



ZONING BOARD OF REVIEW MEETING

**Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue**

**Tuesday, AUGUST 25, 2020
7:00 PM**

PURSUANT TO EXECUTIVE ORDER'S NO. 20-05 & NO. 20-25 EXECUTED BY GOVERNOR GINA RAIMONDO ON MARCH 16, 2020 & APRIL 15, 2020. THIS MEETING WILL BE TELECONFERENCED VIA ZOOM AND VIA TELEPHONE:

The public is invited to observe and participate in the deliberations of this meeting by accessing the meeting link set forth herein. For those without access to video observation platforms, you may also call in to listen and participate in the deliberations of this meeting by using the call in phone number provided herein.

**JOIN VIA PHONE: 1(301) -715- 8592 or 1(312) - 626- 6799 or 1(646) - 558- 8656
WHEN PROMPTED, ENTER MEETING ID: 924 1221 7896
PRESS # AGAIN TO JOIN THE MEETING**

To participate during Public Hearing or Public Input you will press *9 to raise your hand.

**JOIN VIA COMPUTER OR MOBILE APP: <https://zoom.us/j/92412217896>
MEETING ID: 924