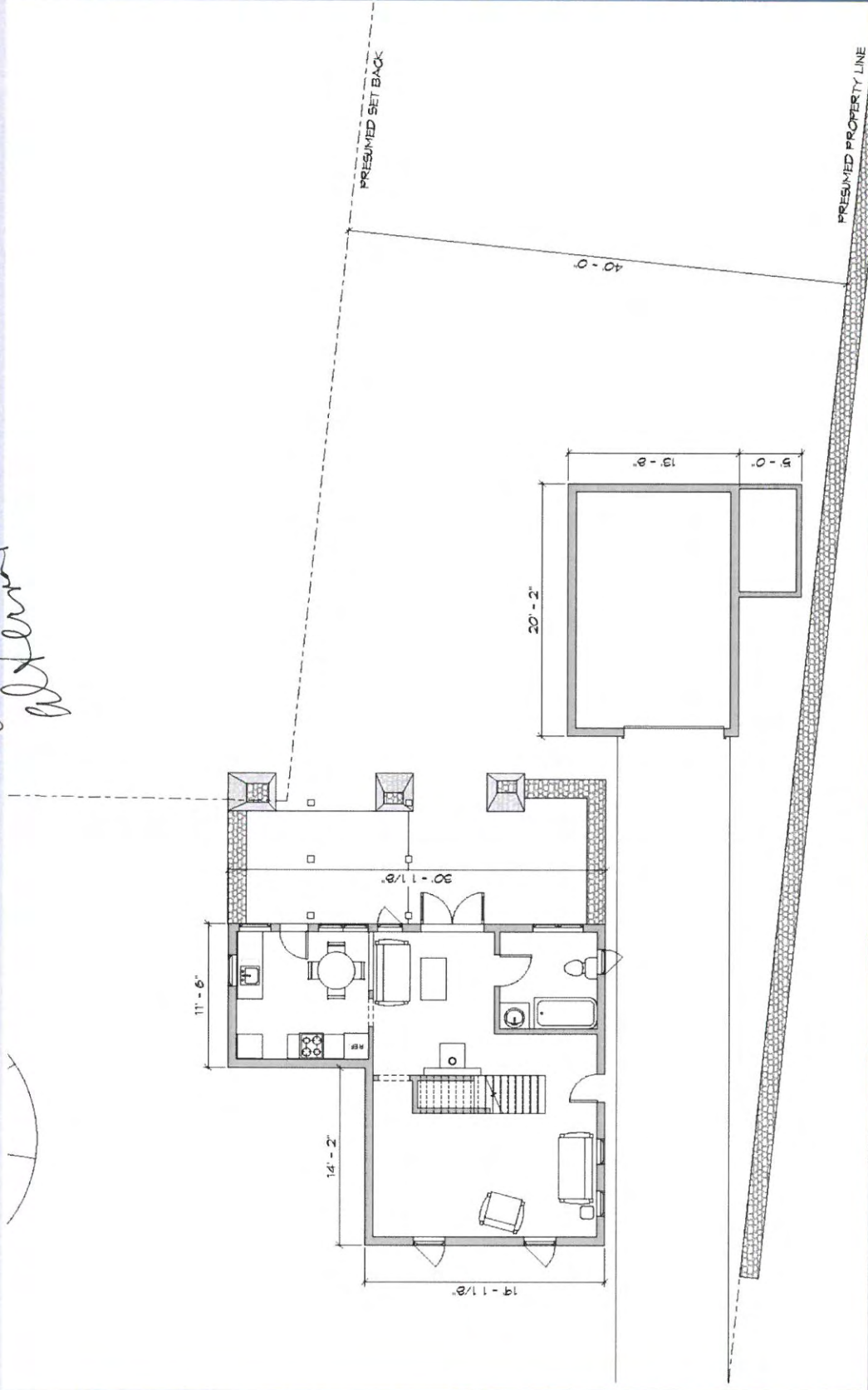
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LEVEL 01 PLAN – OPTION C

Handwritten notes:
1/15/12
A4



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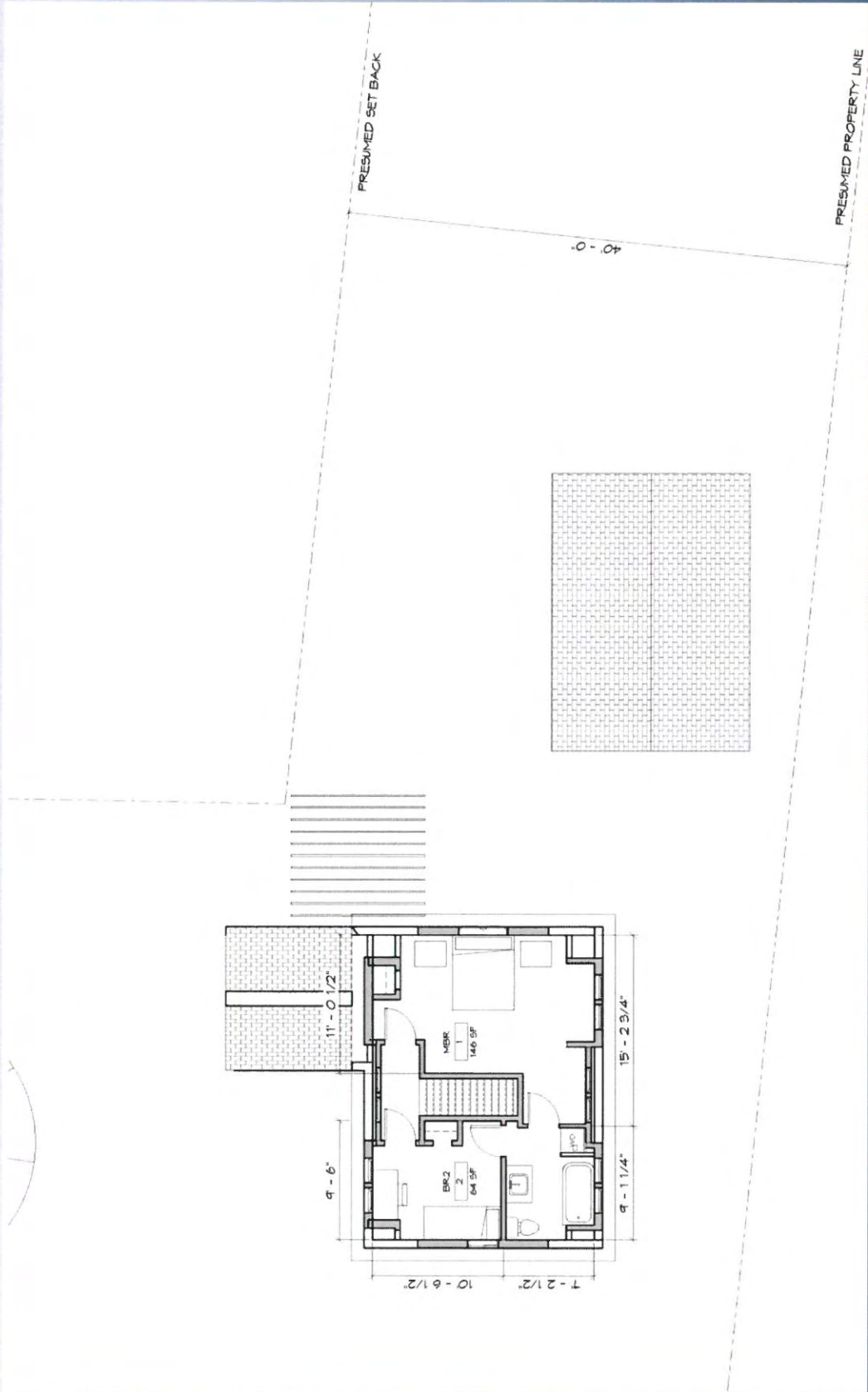
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LEVEL 02 PLAN – OPTION C ①



A4 ARCHITECTURE + PLANNING

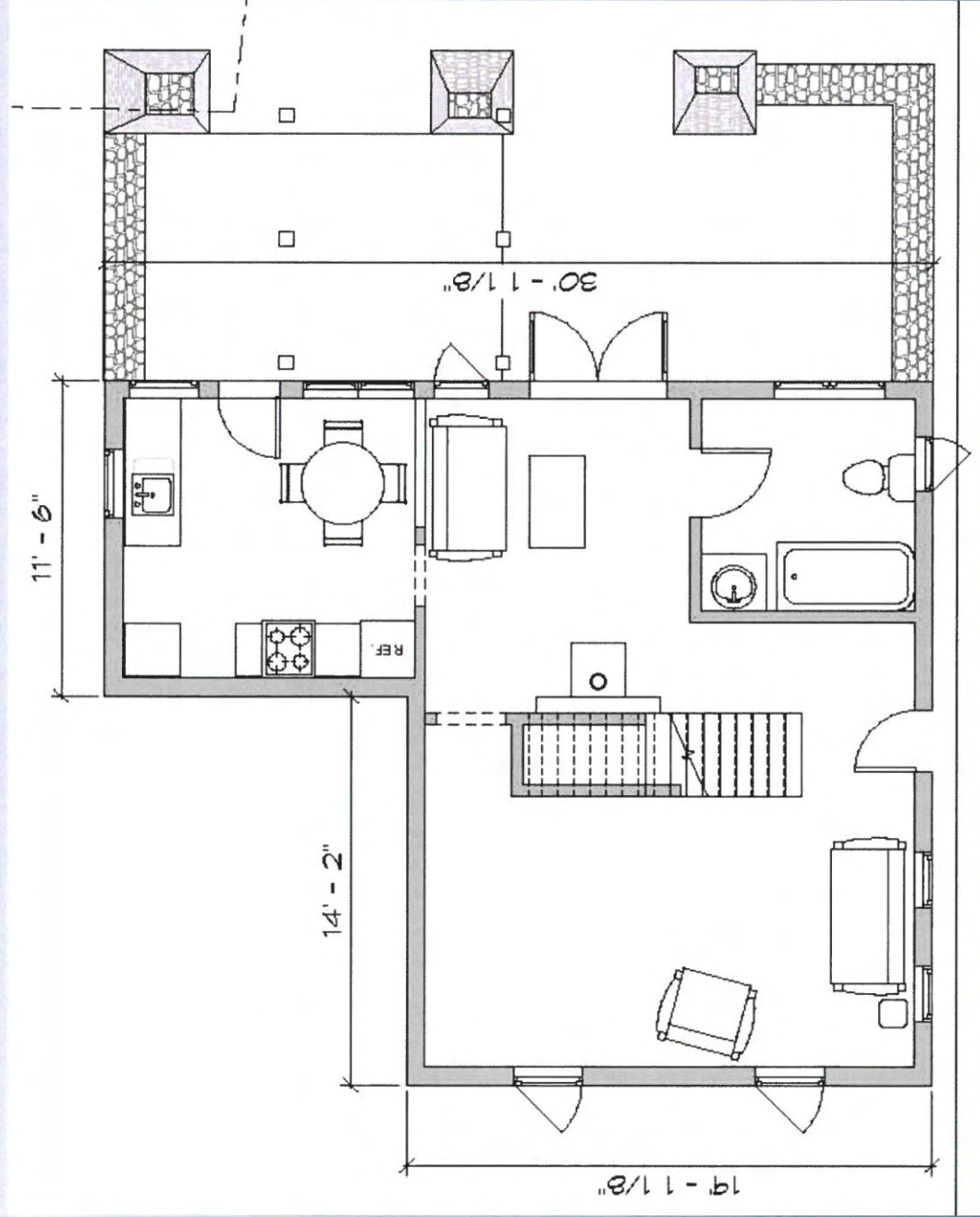
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ENLARGED LEVEL 01 PLAN – OPTION C ①



A4 ARCHITECTURE + PLANNING

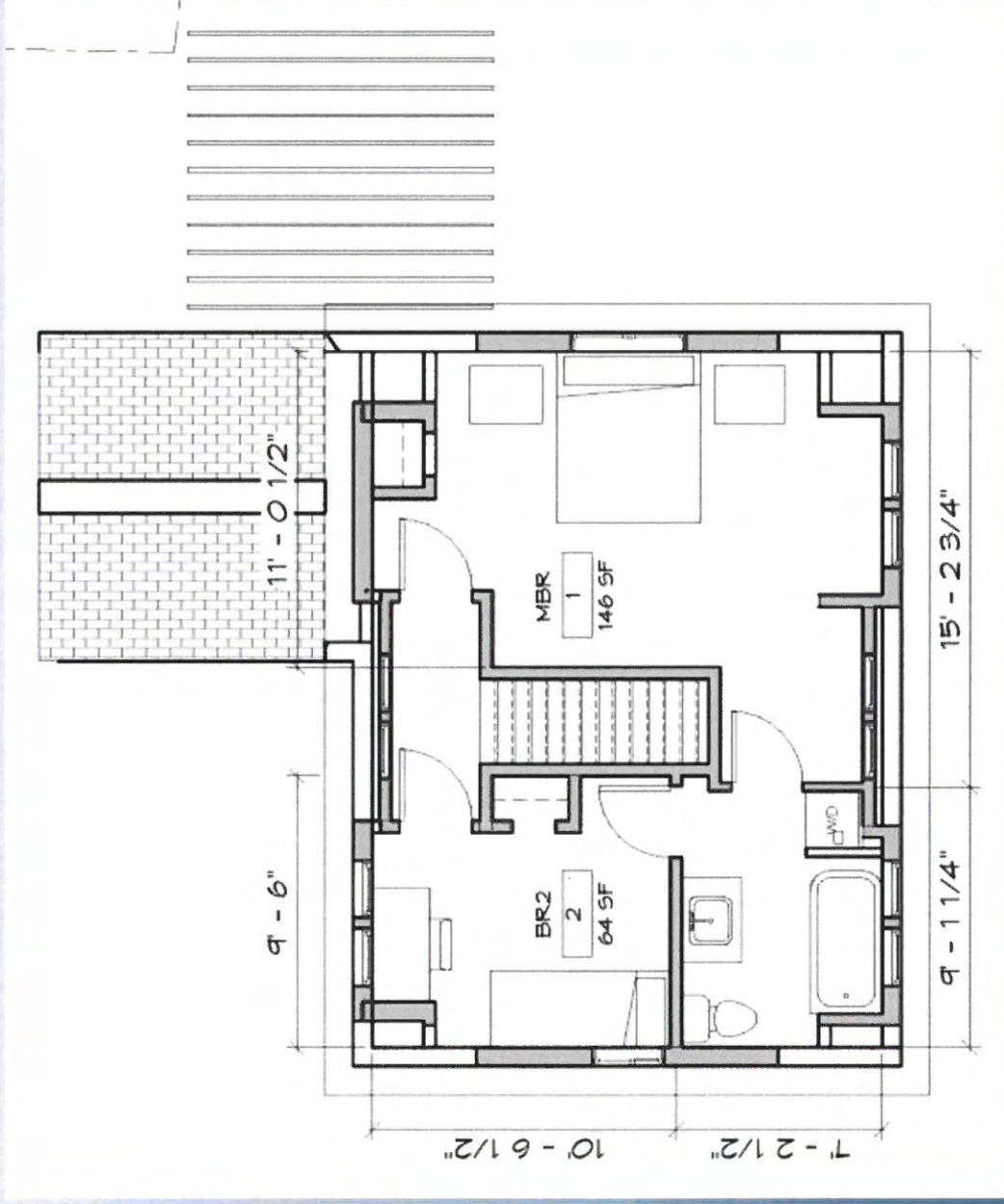
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ENLARGED LEVEL 02 PLAN – OPTION C ①



A4 ARCHITECTURE + PLANNING

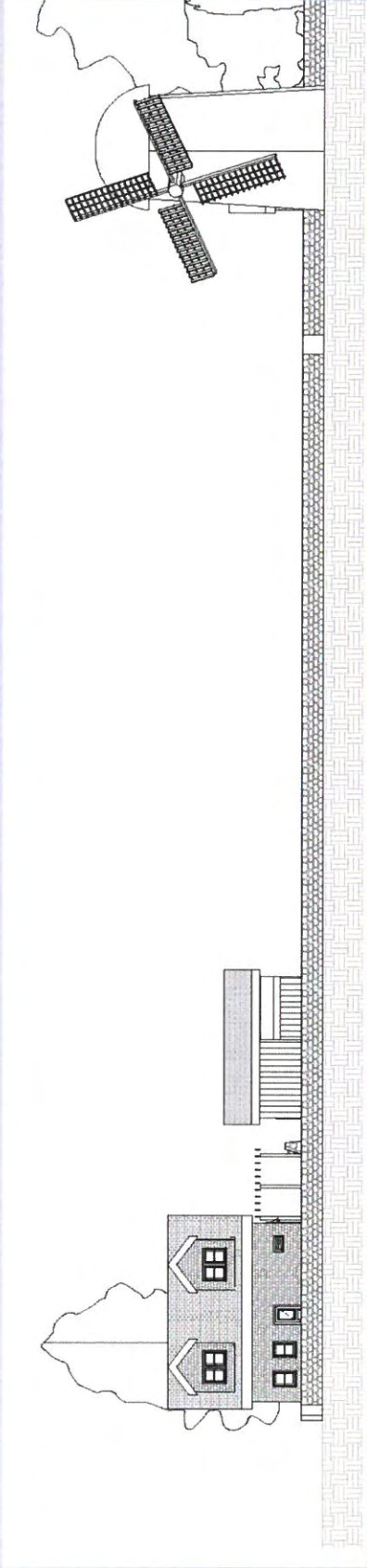
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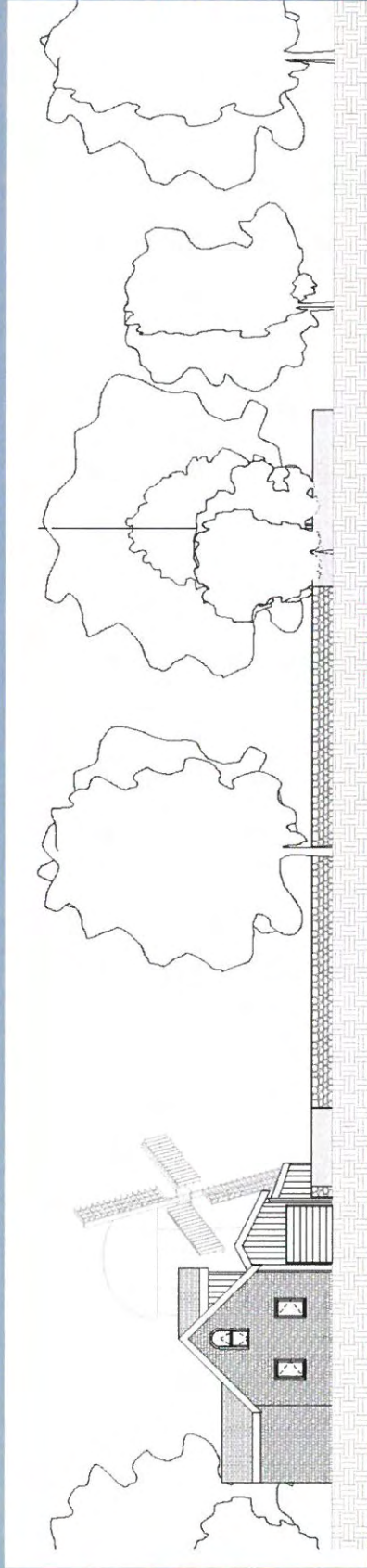
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ELEVATIONS – OPTION A



SOUTH ELEVATION



WEST ELEVATION



A4 ARCHITECTURE + PLANNING

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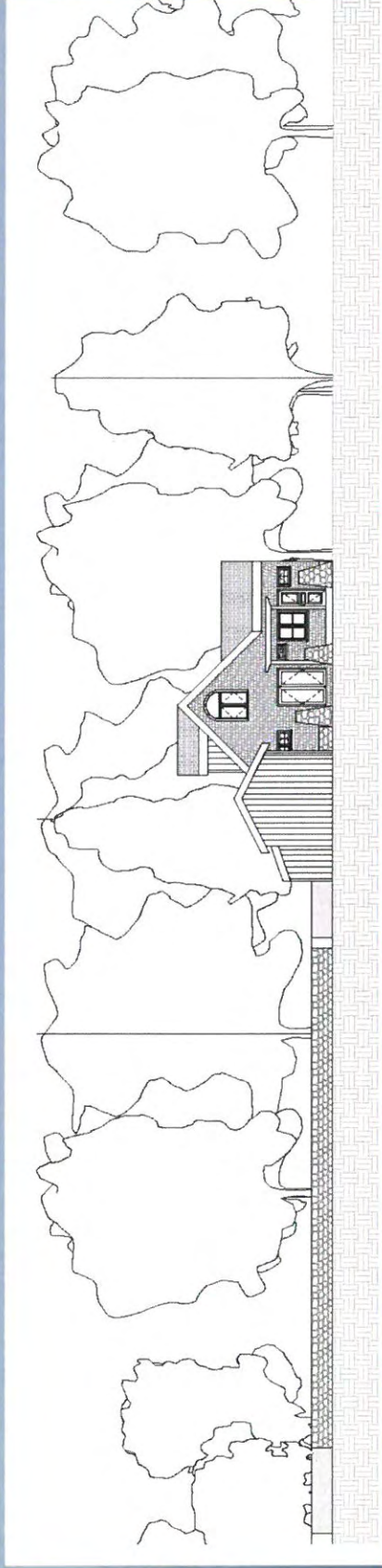
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ELEVATIONS – OPTION A



NORTH ELEVATION



EAST ELEVATION



A4 ARCHITECTURE + PLANNING

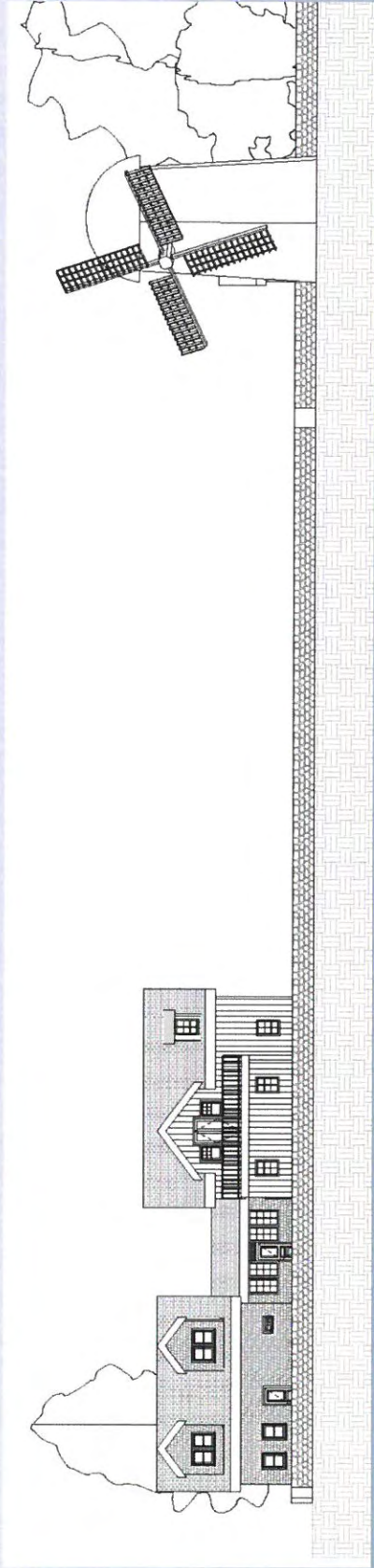
320 THAMES STREET / THIRD FLOOR

NEWPORT, RI 02840

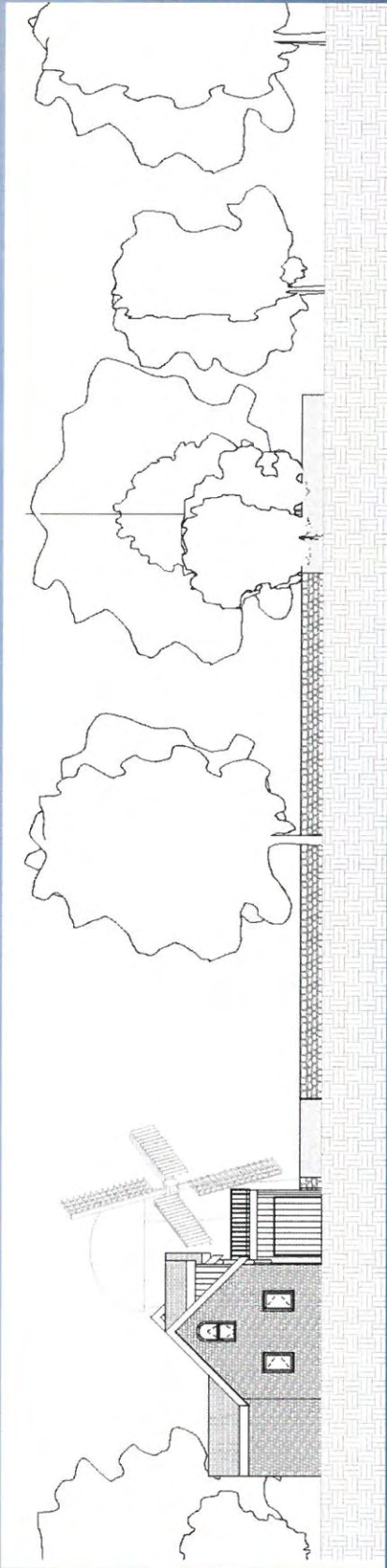
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ELEVATIONS – OPTION B



SOUTH ELEVATION



WEST ELEVATION



A4 ARCHITECTURE + PLANNING

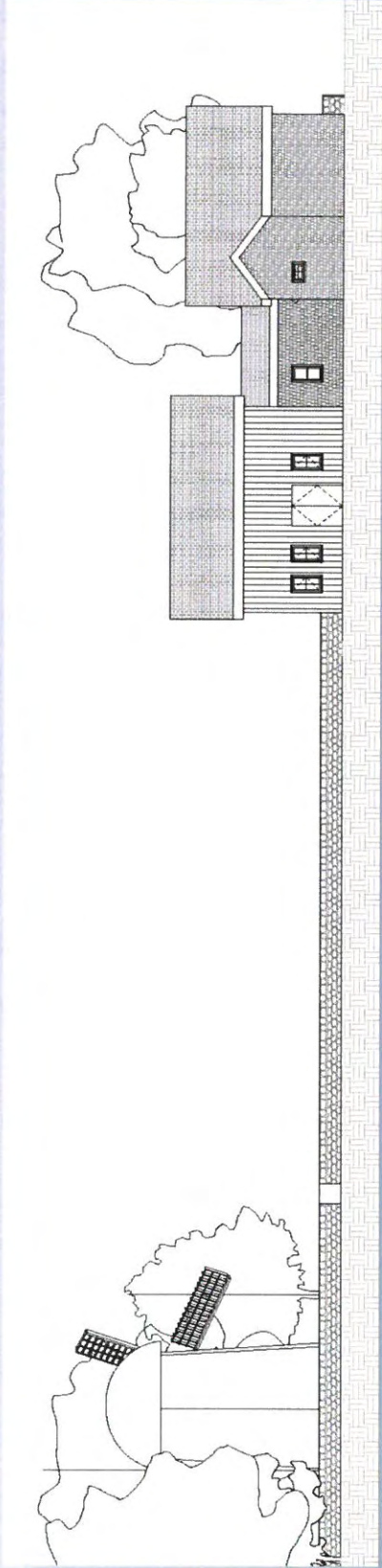
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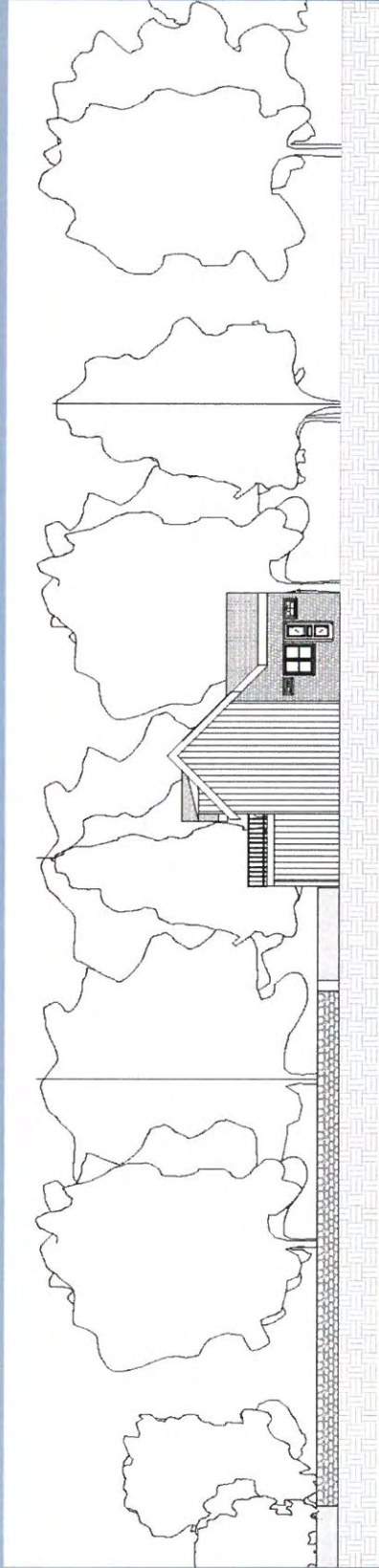
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ELEVATIONS – OPTION B



NORTH ELEVATION



EAST ELEVATION



A4 ARCHITECTURE + PLANNING

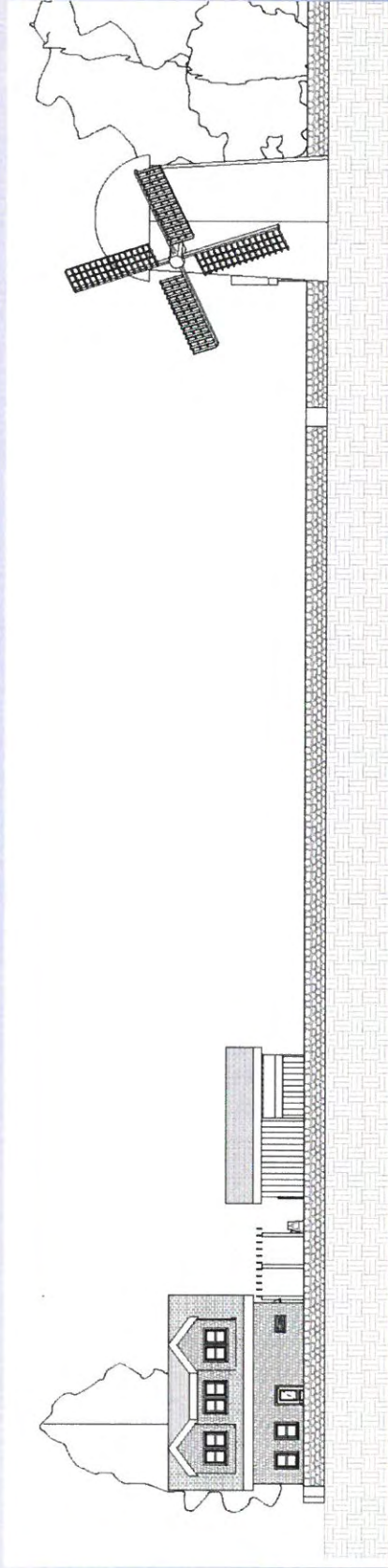
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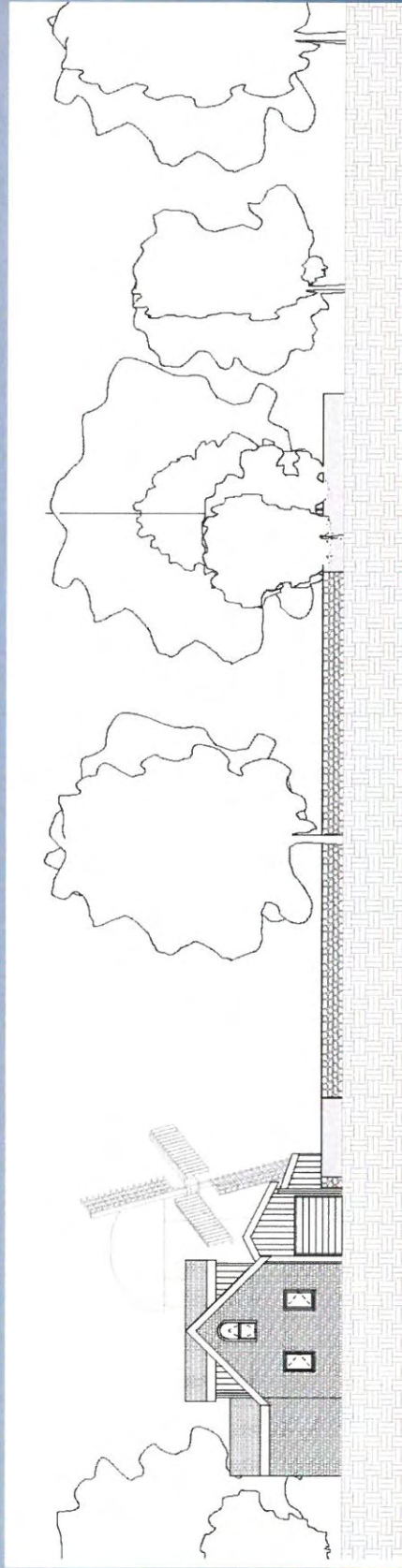
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ELEVATIONS – OPTION C



SOUTH ELEVATION



WEST ELEVATION



A4 ARCHITECTURE + PLANNING

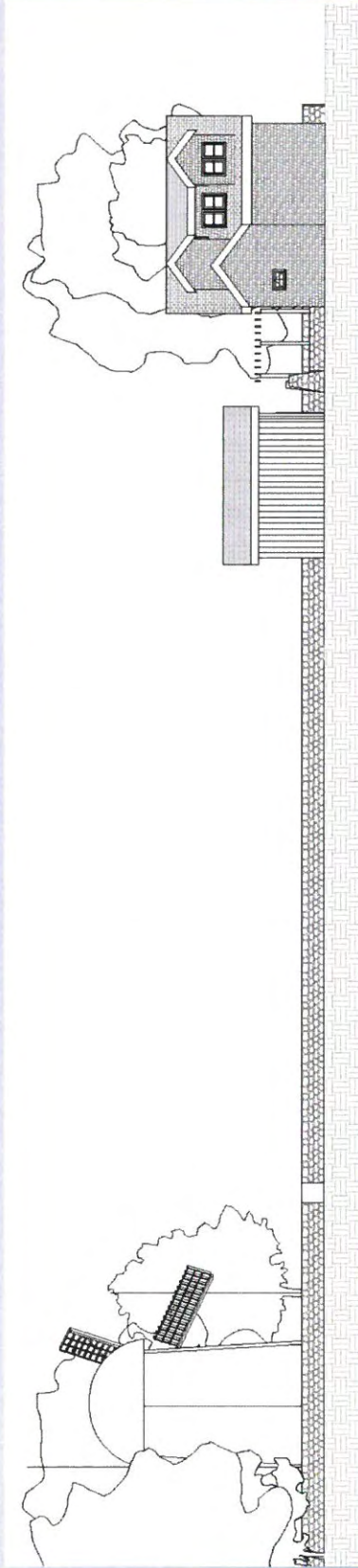
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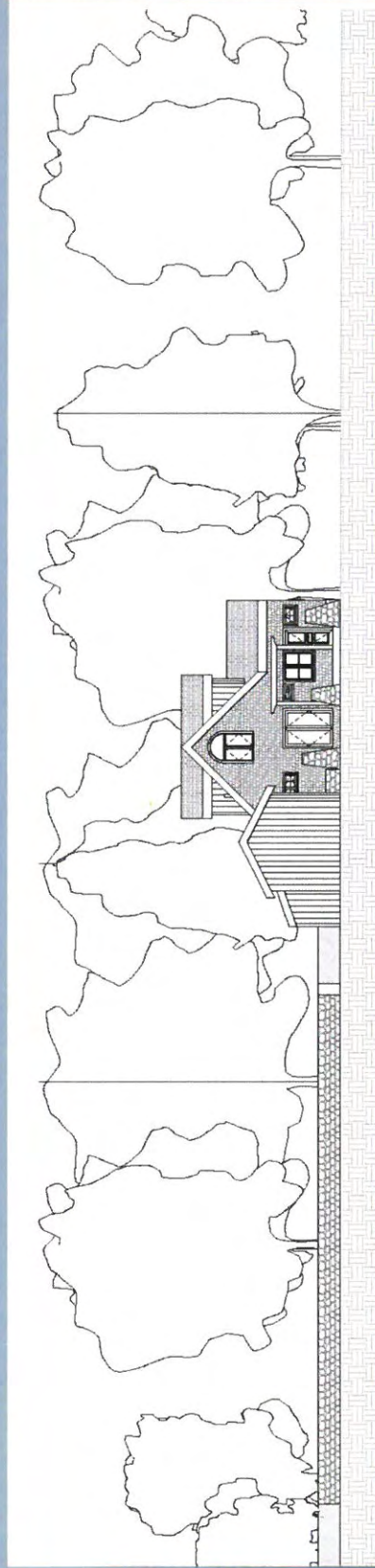
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ELEVATIONS – OPTION C



NORTH ELEVATION



EAST ELEVATION



A4 ARCHITECTURE + PLANNING

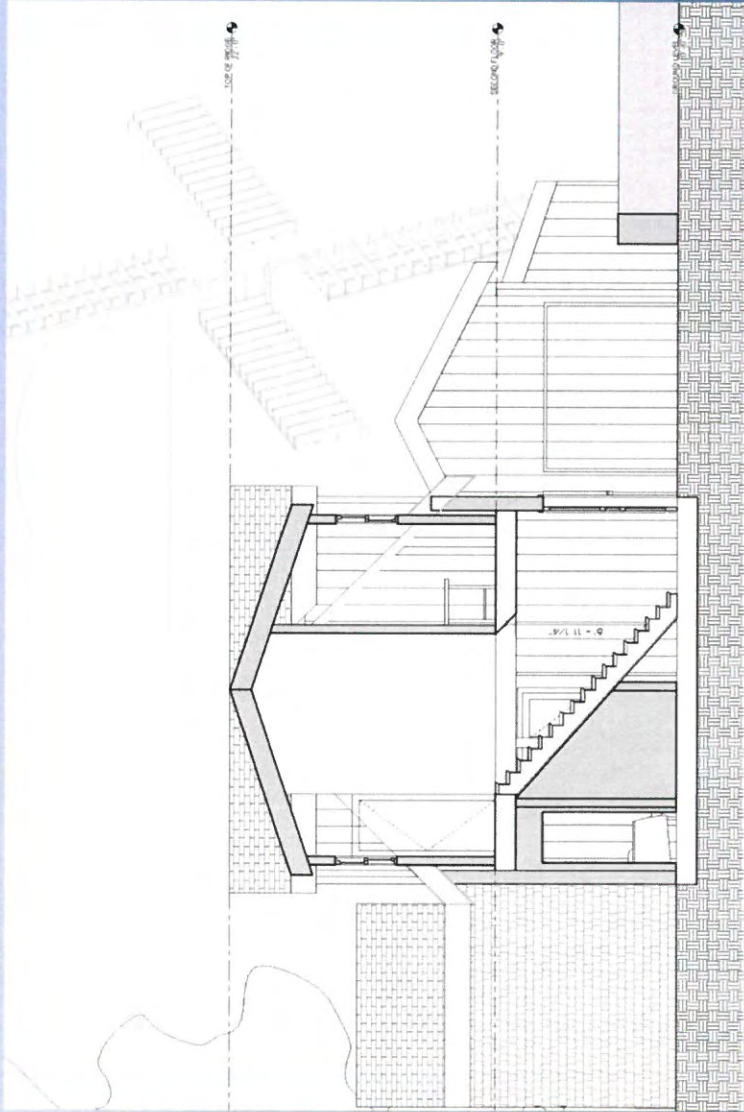
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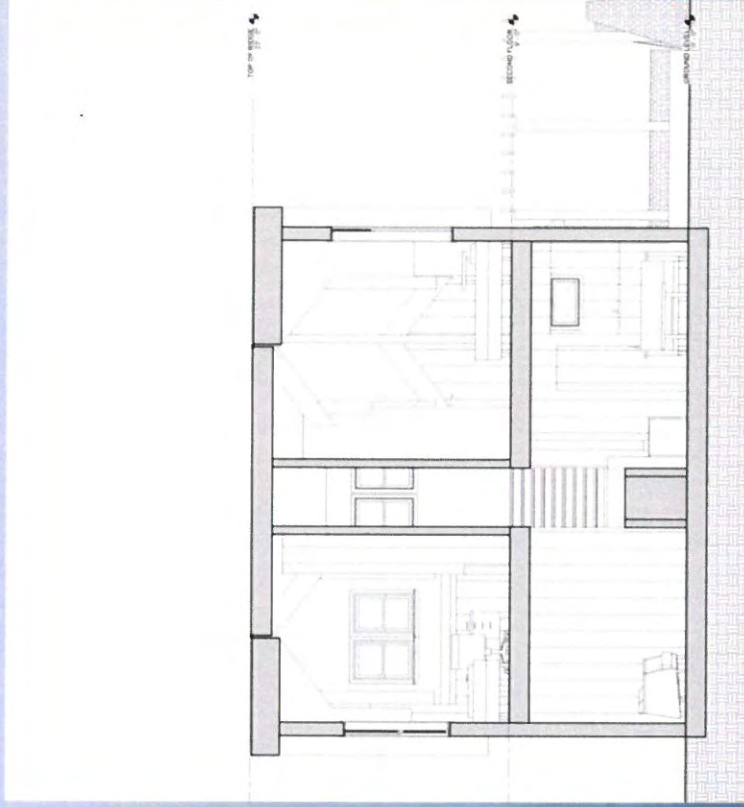
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SECTIONS – OPT. C



SECTION 1



SECTION 2



A4 ARCHITECTURE + PLANNING

320 THAMES STREET / THIRD FLOOR

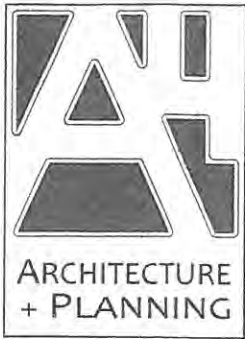
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Historical Ex F

Memorandum: 17024 / Jamestown Historic Society (Jamestown, RI)



The Post Office Building
320 Thames Street
Third Floor
Newport, RI 02840

28 November 2017

Exhibit F Letter

Mr. Chris Costa:
Building Official Jamestown RI
93 Narragansett Avenue
Jamestown, RI 02835

I have been asked to render an opinion on the application for the expansion of a property located in front of the Jamestown Windmill on North Road in Jamestown RI. Based on my research I would make the following points.

--The Jamestown windmill is thought to have been built in 1787 and is one of the oldest extant structures on Conanicut Island.

--It was listed as a National Historic Landmark with the Secretary of the Interior in 1973, the highest rating for an individual structure.

--The historic district in which it sits is called the "Jamestown Windmill District" emphasizes the importance the structure has to both that area and the community as a whole.

--The view windmill itself from North Road is partially occluded by a small cottage which sits in front of it.

--Any addition to this structure would damage the visibility of the structure, which would be a detriment to the community as a whole as it would diminish the presence of this noteworthy and beloved structure.

--It is our understanding that the approval to a previous renovation of the cottage prohibited and further blockage or change in the view of the structure from the public right-of-way.

Summary:

Historic structures are a rare and precious resource once they (or the view to them) is damaged or destroyed that harm is very difficult, or in many cases impossible, to be undone. Jamestown has seen a period of tremendous development with severe pressure across the island for increased size of development and is in danger of crossing a line from the quaint agrarian scaled community it once was to a more anonymous suburban enclave like so many others which exist in New England. Jamestown owes itself to protect the view and surrounding character of one of its most recognizable and beloved monuments.

Yours truly,
A4 Architecture, Inc.

Ross Cann, RA, AIA, NCARB

T: 401.849.5100
F: 401.849.5108
E: info@A4arch.com
W: www.A4arch.com

Linnea C. Petersen
20 Courageous Court
Jamestown, R. I. 02835

RECEIVED
2-23-18
Clancy

February 23, 2018

Zoning Board of Review
c/o Town Clerk, Cheryl A. Fernstrom
93 Narragansett Ave.
Jamestown, RI 02835

RE: Clancy's request for a zoning variance

Dear Zoning Board of Review members:

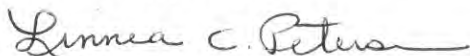
I am writing to ask you to **deny** the **Clancy's** request for a zoning variance to build an addition along the most southerly lot line of their property due to the historic significance of the "Old Jamestown Mill" located on the abutting property.

In 1912 the Jamestown Historical Society was founded to preserve, protect, and share with others Old Jamestown Mill, built in 1787, and have worked diligently to do that for the past 106 years. I think it would be wonderful if the Clancy's would consider the Jamestown Historical Society's proposed solution and expand within the footprint of the Miller's Cottage. Their need for additional space could be accommodated without further compromising the historic integrity of the Cottage or the Mill.

As an iconic symbol of our community's agrarian past, the Mill sits high on top of the Historic Windmill Hill District. Please do not approve a zoning variance that would so negatively impact the historic vistas presently enjoyed by so many residents and visitors.

Thank you for your consideration in this matter.

Very truly yours,



Linnea C. Petersen

received
2-23-18 pm

60 Walnut St
Jamestown RI
02835

Zoning Board of Review
% Town Clerk. Cheryl A. Fernstrom
93 Narragansett Ave
Jamestown, RI. 02835

Members of the Zoning Board-

Perhaps you are faced with a rare opportunity, an opportunity to see that an important part of Jamestown's history is preserved.

At a hearing on Feb. 27 the Clancy's proposal to add 700 square feet to the existing miller's cottage will take place. Since the 18th century the cottage and the windmill have been a focal point of the historic area. My hope is that so it will remain.

I hope that set backs will be observed.

I hope any addition will be in keeping, to the extent possible, within the footprint of the existing miller's cottage.

As distasteful as it might seem, it must be stated that the Clancy's have abused the property.

They have rented as an Air B+B a small structure on the property never declared habitable and without plumbing. The renters crossed to the glass studio to use the facilities there.

They are selling their products from the studio which the RI Supreme Court ruled against.

The Clancy's are talented artists but are they law abiding citizens?

They want to alter historic property. Is it possible that their proposal will serve purposes other than the proposed addition of living space for their daughter?

Your judgement is important -

Maetha Dilot

Feb. 18. 2018

February 23, 2018
13 Shady Lane
Jamestown, RI

Zoning Board of Review
c/o Town Clerk, Cheryl A. Fernstrom
93 Narragansett Ave.
Jamestown, RI 02835

Dear Zoning Board Members,

I wish to voice my **opposition** to the variance requested by David & Jennifer **Clancy**. I feel that the proposed addition is far greater than the minimum required to mitigate the need for space.

Their storage needs could have been solved by using the small outbuilding given to them by windmill restoration contractor. Instead they chose to operate an illegal Air B&B in said building in defiance of building codes.

By adding two dormers to the north side of the existing structure, a second bedroom could be created for their daughter's bedroom.

The proximity to the historic windmill structure, and overall size of the addition will greatly effect the scenic views of the windmill. Jamestown is very fortunate to have such a well preserved artifact from the 1700s. Very few still exist and many visitors to Jamestown visit every year.

I ask that the board deny this variance.

Sincerely,

Linda A Warner

Zoning Board of Review
c/o Town Clerk, Cheryl A. Fernstrom
93 Narragansett Ave.
Jamestown, RI 02835

received
2-22-18 pw

Feb. 19 2018

Dear Zoning Board:

I strongly oppose the Clancy's request to build a 700-square-foot, two-story addition to the 230-year-old, 800-square-foot miller's Cottage, nearly doubling the footprint.

- A) What do we think of when we think of Jamestown? Our biggest symbols are Beavertail and the Windmill.
- B) That's what's so wonderful about the Clancy's existing house: it's where the miller and his family lived, and is part of the whole windmill story.
- C) A modern addition on that historically valuable Colonial house next to our windmill will forever alter our beloved and remarkable legacy.
- D) Standing at our windmill now, with the miller's cottage next door, one can imagine what life was in Jamestown during agrarian times: the windmill grinding grain for Jamestowners, the breeze blowing hard enough to turn the windmill sails, the unobstructed hilltop view, and so much more.

- E) A large addition to the Clancy's house will change not only change that site, but also the character the miller's authentic 2+ century-old Colonial farmhouse, which is as much a part of Jamestown's windmill as the lighthouse keeper's abode is part of Beavertail.
- F) It is my understanding that the Clancys have disregarded permitting and other regulatory requirements in operating an AirBnB-type rental and a commercial glassblowing business.
- G) I am not commenting on their glass artifacts, which are, indeed, beautiful. I am, rather, remarking on their use of a precious Colonial house as a commercial operation, from which the Clancys operate an outlet store for glass purchases, as well as a web-sales operation.
- H) As one recent visitor states on a Jamestown travel website: *"They (Clancys) have a beautiful assortment of glass blown items for sale (at the house). I especially love the drinking glasses that I bought and a salad bowl."*
- I) Aside from real concerns about the desecration of our historical Windmill/miller's cottage site, it is therefore inappropriate that owners should be given

extra consideration in the granting of
variances.

Sincerely,

Barbara W. Carton

Barbara W Carton
153 Longfellow Rd.
Jamestown, RI 02835

PS, I will be out of town for the meeting on the
27th, or I would be there

received
2-22-18 pw

17 February 2018

47 North Road #A
Jamestown, RI 02835

Zoning Board of Review
c/o Town Clerk, Cheryl A. Fernstrom
93 Narragansett Ave.
Jamestown, RI 02835


RE: Variance request, **Miller's Cottage**, Windmill Hill

Dear Zoning Board Members:

I am writing **in opposition to this variance request** and in support of the alternative construction proposal from the Jamestown Historical Society.

This is not just any variance request. The proposed construction would have a severe visual impact upon the historic windmill and the Windmill Hill Historic District. The windmill and its district are iconic of Historic Jamestown. We have a profound obligation to ensure that the preservation efforts of past generations of Jamestowners are passed on to future generations.

Respectfully,


John Enright

received
2-22-18 pw

Zoning Board of Review
% Town Clerk, Cheryl A. Fernstrom
93 Narragansett Avenue
Jamestown, RI 02835

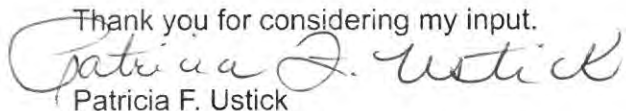
Copy: Mary Heath, President Jamestown Historical Society

To Whom it may Concern:

After studying the variance sought by the Clancy's to add an addition to their property, I would like to support the recommendations put forth by the Jamestown Historical Society. The Clancy property is significant to all of us in the town of Jamestown, and although I acknowledge the right of owners to improve their property, in this case, there should be compliance with town zoning ordinances. The Windmill is almost sacrosanct and blocking it from residents' and visitors' views, seems excessive. There exists, according to Newport architect Ross Cann, a solution which allows the Clancy family to build some additional space and yet not impact the historic structure which abuts their property.

Please consider the visuals. This would be a fairly large new structure which will alter the historic Miller's Cottage facade, and more importantly, will reduce the sightlines that the town has enjoyed for literally centuries, and my family personally has enjoyed for 42 years.

Thank you for considering my input.



Patricia F. Ustick
353 West Reach Drive
Jamestown, RI 02835

RECEIVED
2-21-18
Chris Costello

Abigail Campbell-King AIA

11 Friendship Street, Jamestown RI 02835 abbyarch1@cox.net

February 20, 2018

Jamestown Zoning Board of Review
c/o Town Clerk, Cheryl A. Fernstrom
93 Narragansett Ave.
Jamestown, RI 02835

Re: Miller's Cottage
Clancy Residence
North Road, Jamestown RI

To : Jamestown Zoning Board Members,

One of Jamestown's most notable landmarks along North Road is the hill top with the Windmill and Miller's Cottage. Part of what makes this landscape unique is the one story cottage where the miller once lived and then the tall windmill in the distance where the miller worked and farmers brought their crops to be ground into flour. This is the story that school children and tourists come to see and learn how the miller lived, where he worked milling the island's grain so important to the island community.

By definition, a cottage is a small one story building. The new construction currently proposed doubles the mass of the existing cottage. The style and materials do not complement the existing 18th century buildings on the site. This changes forever the character of the hill top the Jamestown community has loved for generations.

There must be another way to solve building for the future without losing the story of the past. I hope that there can be a solution to the spatial needs of the current family while keeping the cottage a 'cottage'. Perhaps a second floor above the rear kitchen wing could be constructed in a manner to compliment the roof line and include dormers.

I am opposed to the application as it currently stands.



Abigail Campbell-King AIA
11 Friendship Street
Jamestown

Licensed Architect RI, MA



Existing Cottage



Elevation of current application

Sheila M. Reilly
26 Pennsylvania Avenue
Jamestown RI 02835

RECEIVED
2-21-18
CC

Zoning Board of Review
c/o Town Clerk, Cheryl A. Fernstrom
93 Narragansett Ave.
Jamestown, RI 02835

RE: Clancy Application

To Whom It Concerns:

I write in opposition to the application by the Clancy family regarding the Millers Cottage on North Main Road.

I object for a few reasons:

1. This family has already received substantial relief from the Town regarding this property over the years. <http://www.jamestownpress.com/news/2008-01-04/news/035.html> It is my opinion that enough is enough.
2. I am very concerned about preserving the incomparable viewshed from North Main Road to the south/southeast. Too many of these landscapes are disappearing from all over our state; the community has an obligation to protect such dwindling resources for posterity. Jamestown is a more enlightened community than most in this regard; it does not make sense for our town to allow this to happen.
3. The Jamestown Historical Society is opposed to the proposal and with good reason.

Sincerely,



Sheila M. Reilly
401.560.0987
smreil@aol.com

I oppose the request of the Clancys for a zoning variance to their proposed addition to the Miller's Cottage.

The Windmill is a central part of Jamestown which emphasizes our history. To add to the cottage as proposed by the Clancys destroys the integrity of Windmill Hill.

When I work as a docent at the Windmill, I am impressed by the numbers of visitors from both nearby and far away. The Miller's Cottage is part of the history of the Windmill, and I always include it in my presentations and discussions.

I understand that an architect hired by the Jamestown Historical Society has presented an alternative design which retains the integrity of the cottage. This design provides for the needs of the Clancy family but doesn't require a zoning variation.

I was appalled to learn that the Clancys were using the storage shed as an Airbnb.

If I were not going to be out of town for the zoning meeting I would be present to make these statements in person.

Ann Zartler
30 Juniper Circle
Jamestown

RECEIVED
TOWN OF JAMESTOWN, R.I.
18 FEB 21 AM 9:00

RECEIVED
2-20-18
ccostg

Dear Zoning board members,

I am writing to you in regard to the Clancy's request for a variance to build a 700 foot addition. I have been on the Jamestown Historical Society board for 23 years. I was on the board when the Historical Society was in the process of trying to purchase the Miller's cottage. Unfortunately, the owner died as we were in negotiations. The Clancy's have been good neighbors to the windmill, however I am against a variance being granted to such a historic district. When I saw the size and scope of their project I was shocked to see how invasive it would be to the presence of the windmill. I was glad to hear that a historic architect was hired by the Jamestown Historical Society, and that there is a solution to both the Clancy's request for an addition and preserving the historical integrity of the area. I hope that the zoning board will take into consideration the magnitude of this decision, and deny the request for a variance. Thank-you for all that you do to preserve the rural character of Jamestown.

Sincerely,

Jane Bentley

Jane Bentley

70 Mount Hope Avenue

Sue Maden
30 West Bay View Drive
Jamestown, RI 02835

RECEIVED
2-20-18
C. Costa

February 18, 2018

Jamestown Zoning Board of Review
Jamestown Town Hall
93 Narragansett avenue
Jamestown, RI 02835

Dear Board Members:

I am opposed to the Clancys' request for variance from the setbacks that apply to their property on North Road.

As Mr. Buttrick testified at the hearing on January 23, the relationship between the Jamestown windmill and its Miller's Cottage is unique. The reason is easy to understand: The Jamestown windmill is the only windmill in Rhode Island and one of only two in southern New England that still stands on the site where it was erected. It is the only remaining example of how closely the miller was bound to his workplace.

Currently from the mill, a visitor can look out the west window and see the Miller's Cottage clearly. The single-story garage does not impede the view. Nor is its architecture such that one says "ah, that's a modern addition" – it could in fact be one of the outbuildings of a farm.

The proposed two-story structure would – as far as I can tell from the plans and drawings – completely block the visitor's view of the cottage, as well as more completely block the view of the windmill from the entrance to the windmill property. In addition, the current design is completely out of keeping with the architecture expected of the area and era.

The people of Jamestown bought the mill by subscription in 1904 to preserve an iconic remnant of Jamestown's agrarian past. This structure denies the desire expressed at that time and, I believe, the current will of the people of Jamestown.

Given that the Clancys need to enlarge their living space, doing so within the footprint of the current building is the preferred solution and certainly the one least at odds with the strictures of the zoning ordinance.

Sincerely

Sue Maden

Sue Maden

CORRESPONDENCE

received
2-5-18 pu

GABRIELLE R HIGHSTEIN
59 WALCOTT AVENUE
JAMESTOWN, RHODE ISLAND
02835

Chair: Zoning Board
Jamestown, RI
Re: The Miller's Cottage plans

Dear Sir,

I am concerned that the plans for the addition to the Miller's Cottage will make it impossible for visitors to the Windmill to see the historic home of the millers.

As a child and summer resident of the island, I went door to door to raise money to replace the arm of the windmill.

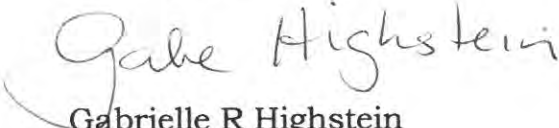
As a fulltime resident I raised my children on the island and they were taught about this historic site.

When my second husband died, I returned to live on the island and became a volunteer docent for the windmill. There is nothing like being up at that site. It transports you back in time. As you open the shutters on the mill you can see the Miller's Cottage, the old stonewall and the beautiful garden. You can feel the wind moving across the fields and see the bridge in the distance. It is an idyllic site.

I am a supporter of the Clancy glass. I own over a dozen of these first class works of art. I am hoping that their need for more space can be accommodated in a different direction, perhaps toward their building where they blow glass.

I feel strongly that the Miller's Cottage with its period look and the Windmill should stay in direct sight of each other. Batten and board siding and decks are not in the spirit of the historic era.

Sincerely,


Gabrielle R Highstein

February 2, 2018



HISTORIC[®]
NEW ENGLAND

Defining the past. Shaping the future.

Lyman Estate
185 Lyman Street
Waltham, MA 02452-5645
tel 781.891.4882
HistoricNewEngland.org

January 23, 2018

Chris Costa, Building and Zoning Official
Zoning Board of Review,
Town of Jamestown, R.I.
93 Narragansett Avenue,
Jamestown, R.I. 02835

Continuance on **Clancy** application, 382 North Road

Dear Mr. Costa:

I write regarding the continued public hearing, scheduled for this evening at 7 P.M., regarding the agenda item on Old/Unfinished Business on the Application of David A. and Jennifer R. Clancy at 382 North Road to construct an addition to an existing dwelling that includes living space and a garage within the zoning setback areas for the parcel.

Historic New England is the oldest and largest regional heritage organization in the country and abuts the subject property at our Watson Farm location, 455 North Road. We wish to call to the Board's attention that Heather and Don Minto of 455 North Road are tenants of Historic New England and are not authorized to speak for Historic New England on property matters.

The miller's house at 382 North Road is an important property within the Windmill Hill Historic District, listed on the National Register of Historic Places. Together with the surrounding farmsteads, Quaker Meetinghouse, and Jamestown Windmill, it forms a significant cultural landscape that helps to define the character of Jamestown. As a preservation organization concerned with the future of the historic district, Historic New England urges the board to consider the size and placement of the proposed addition and its potential impact on the overall character of the historic miller's house and the nearby Jamestown Windmill. We are concerned that the current proposal will compromise the viewshed by introducing a highly visible modern component, apparent to anyone traveling on North Road and all visitors to the Jamestown Windmill.

While we appreciate the effort Mr. and Ms. Clancy have clearly put into the proposal before you and support the ongoing use and adaptation of historic properties, we are confident that a more sensitive and appropriate design can be developed that will not compromise the integrity of this National Register district. Thank you for the opportunity to comment.

Sincerely,

Carissa Demore
Team Leader, Preservation Services



JAMES C. BUTTRICK
P.O. BOX 546
JAMESTOWN, RHODE ISLAND 02835

November 25, 2017

Re: Proposed addition to Miller's Cottage

As a building at the focal point of the Windmill Hill Historic District, the 1787 Miller's Cottage is important in and of itself but also as an integral part of the site of the adjacent windmill. The proximity of the Miller's Cottage to the windmill demonstrates to visitors the miller's role as independent businessman and sole operator of the windmill. Maintaining the character of the Miller's Cottage is critical to its relationship to the site with its 18th century vistas.

The proposed addition alters in many ways the sense of the Cottage as an 18th century structure. The currently fashionable board-and-batten siding has nothing to do with a colonial workman's cottage. Popularized in the mid-1800's by Andrew Jackson Downing, board-and-batten construction was used for picturesque suburban villas. It became a standard feature of the Carpenter Gothic style. The size of the addition with this siding is such as to overwhelm the view of the original building. The sense that this is modern construction is further created by contemporary fenestration, particularly in the link between the new and old sections, and at the opening onto the second floor deck. That deck may be the single greatest indicator that the building can now be read at a glance as primarily contemporary. That deck, directly overlooking the approach to the windmill and prominently in view from the entire windmill property, indicates that no serious attempt has been made to keep the addition sympathetic to the original building.

I urge that any addition to the Miller's Cottage avoid the intrusion of the current proposal and respect the important and interconnected history of this Historic District.

Sincerely,

James Buttrick
Society of Architectural Historians

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 20 Weeden Lane
City, St Jamestown, RI 02835

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 F/K/A SPNEA
 455 North Rd.
City, St Jamestown, RI 02835

PS Form 3800, April 2012 See Reverse for Instructions

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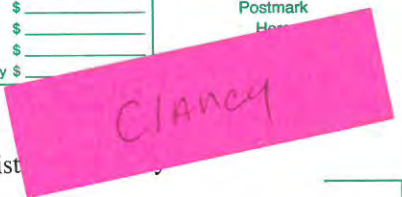
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City, St Jamestown, RI 02835

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1 Article Addressed to:

Jamestown Historical Society
(MILL)
Narragansett Ave.
Jamestown, RI 02835



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Rosemary Enright Agent
 Addressee

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Rosemary Enright

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1 Article Addressed to:

Dutra, Joseph F. Jr., Trustee
Dutra Farm Prop.
20 Weeden Lane
Jamestown, RI 02835



9590 9402 2516 6306 4933 84

2. Article Number (Transfer from service label)

7016 1970 0000 7701 3719

PS Form 3811, July 2015 PSN 7530-02-000-9053

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Jessie Dutra Agent
 Addressee

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Jessie Dutra

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1 Article Addressed to:

Historic New England
F/K/A SPNEA
455 North Rd.
Jamestown, RI 02835



9590 9402 2516 6306 4933 91

2. Article Number (Transfer from service label)

7016 1970 0000 7701 3702

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Heather Minto Agent
 Addressee

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Heather Minto

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Legal ad please insert 3 times: Nov. 2, 9, 16, 2017.

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE JAMESTOWN ZONING BOARD OF REVIEW WILL HOLD A PUBLIC HEARING NOVEMBER 28, 2017, AT THE JAMESTOWN TOWN HALL 93 NARRAGANSETT AVENUE, JAMESTOWN, RHODE ISLAND AT 7:00 P.M. UPON THE FOLLOWING:

Application of David A. & Jennifer R. Clancy, whose property is located at 382 North Rd., and further identified as Assessor's Plat 7, Lot 22 for a variance from Article 82-300 (Regulations of Structures and Land), Table 3-2 to construct an addition to an existing dwelling which adds living space and a garage 33 ft. from the westerly property line (50 ft. required) and 6 ft. from the southerly line (40 ft. required). Said property is located in a R200 zone and contains 65,340 sq. ft.

Application of Patrick J. et Keleigh C. Welch, whose property is located at 16 East Shore Rd., and further identified as Assessor's Plat 7, Lot 50 for a variance from Article 3, Section 82-302 (dimensional requirements) to construct a new residence in existing footprint. Applicant requires a variance for front setback and square footage requirements. Proposed building to have a front setback of 20'3" (40' required) and situated on a 31,100 sq. ft. lot. Said property is located in a R40 zone and contains 31,100 sq. ft.

Application of Patricia J. Lager, Trustee of The Patricia J. Lager Trust-2016, whose property is located at 75 Longfellow Road, and further identified as Tax Assessor's Plat 8, Lot 601 for a Variance, pursuant to Article 6, Sections 82-600 and 82-605, from Article 3 Section 82-302, Table 3-2, District dimensional regulations, to construct an addition on the property where the front setback is proposed to be 24.0 feet where 30 feet is required, the side setback is proposed to be 1' 10" where 15 feet is required, and the Lot Coverage is proposed to be 26% where 25.% is required. The application also seeks a Variance from Article 7, Section 82-705, Alteration of a nonconforming structure, in order to construct the addition as the current setbacks are: Front 24.6 feet where 30 feet

is required. Said property is located in a R20 Zone and contains 12,917 square feet.

BY ORDER OF THE ZONING BOARD OF REVIEW
RICHARD BOREN, CHAIRMAN
CHRIS COSTA, ZONING OFFICER

This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 not less than 3 business days prior to the meeting.

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

RECEIVED
Costly
10-20-17

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R. I.

Date OCT 19 2017

Gentlemen:

The undersigned hereby applies to the Zoning Board of Review for an exception or a variation in the application of the provisions or regulations of the zoning ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

Applicant DAVID & JENNIFER CLANCY Address 382 NORTH MAIN ROAD JAMESTOWN RI
Owner SAME Address _____
Lessee N/A Address _____

1. Location of premises: No. 382 NORTH MAIN ROAD Street

2. Assessor's Plat 7 Lot 22 154 E 65,340 SQ FT.

3. Dimensions of lot: frontage 330± ft. depth 230± ft. Area 1.5 ACRES sq. ft. 200,000

4. Zoning Districts in which premises are located: Use RR 200 Area 596 SQ FT Height 35

5. How long have you owned above premises? SINCE 1996

6. Is there a building on the premises at present? YES

7. Size of existing building EXISTING HOUSE: 878 EXISTING GARAGE: 410 TOTAL 1288
(EXISTING ACCESSORY STUDIO 600 SQ FT.)

Size of proposed building or alteration PROPOSED GARAGE: 396 ± PROPOSED ADDITION 720 SQ FT
TOTAL 1116 SQ FT

8. Distance of proposed bldg. or alteration from lot lines:

PROPOSED ADDITION
front 33 rear 68 left side 300± right side 6'

9. Present use of premises: EXISTING HOUSE 2.5' FRONT; EXISTING GARAGE IS 83' FROM REAR & 3' FROM RIGHT SIDE
RESIDENTIAL SINGLE FAMILY WITH GLASS BLOWING STUDIO

10. Proposed use of premises: SAME "

Location of septic tank & well on lot YES, NORTH EAST OF EXISTING DWELLING

11. Give extent of proposed alterations TO CONSTRUCT A NEW GARAGE SMALLER THAN THE EXISTING GARAGE AND AN ADDITION TO THE HOUSE THAT WILL ATTACH TO THE NEW GARAGE AND PROVIDE ADDITIONAL LIVING SPACE, ONE BEDROOM AND BATH AND ADDITIONAL STORAGE.

12. Number of families for which building is to be arranged: 1

13. Have you submitted plans for above to Inspector of Buildings? YES

Has the Inspector of Buildings refused a permit? YES

14. Provision or regulation of Zoning Ordinance or State Enabling Act under which application for exception or variance is made:

APPLICANTS SEEK A VARIANCE FROM SECTION 82-300 ENTITLED "REGULATIONS OF STRUCTURES OF LAND," TABLE 3-2

15. State the grounds for exception or variation in this case: (SEE ATTACHED)
AS GROUNDS FOR A DIMENSIONAL VARIANCE UNDER SECTION 82-300, APPLICANTS STATE THAT THERE IS NO REASONABLE ALTERNATIVE TO SITING THE PROPOSED ADDITION WITHIN THE REQUIRED SETBACK FROM THE WESTERLY (FRONT) AND SOUTHERLY (SIDE) PROPERTY LINE. THE SITING OF THE ADDITION AND GARAGE ARE CONSTRAINED BY THE LOCATION OF THE EXISTING DWELLING, WHICH IS LOCATED 2.5 FEET FROM THE FRONT LOTLINE AND ^{EXISTING} GARAGE LOCATED 3 FEET FROM THE SIDE LOTLINE, AND BY A PRIOR ZONING DECISION BY THIS BOARD THAT ANY ADDITION MAY NOT EXTEND TO THE NORTH OR SOUTH.

Respectfully Submitted,

Signature

Amc. J R Clary

Address

382 North Rd
Jamestown, RI 02835

Telephone No.

(401) 423-1697

NOTE: A LOCATION PLAN AND SKETCH AND DRAWINGS NECESSARY TO GIVE FULL INFORMATION MUST BE FILED WITH THE APPLICATION.

In Jamestown, there are fewer than 80 properties that are zoned RR 200. Ours is one of them, and one of the smallest of them. Our house and garage were built long before zoning was established and so it is not surprising that neither our house or garage conform to the requirements of the RR 200 zone that require a 50 foot setback from the front and rear lot lines and 40 foot setback from the side lot lines. In fact, our house and garage are located entirely within these setbacks. (See existing conditions drawing.) As a result, just about anything that we might strive to do to our home or garage would require that we appear before the Zoning Board of Review for a dimensional variance.

Our house is small. It has only one bedroom. Our young daughter sleeps in an alcove, tucked in the eaves, adjacent to our bedroom and next to the laundry. The only bath is located on the first floor. It has no basement and has virtually no storage, particularly on the first floor. Our detached garage is only 20 feet long and as a result is too short to hold our truck. Our oil tank, water tank and other utilities are also located in or adjacent to the garage.

We wish to build a new garage that will in fact be smaller in square footage than the current one, but longer and so able to accept our truck. To this we will attach an addition to our home. The first floor will provide additional space for the oil tank, water tank and utilities, as well as space for our tractor, lawn and garden equipment and other storage. There is a second floor to this part of the addition that will contain a new master bedroom with a sitting area, closet and bathroom. A one story, light filled conservatory that will serve as a living room connects the existing house and this addition.

Our proposed garage (16.5 by 24, 396 square feet) will be smaller than the existing garage (20.25 by 20.25, 410 square feet.) There will be a deck on top of the proposed garage. The top of the balustrade of this deck will be 13 feet from grade. The existing garage is 13'6" tall.

Our proposed house addition is located behind our existing house and is 4 feet narrower than the original cottage and 18 feet narrower than the entire house. The existing house is 22 feet high as measured from the lowest point of natural grade, as building height is defined in the Jamestown Zoning ordinance. The peak of the roof of the addition will also be 22 feet tall.

In developing this plan, we have made every effort to seek the least relief necessary as we deal with the unique features of our property and the location of existing structures on the property which preceded our ownership. We have a high water table and ledge throughout our lot at the top of the hill which limited the options for location of our septic system. The tank and pump are located just north of our kitchen, the large Eljen drain field to the northeast of our house. Our well is immediately to the east of the house. Like the house, though not as old, the existing garage and driveway were located prior to zoning, to the south of the house. The front door of our house is located on its south face, adjacent to the driveway.

All of these considerations prompted us to locate the garage essentially where it is a now and connect it to the house with the smallest addition that will accommodate our needs. The current garage structure has an appendage that is only three feet from the southern lot line. Our proposed garage will be 6 feet from the lot line. It will be no taller than the current garage and is in fact smaller in square footage. The garage and addition to our house are not simply conveniences, but necessities. A second bedroom and bath, dry accessible storage areas for utilities, equipment and household items, an expanded living space that connects the garage and utilities to the house, are all improvements we truly need.

ZONING ADVERTISEMENT

Application of David A. Clancy and Jennifer R. Clancy whose property is located at 382 North Road, Jamestown, Rhode Island, and further identified as Tax Assessor's Plat 7, Lot 22 for a Variance from Article 82-300 entitled "Regulation of Structures and Land", Table 3-2 to construct an addition to an existing dwelling which adds living space and a garage 33 feet from the westerly property line (50 feet required) and 6 feet from the southerly property line (40 feet required). Said property is located in a R200 zone and contains 65,340 square feet.

19

68.76 Acres

RR-80



528.13

550.68

NORTH ROAD

22

1.5 Acres

5.41

52.71

21

25380 SF

236.5

212

1.83 Acres

360.86

106.76

20

10000 SF

104.7

211

2 Acres

202.03

210

1.89 Acres

210.62

209

1.88 AC

60.5

208

1.95 Acres

180.8

207

1.94 Acres

200

206

1.87 Acres

200

205

1.87 Acres

200

204

1.55 Acres

200

WEEDEN LANE

1975

174

92.5

101.

2

299.11

125

20

20

125

WEEDEN

MERCY

125

20

125

DC

FR

125

Parcel ID: 6-18
HISTORIC NEW ENGLAND ✓
F/K/A S.P.N.E.A.
455 NORTH ROAD
JAMESTOWN RI 02835

Parcel ID: 7-19
DUTRA, JOSEPH F JR, TRUSTEE ✓
DUTRA FARM PROPERTIES
20 WEEDEN LANE
JAMESTOWN, RI 02835-1654

Parcel ID: 7-21
JAMESTOWN HISTORICAL SOCIETY ✓
(MILL)
NARRAGANSETT AVENUE
JAMESTOWN RI 02835

Parcel ID: 7-22
CLANCY, DAVID M ET
CLANCY, JENNIFER R
382 NORTH ROAD
JAMESTOWN RI 02835

app

Parcel ID: 7-211
DUTRA, JOSEPH F JR, TRUSTEE
DUTRA FARM PROPERTIES
20 WEEDEN LANE
JAMESTOWN, RI 02835-1654

Parcel ID: 7-212
DUTRA, JOSEPH F., JR. TRUSTEE
DUTRA FARM PROPERTIES
20 WEEDEN LANE
JAMESTOWN, RI 02835-1654

3
X 6.47

19.41



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Onsite Wastewater Treatment Program

Office of Water Resources, Room 260

235 Promenade Street, Providence, RI 02908-5767



SYSTEM SUITABILITY DETERMINATION APPLICATION
RESIDENTIAL

SITE INFORMATION

JAMESTOWN

Site Location (Town)

382 NORTH (MAIN) ROAD

02835

Pole Number 7

Plat 22

Lot

Public or Private Water Supply (circle one)

DAVID CLANCY

382 NORTH RD.

JAMESTOWN

RI 02835

Owner Name

Mailing Address (Street/PO Box)

City/Town

State Zip

Was the System installed after April 9, 1968 Yes No If Yes, Application Number 4/15-1817 copy (Attach 3 copies of approved permit and plan)

Was a Change of Use or System Suitability Determination previously requested? Yes No

If Yes, Application Number _____ Date Approved _____

Are there any Deed Restrictions on occupancy, building size or other items which may impact sewage flow? If so, explain NO

BUILDING USE

Current

Proposed

A. Building Use

RESIDENTIAL

B. Number of Bedrooms

1 (attach copy of tax card)

2

C. Number of Persons

3

D. Water Consumption

CAPACITY FOR DAILY FLOW OF 300 GAL.

CHARACTERISTIC OF EXISTING SEWAGE DISPOSAL SYSTEM

Size of Septic Tank 1000 gal.

Type of Leachfield: Trench Chambers Bed Seepage Pit Other ELIM-IN DRAIN

Approximate Size of leachfield: 532 square feet

The owner assumes all responsibility for the truth and accuracy of the representations hereon, and on all forms, submittals, plans and sketches attached hereto, and assumes all liability and responsibility for the future failure of the OWTS system on this site, and agrees to hold the Rhode Island Department of Environmental Management harmless from any and all claims against it for such future failures.

I agree and understand that should this onsite wastewater treatment system malfunction, I will take immediate steps to legally correct the problem in accordance with RIDEM OWTS rules. Owner Signature [Signature] Date 1-7-14

DETERMINATIONS

EXTENT OF IMPROVEMENT

RECOMMEND ACTION

Approved

Increase in Flow

New System - Apply for Permit

Denied

No State Approval / prior 4/9/68

Alteration of System

Engineering Analysis Required

Change in Use

Field Work Required

COMMENTS: Per ISDS/OWTS # 0115-1817, site is adequate for 2 bedrooms only.

Reviewer's Signature: Kyle Ferreira

Date: 1/31/14

Date of Expiration: 7/1/20

Mail to:

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, OWR, ROOM 260, 235 PROMENADE STREET, PROVIDENCE, RI 029

SSD Instruction Sheet_8/16/10

7-22-14 JFFB

Rhode Island Dept. of Environmental Management
OWTP
Office of Water Resources, Room 260
235 Promenade St. Providence RI 02835

January 10, 2014

Dear Mr. Ferreira,

Enclosed please find our System Suitability Determination Application. I hope you'll find all the information you need detailing our proposed addition. We are currently listed as and paying taxes as a two bedroom house although we only have one bedroom. We would like to connect our garage to our house by building an enclosed breezeway and add a second level above the garage (in the same sq. footage footprint) thus creating space for the 2nd bedroom. It is my sincerest hopes that you will accept our application.

Thank you!

Jennifer Clancy

382 North Road
Jamestown RI 02835
401-423-1697



CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Ch	Description	Element	Cd	Ch	Description
Style	04		Cape Cod				
Model	01		Residential				
Grade	03		Average				
Stories	1.25						
Occupancy	1						
Exterior Wall 1	14		Wood Shingle				
Exterior Wall 2	03		Gable/Hip				
Roof Structure	03		Asph/F Gls/Comp				
Roof Cover	05		Drywall/Sheet				
Interior Wall 1	08		Average				
Interior Wall 2	02		Oil				
Interior Fir-2	04		Forced Air-Duc				
Heat Fuel	01		None				
Heat Type	01						
AC Type	02						
Total Bedrooms	2						
Total Bathrms	1						
Total Half Baths	1						
Total Xtra Fixus	5						
Total Rooms	02		Average				
Bath Style	02		Average				
Kitchen Style	02						
Fireplaces							
Gas Fireplaces							
FPL Openings							
Basement Garage							

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Descrip	UB Units	Unit Price	Yr	Code	Dr Rr	Cnd	%Cnd	Apr Value
FEP	FIN ENCL PCI	01	WD/CB	182	30.00		C		A	50	2,700
FGK	WOOD DECK			400	30.00		C		F	30	3,600
WDK	WOOD DECK			120	12.00		C		A	50	700
SHP4	W/IMPROV A			704	30.00		C		A	50	10,600

BUILDING SUB-AREA SUMMARY SECTION

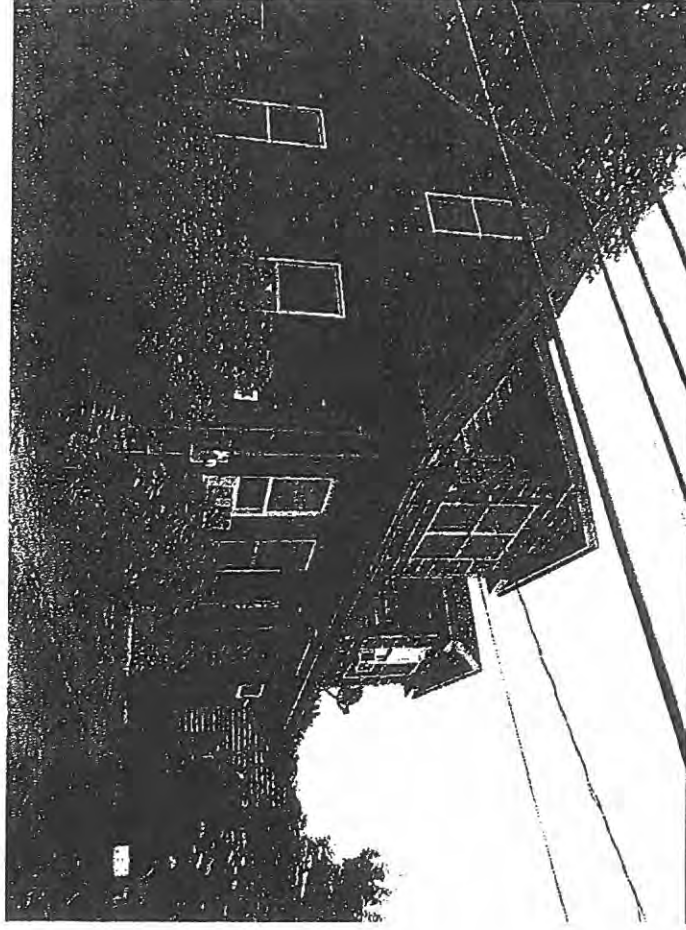
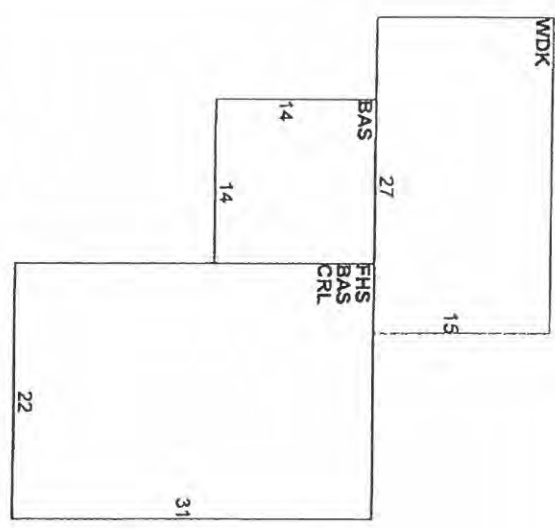
Code	Description	Living Area	Gross Area	Eff Area	Unit Cost	Undeprec. Value
BAS	First Floor	878	878		100.56	88,298
CRL	CRAWL	0	682		0.00	0
FHS	Half Story, Finished	341	682		50.28	34,290
WDK	Deck, Wood	0	405		10.18	4,123
Total		1,219	2,647			126,701

MIXED USE

Code	Description	Percentage
1010	Single Fam MDL-01	100

COST/MARKET VALUATION

Adj. Base Rate:	100.56
Replace Cost	126,701
AYB	1787
Dep Code	A+
Remodel Rating	
Year Remodeled	
Dep %	20
Functional Obsinc	
External Obsinc	
Cost Trend Factor	
Condition	
% Complete	80
Overall % Cond	101,400
Apprais Val	D
Dep % Ovr	D
Dep Ovr Comment	
Misc Imp Ovr	D
Misc Imp Ovr Comment	
Cost to Cure Ovr	D
Cost to Cure Ovr Comment	



Property Location: 382 NORTH ROAD
 Vision ID: 1245

Account #03075375

MAP ID: 71 / 22/1

Bldg #: 1 of 1

Bldg Name:
 Sec #: 1 of 1 Card 1 of 1

State Use: 1010
 Print Date: 01/07/2014 13:13

CURRENT OWNER
 CLANCY, DAVID M ET
 CLANCY, JENNIFER R
 382 NORTH ROAD
 JAMESTOWN, RI 02835
 Additional Owners:

TOPO	UTILITIES	STRT./ROAD	LOCATION
4 Rolling	2 Septic	1 Paved	3 Rural
	4 Well		

CURRENT ASSESSMENT		PREVIOUS ASSESSMENTS (HISTORY)	
Description	Code	Yr. Code	Assessed Value
RESIDENTL	0100	2012 0100	101,400
RES LAND	0100	2012 0100	278,700
RESIDENTL	0100	2012 0100	17,600
Total		Total	397,700

VISION

RECORD OF OWNERSHIP
 CLANCY, DAVID M ET
 CLANCY, DAVID M
 CLANCY, JOHN D ET
 MCCALLEN, BRYAN J

BK-VOL/PAGE	SALE DATE	Q/u	w/	SALE PRICE	V.C.
423/ 248	05/17/2002	U	V	0	2012 0100
285/ 38	03/04/1997	U	V	15,000	2012 0100
265/ 257	02/27/1996	U	V	95,000	2012 0100
157/ 163	03/13/1990	U	V	0	2012 0100
Total		Total	Total	397,700	397,700

EXEMPTIONS

Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.

OTHER ASSESSMENTS

Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.

ASSESSING NEIGHBORHOOD

NBHD/SUB	NBHD NAME	STREET INDEX NAME	TRACING	BATCH
0001/A				

NOTES

120 SF WDK ATT'D TO FEP
 XFIX-HOT TUB
 NATURAL-MILL HOUSE
 ABUTS WINDMILL

BUILDING PERMIT RECORD

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments

LAND LINE VALUATION SECTION

B Use # Code	Use Description	Zone	D Frontage	Depth	Units	SF	AC	Unit Price	Factor	ST	Factor	ST	Adj.	Notes-Adj
1	1010 Single Fam	MID-L-01			43,560			6.62	1.00	5	1.00	0040	0.95	
1	1010 Single Fam	MID-L-01			0.50			10,000.00	1.00	0	1.00	0040	0.95	
Total Card Land Units: 1.50 AC														
Parcel Total Land Area: 1.5 AC														
Total Land Value: 278,700														

APPRaised VALUE SUMMARY

Appraised Bldg. Value (Card)	Appraised XF (B) Value (Bldg)	Appraised OB (L) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value	Valuation Method:	Adjustment:	Net Total Appraised Parcel Value
101,400	0	17,600	278,700	0	397,700	C	0	397,700

VISIT/CHANGE HISTORY

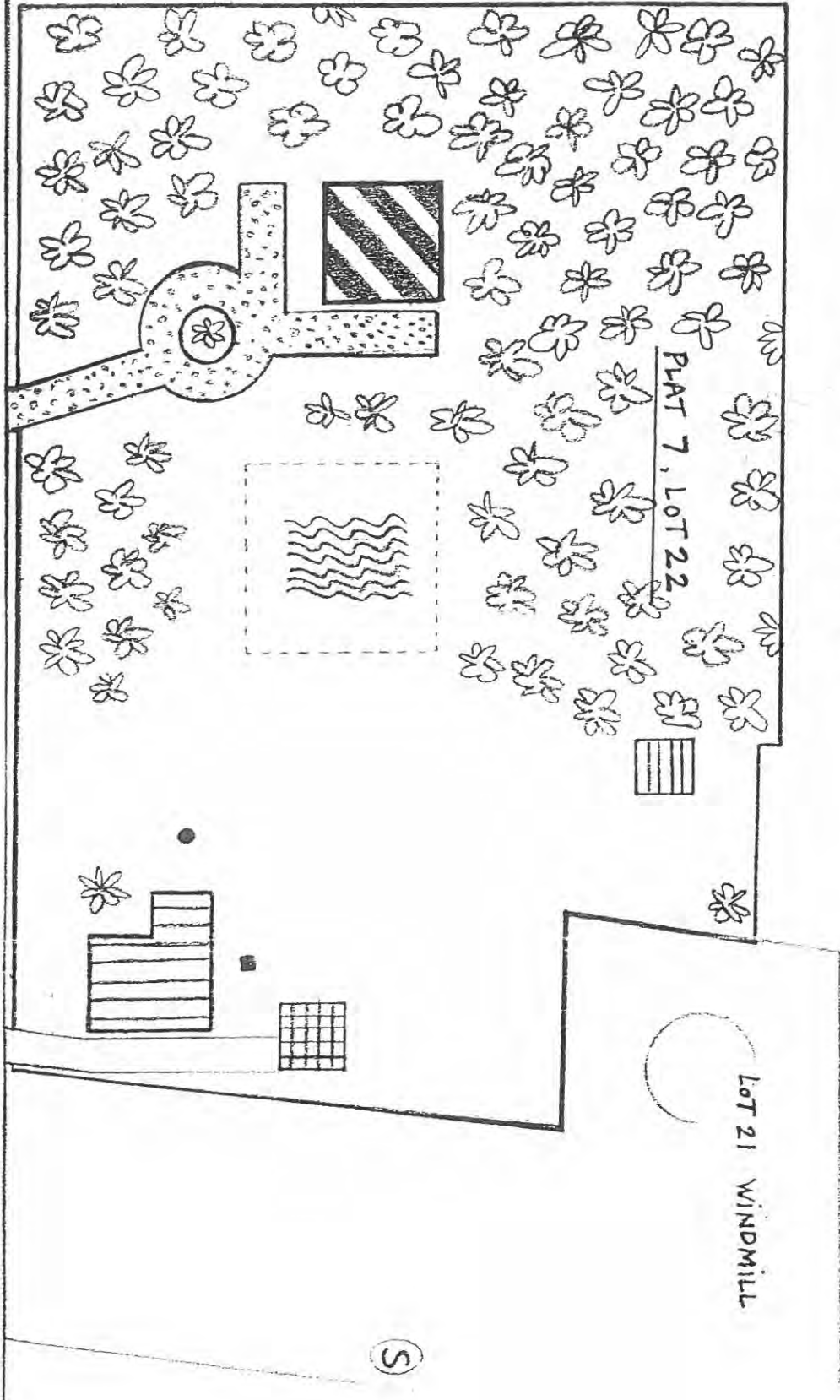
Date	Type	IS	ID	CD	Purpose/Result
2/22/2013			MM	51	Field Review
7/19/2012			DB	08	Measur/Int Refusal
1/14/2010			MM	51	Field Review

Special Pricing

Adi. Unit Price	Land Value
9,500.00	4,800

LOT 19 JOSEPH DUTRA

LOT 19 JOSEPH DUTRA



PLAT 7, LOT 22

LOT 21 WINDMILL

382 NORTH ROAD

1" = 10'

[Hatched Box] = POLE BARN.

[Dotted Box] = DRIVEWAY.

[Horizontal Lines Box] = HOUSE.

[Vertical Lines Box] = GARAGE.

[Horizontal Lines Box] = SHED.

[Wavy Lines Box] = LEACH FIELD.

(W)

[Star in Circle] = TREES.

[Small Square] = WELL.

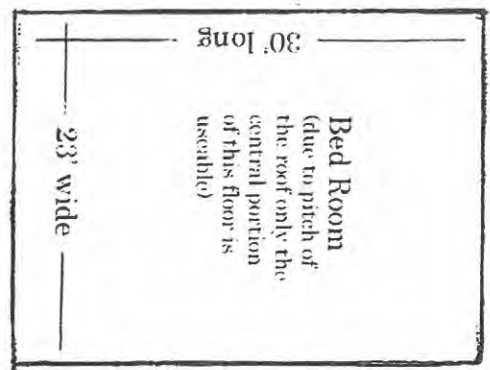
[Circle with Star] = SEPTIC TANK.

CLANCY
382 NORTH ROAD
JAMESTOWN, R.I.
02835

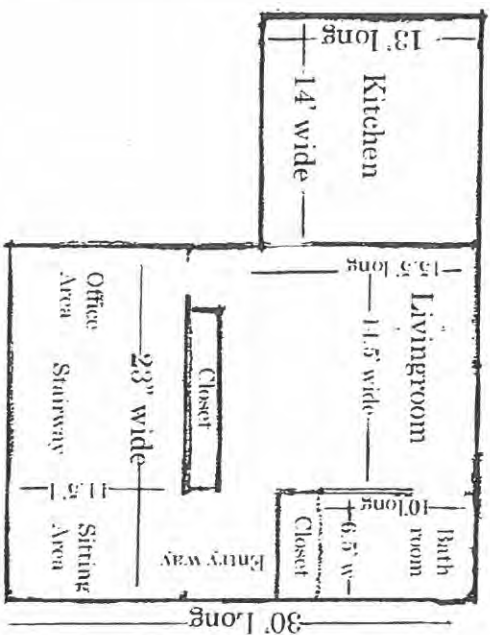
(N)

(S)

David & Jennifer Clancy
382 North Road
Jamestown RI 02835
Current Layout of Residence



2nd Floor

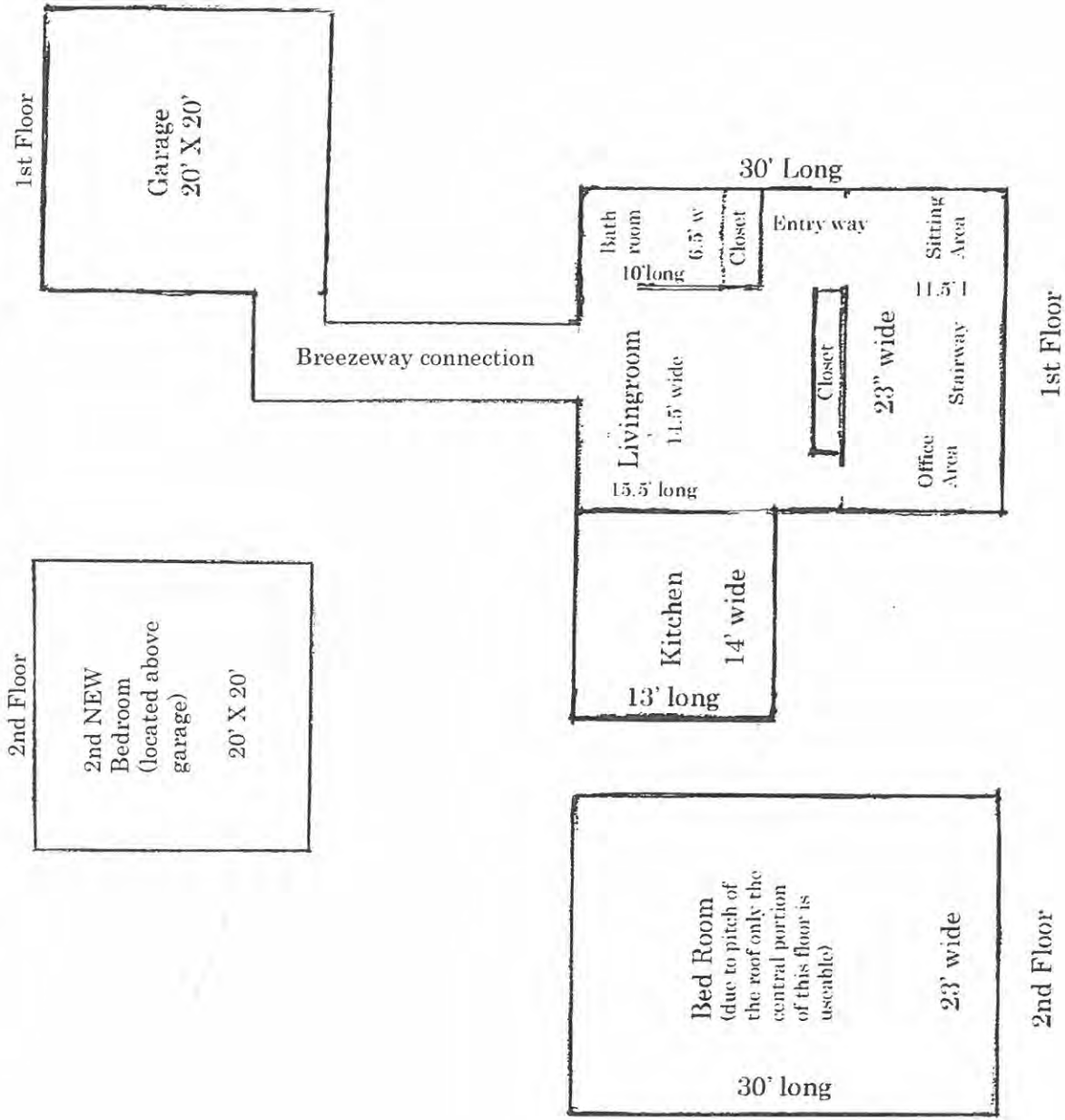


1st Floor

North Road

David & Jennifer Clancy
382 North Road
Jamestown RI 02835

Layout of Residence with
Proposed New Bedroom



North Road

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

NEWPORT, SC.

SUPERIOR COURT

DAVID M. CLANCY and JENNIFER :
R. CLANCY :

v. :

C.A. No.: 2005-0264

THOMAS GINNERTY, RAYMOND :
IANETTA, RICHARD BOREN, DAVID :
NARDOLILLO, and ELIZABETH :
BRAZIL, in their capacities as Members :
of the Zoning Board of Review of the :
Town of Jamestown :

DECISION

GALE, J. Before this Court is the appeal of David and Jennifer Clancy (the Clancys) from an April 17, 2005, Decision of the Zoning Board of Review for the Town of Jamestown (Decision and Board respectively), purportedly denying their application for a special use permit. Jurisdiction is pursuant to R.I. Gen. Laws § 45-24-69.

FACTS AND TRAVEL

The Clancys own property described as Assessor's Plat 7, Lot 22 located at 382 North Road, Jamestown, Rhode Island. The property is located in an RR-200 zone and consists of approximately 65,340 square feet. In addition to residing on the subject property, the Clancys operate a glass-blowing studio located on the lot. Although not pertinent to the special use permit application at issue on this appeal, much of the argument submitted by counsel and the Decision itself centers on the Clancys' construction of the glass-blowing studio. Thus, a brief discussion of the procedural journey the Clancys embarked upon when they sought to construct their studio is necessary.

RECEIVED
SUPERIOR COURT
CLERK
DEC 17
AM 8:33

RR-200 zone by special use permit pursuant to § 82-301, Table 3-1 (VI. G.11) of the Jamestown Code of Ordinances.

The Board conducted publicly advertised hearings on March 22, 2005, and April 26, 2005. At the March 22, 2005, hearing, the Clancys intended to proceed with their special use permit application. However, the Board determined that, procedurally, the proper order of Board business would be to dispose of the appeal first and then take up the issue of the special use permit. (3/22/05 Tr. 8-10.) Being prepared only to present evidence on the special use permit application, the Clancys withdrew their appeal of the Zoning Official's warning.² (3/22/05 Tr. 16.) Therefore, the only matter before the Board was the Clancys' application for a special use permit.

During the hearings, the Clancys presented three witnesses in support of their application. The witnesses included an expert in real estate and zoning matters and a traffic expert, both of whom were cross-examined by members of the Zoning Board. After the Clancys rested, the Board opened up the floor for public comment. Ten individuals spoke in support of the Clancys' application. Another ten individuals spoke in opposition to the application, opining that retail sales would not be compatible with the surrounding agricultural area. The Board issued a written decision on April 27, 2005, denying the Clancys' application. On June 7, 2005, the Clancys

² The following exchange took place between Attorney Bardorf for the Clancys and the Board Member Ginnerty:

Mr. Bardorf: I can't say it's voluntary withdrawal of the appeal. I'm left without options because I have experts here tonight who want to put on testimony for the special use permit, so I want to proceed with the special use permit, and the board has made it clear I can't proceed with the special use permit unless I withdraw the appeal.

Mr. Ginnerty: That's what you said. You should proceed with the appeal. If you wish to proceed on the appeal at any time, you should proceed now. So, you should either waive it or withdraw.

Mr. Bardorf: Withdrawing our appeal."

(3/22/05 Tr. 16.)

ANALYSIS

The thrust of the Clancys' argument on appeal is that the Board's decision was arbitrary and capricious and, therefore, should be reversed. Conversely, the Board contends that the Clancys failed to meet the requisite burden of proof for granting a special use permit under the zoning ordinance and, accordingly, this Court should defer to its judgment. However, after thorough review of the Decision and record, this Court finds that the Board never properly ruled on the merits of the Clancys' application for a special use permit.

The Legislature has mandated that "[t]he zoning board of review shall include in its decision all findings of fact and conditions" See R.I. Gen. Laws § 45-24-61 (a).³ In addition, our Supreme Court has stated on many occasions that "a municipal board, when acting in a quasi-judicial capacity, must set forth in its decision findings of fact and reasons for the action taken." Sciacca v. Caruso, 769 A.2d 578, 585 (R.I. 2001) (citing Irish Partnership v. Rommel, 518 A.2d 356, 358 (R. I. 1986)). Reviewing courts have been cautioned not to speculate as to the grounds the zoning board relied upon if such reasons and evidence supporting those reasons are not revealed in the zoning board's decision. See Hopf v. Bd. of Review of the City of Newport, 102 R.I. 275, 289, 230 A.2d 420, 428 (1967). As the Supreme Court has explained:

"The issue here . . . is not one of form, but the content of the decision; and what we must decide is whether the board members resolved the evidentiary conflicts, made the prerequisite factual determinations, and *applied the proper legal principles*. Those findings must, of course, be factual rather than conclusional, and the application of the legal principles must be something more than the recital of a litany. These are minimal requirements. Unless they are satisfied, a judicial review of a board's work is impossible."

Irish Partnership, 518 A.2d at 359 (emphasis added).

³ A similar requirement can also be found in the Zoning Enabling Act, which states that each ordinance shall "[p]rovide for the recording of findings of fact and written decisions." See § 45-24-42 (b)(5).

....

29. The next step in this analysis is to make reference to Article 3, District Dimensional Regulations, which shall be met for all uses of land permitted under the Jamestown ordinance. In that article consideration is directed to the particular use being made of land in conjunction to the district in which the property is located. A review of this article clearly shows that the RR200 zone is primarily an agricultural area – reference is made to Section 302 Use III.

30. Article 3, Section 302, Category VII (A) (4) states that customary home occupations are permitted uses in an RR200 zone; however, customary home occupations are identified in that section as a subcategory of Commercial Services, and Professional offices. There are no activities listed in the section that even remotely resemble the stated activities of the present application, production of glassware.

31. Conversely, category VIII lists industrial activities and [Article] IX lists industrial and manufacturing activities. A review of those functions more closely resemble [sic] the activities of the applicants; however, with the exception of storage or transfer of fishery equipment, all industrial or manufacturing activity are not permitted in an RR200 zone. *Accordingly, the relief needed by the applicant [sic] should be a variance, not a special use permit."*

Decision of April 27, 2005 at 3-5 (emphasis added).

Despite the Board's determination that the proper relief for the Clancys to pursue would be a variance, the Board concludes its Decision as follows:

"I. That the production of glassware as performed by the applicant does not constitute a customary home occupation as defined in the ordinance

....

III. That judged as an application for a special use permit . . .; the applicant [sic] has failed to sustain their burden of proof."⁴

⁴ The Decision went on to state:

"In particular, the applicants have presented no probative evidence that the relief sought would not result in a substantial health and safety problem relating to traffic operation at the North Road location . . . , the speed of traffic in the area would result in danger to drivers confronted with slowing, turning and stopping vehicles. That visibility is limited by the road contour since the subject property is located near the crest of the hill. That street parking is unavailable due to the road conditions, a single lane of travel in each direction, unstable dirt shoulder to each side of the road, and the area is poorly lighted.

Further, the granting of this application would substantially and permanently injure the appropriate use of the property in the surrounding area. That area, as well as the subject property, is designated as RR200, wherein permitted activities are primarily traditional

granted them the dimensional variance in April of 2003. However, in the instant application, the Clancys were seeking a special use permit to engage in the sale of glassware manufactured in their studio, not for a permit to engage in glass-blowing. Therefore, the discussion of whether glass-blowing constitutes a customary home occupation is not only irrelevant, but it also makes judicial review of the Board's ruling on the merits of the Clancys application for a special use permit impossible.

Furthermore, even if this Court were to assume that the Board did specifically address the Clancys' application for a special use permit, it still remains unclear whether the proper burden of proof as provided for under § 82-602 (A) and (B) of the ordinance was applied. For example, it is not clear how or why the Board's citations to and discussion of the sections of code pertaining to a customary home occupation are relevant to the issuance of the special use permit. Clearly, § 82-602 (A) and (B) make no reference to any other sections of the ordinance.

CONCLUSION

In conclusion, the lack of clarity in the Board's decision leaves this Court unconvinced that the proper legal principles were applied to the Clancys' application. Accordingly, this Court remands to the Board its April 27, 2005, Decision with specific instructions to rule on the merits of the Clancys' application for a special use permit utilizing the criteria enumerated in § 82-602 (A) and (B). This Justice shall retain jurisdiction.

JOINT EXHIBIT

ZONING BOARD OF REVIEW

BK: 470 PG: 317
INST: 19689

Town of Jamestown



93 Narragansett Avenue
401-423-7200

Jamestown, Rhode Island

02835-1199

April 23, 2003

David Clancy
Et Jennifer
382 North Road
Jamestown, RI 02835

Dear Mr. & Ms. Clancy,

At a meeting of the Jamestown Zoning Board of Review held on April 22, 2003 the following vote was passed:

A motion was made by Don Wineberg and seconded by Thomas Ginnerty to grant the request of David & Jennifer Clancy, whose property is located at 382 North Rd., and further identified as Tax Assessor's Plat 7, Lot 22 for a variance from Article 3, Section 311 (Maximum Size of Accessory Structures) and Article 1, Section 104, Definition 29 (Customary Home Occupation) to have a maximum sq. footage of accessory structures to exceed 600 sq. ft. and conduct a home business in a space exceeding 200 sq. ft.

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 restrictions:

1. No equipment for the glass blowing operation may be stored outside, however the propane tank may be installed on the east side of the barn only.
2. The barn is to be of post & beam construction.
3. The structure approved by the variance may not exceed 30' x 20', and must be located as indicated on the plans submitted.
4. In order to preserve the existing view corridors from N.Main Rd. to the windmill, no addition may be made to the existing house which are wider (north to south) or higher than the present house, and no additional accessory structures may be added and no existing accessory structures may be expanded.
5. No employees (in addition to the applicants) shall be hired in the conduct of the customary home occupation although occasional part time employees may be added on a non-permanent basis.

This motion is based on the following findings of fact:

1. Said property is located in a RR200 zone and contains 65,340 sq. ft.
2. The applicants propose to build a traditionally styled post & beam barn in a historically agricultural area. The building will add to the rural architecture of an open space area and the applicants have agreed to preserve the existing new view corridors of the windmill from N. Main Rd.
- 3. The Comprehensive Plan and Zoning Ordinance encourage the promotion of art on the Island.
4. The only adjacent neighbor and one other resident spoke in favor of the application. There were no objectors.
- 5. Nothing in the approval prohibits the applicants from opening their studio to the public on occasion.

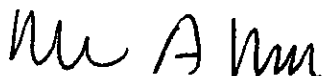
The motion carried by a vote of 5 - 0.

This variance shall expire one year from the date of granting unless the applicant exercises the permission granted.

Richard Allphin, Thomas Ginnerty, Don Wineberg, Raymond Iannetta, and Joseph Logan voted in favor of the motion.

Kathleen Managhan and David Nardolillo were not seated and Richard Boren as absent.

Very truly yours,



Richard Allphin, Chairman
Jamestown Zoning Board of Review
RA/pw

RECEIVED FOR RECORD
04/25/2003 09:38:15AM
JAMESTOWN TOWN CLERK
ARLENE D. KALOSKI

RECORD OF OWNERSHIP		DATE	BK.	PG.	SALE PRICE
MC CALLEN, ROBERT R AND ALICE E ET UX		011053	45	220	
NORTH ROAD					
JAMESTOWN, RI 02835					

REMARKS
<i>Abstract Society WK</i>

MARKET DATA APPROACH												
PLAT	LOT	LOCATION	LOT SIZE	DESIGN	AGE	LIV. AREA	GARAGE	F.P.	B. FINISH	DATE OF SALE	SALE PRICE	ADJ. SALE PR.

BUILDING PERMIT RECORD			
PERMIT	DATE	COST OF BUILDING	TYPE

LOT COMPUTATIONS									
FRONT	DEPTH	AREA	S.F. PR	ADJ. %	ADJ. S.F.	TOTAL	COND. %	CAUSE	VALUE
		20000	2.00	100	2,000	40000			40000

ACREAGE COMPUTATIONS					
CLASSIFICATION	ACRES	RATE	TOTAL	COND. %	CAUSE
HOMESITE	.04	10000	400		
TILLABLE - GOOD		1000			

PROPERTY FACTORS	
TOPOGRAPHY	IMPROVEMENTS
LEVEL	WATER
HIGH	SEWER
LOW	GAS
ROLLING	ELECT.
SWAMPY	ALL UTIL.

TRENDS OF DIST.	
STREET	IMPROVING
PAVED	IMPROVING
UNPAVED	STATIC
CURB	DECLINING
SIDEWALK	
UNIMPR.	

ASSESSMENT SUMMARY	
YEAR	TOTAL
1983	43400
	49200
	92600

OVER

TOTAL VALUE
43400

BETTER VALUATION DATA

OCUPANCY	TYPE	GRADE	YR. BUILT	REMOD.	COND.	COMP. VALUE	COND. ADJ.	ADJ. VALUE	OBS	SOUND VALUE
DWELLING	1 S + A UNFIN	12	1787		3	47095	10	42385		42385
GARAGE	OUTBUILDINGS									6832

COMPUTATIONS

AREA	1102	39246
BASEMENT		
BSMT FIN		
BSMT ENT		
HEAT/A.C.		
NO HEAT		
FIREPLACES	5	
PLUMBING		
EFP		
OFF		
DECK		
PATIO		
GARAGE ATT		
TOTAL		39246
GRADE ADJ	12	7849
DEPRE P	10	4709
F		
E		
V		
GAR. DET.		
OUT 1	384	4032
2	400	2800
3		
4		
5		
NET		49200

MEAS	LISTED
DATE	DATE

NOTES

1 Garage
 2 Garage - 2 Story
 3 Garage w/Loft
 4 Shed
 5 Shed w/Loft
 6 Barn
 7 Barn w/Loft
 8 Greenhouse
 9 A/G Pool
 10 B/G Pool
 11 Other Structure

OUTBUILDING CODES:	Code	Area	Grade	Phys	Funct	Unit Price
7	384	10	30	0	15,00	
1	400	10	30	0	10,00	

PLUMBING	BATHROOM	1	LAVATORY
SHOWER BATH	STALL SHOWER		
TOILET ROOM	NO PLUMBING		
WATER CLOSETS	TILE BATH FLR.		
	TILE TOILET FLR.		
ROOMS	3	BATHS	1
BEDROOMS	2		

FLOORS	B	1	2	3	A
PINE					
HARDWOOD		12			
ASPH. TILE					
INL. LIN.					
W/W CARPET					
CEMENT					

INTERIOR	B	1	2	3	A
PLASTER		1			
DRYWALL					
PANEL					
WALL BD.					
UNFIN.					

EXTERIOR WALL	Code	Area
1 Shingle	1	
2 Siding		
3 Clapboard		
4 Stucco		
5 Masonry		

HEAT	Code	Area
1 Forced Air		
2 Floor Furnace		
3 Wall Furnace		
4 Gravity Furnace		
5 Flr. Rad. Hot Wat.		
6 Ceiling Radiant		
7 Baseboard / Elec		
8 B.B. Hot Water		
9 Rad. Hot Water		
10 Forced Air		
11 No Heat		
12 Reg. Air		
13 Heat Pump		
14 Solar		

LIVING AREA	Code	Area
1		

BASEMENT AREA	Code	Area
1		

BASEMENT FINISH	Code	Area
1		

EFP AREA	Code	Area
1		

OFF AREA	Code	Area
1		

DECK AREA	Code	Area
1		

PATIO AREA	Code	Area
1		

GARAGE AREA	Code	Area
1		

COMMON WALL	Code	Area
1		

BASEMENT ENTRY	Code	Area
1		

GRADE	Code	Area
1		

FUNCTION	Code	Area
1		

STORY HEIGHT	Code	Area
1		

ROOF	Code	Area
1 Asphalt		
2 Slate		
3 Wood		
4 Roll		

YEAR BUILT	Code	Area
1787		

DESIGN	Code	Area
1		

QUALITY	Code	Area
3		

CONDITION	Code	Area
3		

PHYS	Code	Area
10		

DEPR	Code	Area
10		

UNFIN	Code	Area
10		

ECON	Code	Area
10		

UNFIN	Code	Area
10		

PHYS	Code	Area
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DEPR	Code	Area
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UNFIN	Code	Area
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10		

PHYS	Code	Area
10		

DEPR	Code	Area
10		

UNFIN	Code	Area
10		

ECON	Code	Area
10		

Map: 7 Lot: 22 Card 1 Of 1
 Location 382 NORTH ROAD State Code 01 Zoning 200000
 Recorded Plat:

Record of Ownership

MCCALLEN, ROBERT R. (TRUSTEE)
 382 NORTH ROAD
 JAMESTOWN, RI 02835 Account Number: 13097900

Lot Computations

HouseLot	Str Pr	Adj %	Adj SF	Total	Cond %	Cause	Value
65340	1.50	1.75	2.62	171520	0		171500
0	0.00						0

Acreage Computations

Classification	Acres	Rate	Total	Cond %	Cause	Value
Excess: 0-5 Acres	0.00	0	0	0		0
5-20 Acres	0.00	0	0	0		0
Over 20 Acres	0.00	0	0	0		0
Tillable - Pasture	0.00	6000	0	0		0
Woodland	0.00	0	0	0		0
Wasteland	0.00	300	0	0		0
TOTAL AREA	1.50				TOTAL LAND VALUE	171500

BUILDING SUMMARY

	Comp Value	Deprec	
1s Fr + A Unf	72720	40	43630
		Total from Other Cards	
		Total Outbuildings	7920
			223050

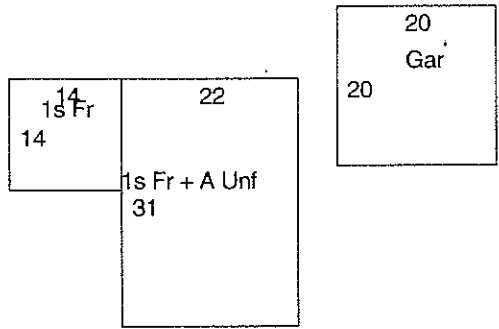
NOTES:
 "Mill House"

Outbuildings:

Type	Area	Grade	Deprec	Unit Pr

Meas.
 BB
 1/26/93
 Listed
 BB
 1/26/93

Area	73280
Roof	0
Heat	0
No Heat	0
FrPc	0
Plumb	-2230
EFP	0
OPF	0
Deck	0
Patio	0
BSMT	1670
Bsm Fin	0
Gar Att	0
Com Wall	0
Repl.	72720
Depr	-29090
Total	43630
Gar Det	7920
Out 1	0
2	0
3	0
4	0
5	0
Net	51550



Printed: 12/2/1993

Floors	B	1	2	3	A
Pine		X			
Hardwood					
Asph. Tile					
Inl. Lin.		X			
W/W Carp					
Cement					

Interior	B	1	2	3	A
Plaster		X			
DryWall					
Panel					
Wall Bd					
Unfin					

BUILDING CHARACTERISTICS	Fireplaces:	None
Design: Cape	Plumbing Fixtures:	5
Exterior Walls: Shingle	Depr Phy: 40 %	Func: None Econ: None
Quality: C Condition: Fair	Heat:	Forced Air
Roof: Asphalt	Living Area:	878
Story Height: 1s + A Unfin	Basement Area:	0
Year Built: 1787 Eff Age:	Bsmt Finish Area:	0
Garage: Detached 400 20 %	Rooms: 5	Bedrms: 2

Bathrooms	0
Shower Bath	1
Toilet Room	0
Water Closets	0
Lavatory	0
Stall Shower	0
No Plumbing	0
Tile Bath Flr.	0
Tile Toilet Flr.	0

Record of Ownership

MCCALLEN, ROBERT R. (TRUSTEE)
 382 NORTH ROAD
 JAMESTOWN, RI 02835 Account Number: 13097900

Lot Computations

House/Lot	Str Pr	Adj %	Adj SF	Total	Cond %	Cause	Value
65340	1.00	1.75	1.75	114350	0		114400
0	0.00						0

Acreage Computations

Classification	Acres	Rate	Total	Cond %	Cause	Value
Excess: 0-5 Acres	0.00	0	0	0		0
5-20 Acres	0.00	0	0	0		0
Over 20 Acres	0.00	0	0	0		0
Tillable - Pasture	0.00	6000	0	0		0
Woodland	0.00	0	0	0		0
Wasteland	0.00	300	0	0		0
TOTAL AREA	1.50				TOTAL LAND VALUE	114400

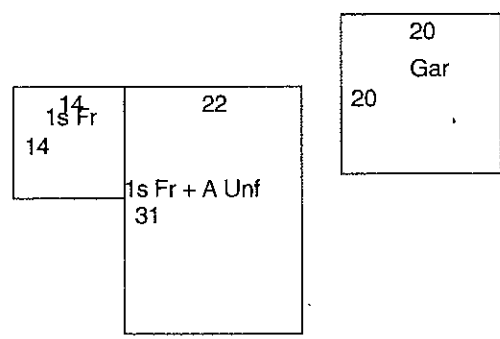
BUILDING SUMMARY	Comp Value	Deprec	
1s Fr + A Unf	62070	45	34140
		Total from Other Cards	
		Total Outbuildings	7920
			156460

NOTES:
 "Mill House"

Outbuildings:				
Type	Area	Grade	Deprec	Unit Pr

Meas.
BB
1/26/93
Listed
BB
1/26/93

Area	62290
Roof	0
Heat	0
No Heat	0
FrPlee	0
Plumb	-1890
EFP	0
OFFP	0
Deck	0
Patio	0
BSMT	1670
Bsm Fin	0
Gar Att	0
Com Wall	0
Repl.	62070
Depr	-27930
Total	34140
Gar Det	7920
Out 1	0
2	0
3	0
4	0
5	0
Net	42060



Printed: 3/31/1994

Floors	B	1	2	3	A
Pine		X			
Hardwood					
Asph. Tile					
Inl. Lin.		X			
W/W Carp					
Cement					

Interior	B	1	2	3	A
Plaster		X			
DryWall					
Panel					
Wall Bd					
Unfin					

BUILDING CHARACTERISTICS	Fireplaces:	None
Design: Cape	Plumbing Fixtures:	5
Exterior Walls: Shingle	Depr Phy: 45 %	Func: None Econ: None
Quality: D+ Condition: Fair	Heat: Forced Air	
Roof: Asphalt	Living Area: 878	
Story Height: 1s + A Unfin	Basement Area: 0	
Year Built: 1787 Eff Age:	Bsmt Finish Area: 0	
Garage: Detached 400 20 %	Rooms: 5 Bedrms: 2	

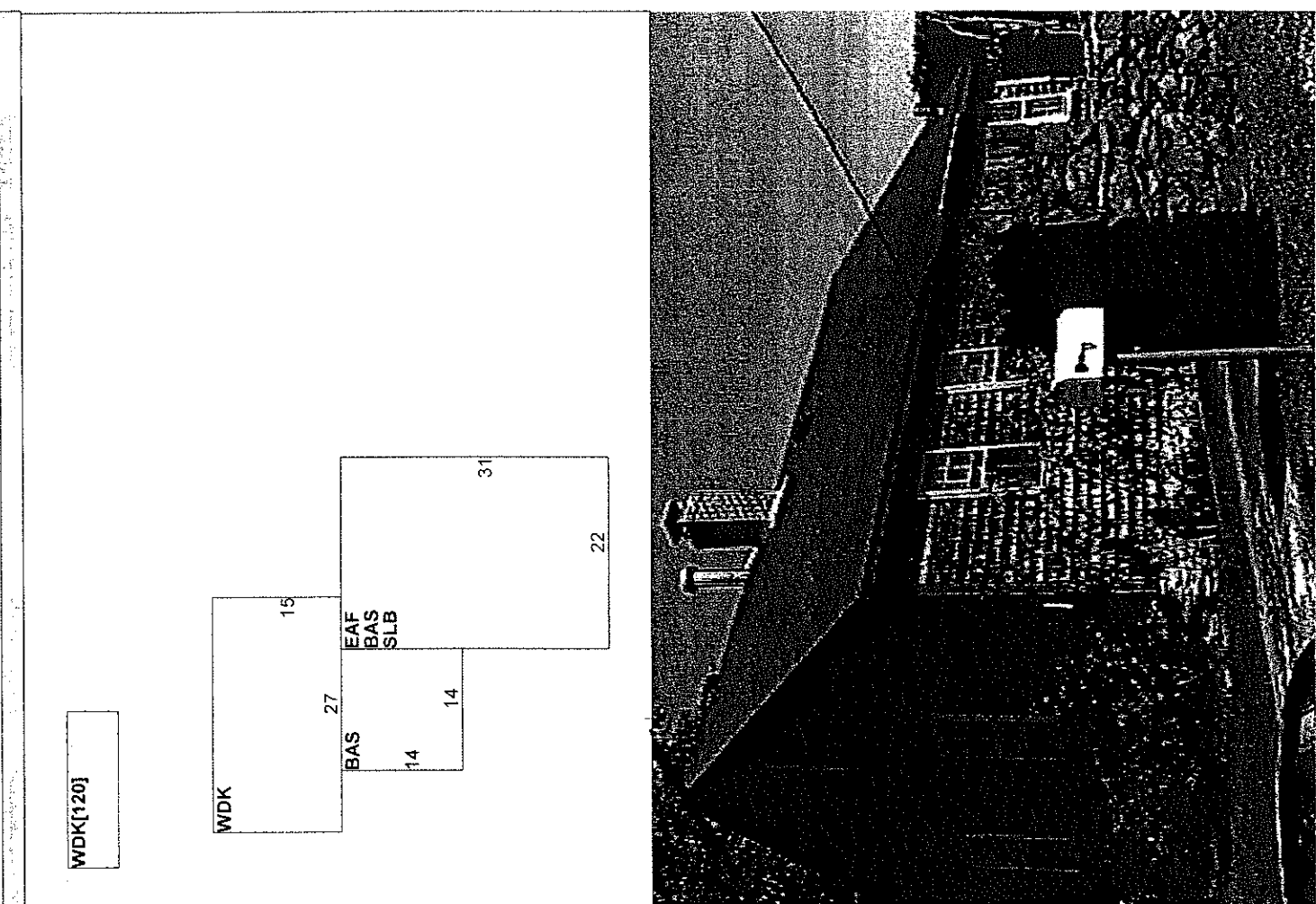
Bathrooms	0
Shower Bath	1
Toilet Room	0
Water Closets	0
Lavatory	0
Stall Shower	0
No Plumbing	0
Tile Bath Flr.	0
Tile Toilet Flr.	0

FIELD RECORD CARD

PLAT 7 LOT 22

Design <input checked="" type="checkbox"/> 5 1 Cottage 2 Ranch 3 Split Level 4 Raised Ranch 5 Cape 6 Conventional 7 Garrison 8 Colonial 9 Historic 10 Contemporary 11 Condominium 12 2-Family 13 3-Family 14 4-Family 15 Mixed Use 16 Mobile Home 17 Gambrel 18 Salt Box 19 A-Frame 20 Victorian 21 Bungalow 22 Log Home 23 Modular 24 5-Family 25 Time Share	Garage <input checked="" type="checkbox"/> 1 1 Detached 2 Basement 3 Attached 4 Carport Grade <input checked="" type="checkbox"/> 3 Depr <input checked="" type="checkbox"/> 20 Fireplaces <input type="checkbox"/> on <input type="checkbox"/> 0 Plumbing Fixtures <input checked="" type="checkbox"/> 5 Phys Depr. <input checked="" type="checkbox"/> 45 Funct <input type="checkbox"/> Econ <input type="checkbox"/> Unfin <input type="checkbox"/> Oil Heat Code <input checked="" type="checkbox"/> 1 Area <input type="checkbox"/> 1 Forced Air 2 Floor Furnace 3 Wall Furnace 4 Gravity Furnace 5 Flr. Rad. Hot Wat 6 Ceiling Radiant 7 Baseboard/Elec 8 B.B. Hot Water 9 Rad. Hot Water /Steam 10 Forced Air W/A/C 11 No Heat 12 Reg. Air Conditioning 13 Heat Pump 14 Solar	Outbuildings Codes: 1 Garage 2 Shed 3 Barn-One Story 4 A/G Pool 5 B/G Pool 6 Greenhouse 7 Barn with loft 8 Other Structure 9 Garage with Loft 10 Deck 11 Patio 12 Tennis Court 13 Cabana 14 Docks <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>Code</th> <th>Area</th> <th>Grade</th> <th>Phys</th> <th>Funct</th> <th>Unit</th> <th>Price</th> </tr> </thead> <tbody> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table>	Code	Area	Grade	Phys	Funct	Unit	Price	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																										
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Exterior Wall <input checked="" type="checkbox"/> 1 1 Shingle 2 Siding 3 Clapboard 4 Stucco 5 Masonry <i>NEED</i>	Oil Tank A/G <input checked="" type="checkbox"/> B/G <input type="checkbox"/> Approx. Year <input type="checkbox"/>	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>FLOORS</th> <th>B</th> <th>1</th> <th>2</th> <th>3</th> <th>A</th> <th>INTERIOR</th> <th>B</th> <th>1</th> <th>2</th> <th>3</th> <th>A</th> </tr> </thead> <tbody> <tr> <td>Pine</td> <td></td> <td></td> <td>✓</td> <td></td> <td></td> <td>Plaster</td> <td></td> <td></td> <td>✓</td> <td></td> <td></td> </tr> <tr> <td>Hardwood</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Drywall</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Asph. Tile</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Panel</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Inf. Lin</td> <td></td> <td></td> <td>✓</td> <td></td> <td></td> <td>Wall Bd.</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>W/W Carpet</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Unfin</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Cement D.P.T.</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	FLOORS	B	1	2	3	A	INTERIOR	B	1	2	3	A	Pine			✓			Plaster			✓			Hardwood						Drywall						Asph. Tile						Panel						Inf. Lin			✓			Wall Bd.						W/W Carpet						Unfin						Cement D.P.T.											
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Roof <input checked="" type="checkbox"/> 1 1 Asphalt 2 Slate 3 Wood 4 Roll TYPE <i>Gable</i>	RECAP Rooms <input checked="" type="checkbox"/> 5 Bedrooms <input checked="" type="checkbox"/> 2 Baths <input checked="" type="checkbox"/> 1 BUILT-INS Security Sys <input type="checkbox"/> Intercom <input type="checkbox"/> Cent. Vac. <input type="checkbox"/>	<table border="1" style="width: 100%;"> <tr> <td>Meas</td> <td>BB</td> <td>Date</td> <td>1/26</td> <td>205</td> </tr> <tr> <td>Listed</td> <td>B/B</td> <td>Date</td> <td>1/26</td> <td>205</td> </tr> <tr> <td>Callback</td> <td></td> <td>Date</td> <td></td> <td></td> </tr> <tr> <td>Callback</td> <td></td> <td>Date</td> <td></td> <td></td> </tr> <tr> <td>Callback</td> <td></td> <td>Date</td> <td></td> <td></td> </tr> </table>	Meas	BB	Date	1/26	205	Listed	B/B	Date	1/26	205	Callback		Date			Callback		Date			Callback		Date																																																													
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Story Height <input checked="" type="checkbox"/> 5 1 One Story 2 Two Story 3 Three or More Stories 4 1s + A Fin 5 1s + A Unfin 6 1 1/2s Fin 7 1 1/2s Unfin	Year Built <input checked="" type="checkbox"/> 1987																																																																																					

1CR, S-BORW, LCR, BR. PR, DEN



CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd.	Ch.	Description
Style	04		Cape Cod
Model	01		Residential
Grade	03		Average
Stories	1.25		
Occupancy	1		
Exterior Wall 1	14		Wood Shingle
Exterior Wall 2			
Roof Structure	03		Gable/Hip
Roof Cover	03		Asph/F GlS/Cmp
Interior Wall 1	05		Drywall/Sheet
Interior Wall 2			
Interior Flr 1	08		Average
Interior Flr 2			
Heat Fuel	02		Oil
Heat Type	04		Forced Air-Duc
A/C Type	01		None
Total Bedrooms	2		
Total Bthrms	1		
Total Half Baths	1		
Total Xtra Fixtrs	5		
Total Rooms	02		
Bath Style	02		Average
Kitchen Style	02		Average
Basement Garage			

MIXED USE		COST/MARKET VALUATION	
Code	Description	Unit Cost	Undeprec. Value
1010	Single Fam MDL-01	87.46	
	Replace Cost	111,245	
	AYB	1787	
	Dep Code	F	
	Remodel Rating		
	Year Remodeled	40	
	Dep %		
	Functional Obslnc		
	External Obslnc		
	Cost Trend Factor		
	Condition		
	% Complete	60	
	Overall % Cond	66.700	
	Apprais Val	0	
	Dep % Ovr	0	
	Dep Ovr Comment		
	Misc Imp Ovr	0	
	Misc Imp Ovr Comment		
	Cost to Cure Ovr	0	
	Cost to Cure Ovr Comment		

OB-BUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)		BUILDING SUB-AREA 4 SUMMARY SECTION	
Code	Description	Living Area	Gross Area
3AS	First Floor	878	878
5AF	Attic, Expansion, Finished	341	682
5LB	Slab	0	682
5DK	Deck, Wood	0	525
Tot. Gross Liv/Lease Area:		1,219	2,767
			111,245

Code	Description	Appraised Value	Assessed Value
0100	RES LAND	278,700	278,700
0100	RESIDNTL	66,700	66,700
0100	RESIDNTL	7,100	7,100
Total		352,500	352,500

Yr	Code	Assessed Value	Yr	Code	Assessed Value
2009	0100	278,700	2007	LAND	152,900
2009	0100	66,700	2007	BLDGC	157,200
2009	0100	7,100	2007	DTHR	10,300
			2007	ABLD	0
Total		352,500	Total		320,400

PREVIOUS ASSESSMENTS (HISTORY)
 This signature acknowledges a visit by a Data Collector or Assessor

Year	Type	Description	Amount	Comm. Int.
EXEMPTIONS				

Yr	Code	Assessed Value	Yr	Code	Assessed Value
2009	0100	278,700	2008	LAND	66,700
2009	0100	66,700	2008	BLDGC	0
2009	0100	7,100	2008	DTHR	7,100
			2008	ABLD	278,700
					0
					352,500
					C
					0
					352,500

APPRAISED VALUE SUMMARY
 Appraised Bldg. Value (Card)
 Appraised XF (B) Value (Bldg)
 Appraised OB (L) Value (Bldg)
 Appraised Land Value (Bldg)
 Special Land Value
 Total Appraised Parcel Value
 Valuation Method:
 Adjustment:
 Net Total Appraised Parcel Value

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
					1/14/2010			

BUILDING PERMIT RECORD
VISIT/CHANGE HISTORY

B #	Use Code	Use Description	Zone	D	Frontage	Depth	Units	Unit Price	Factor	S.A.	% Comp.	Date Comp.	Comments	ST	Idx	Adj.	Notes-Adj	Special Pricing	Adj. Unit Price	Land Value		
1	1010	Single Fam	MDL-01				43,560	6.62	1.00	5					0040	0.95			6.29	273,900		
1	1010	Single Fam	MDL-01				0.50	10,000.00	1.00	0					0040	0.95			9,500.00	4,800		
Total Card Land Units:																			1.50 AC	Parcel Total Land Area: 1.5 AC	Total Land Value:	278,700

LAND LINE VALUATION SECTION

RECORD OF OWNERSHIP
 CLANCY, DAVID M ET
 CLANCY, JENNIFER R
 382 NORTH ROAD
 JAMESTOWN, RI 02835
 Additional Owners:
 Other ID: 20080000000000001245 Condo
 Note1
 Note2
 Note3
 Note4
 STATE CODE
 OWNERSHIP
 Fire
 GIS ID: 7-22

UTILITIES
 TOPO. 4 Rolling
 STRT. ROAD
 LOCATION
 SUPPLEMENTAL DATA

SALE PRICE V.C.
 BK-VOL/PAGE 423/248
 SALE DATE 05/17/2002 U
 V 0
 03/04/1997 U V 15,000
 02/27/1996 U V 95,000
 03/13/1990 U V 0

ASSESSING NEIGHBORHOOD
 NBHD NAME
 STREET INDEX NAME
 TRACING
 BATCH

NOTES
 2 BR ISDS
 120 SF WDK ATT'D TO FEP
 XFIX=HOT TUB
 NATURAL-MILL HOUSE
 ABUTS WINDMILL

OTHER ASSESSMENTS
 Amount Number Comm. Int.

EXEMPTIONS
 Year Type Description Amount Comm. Int.

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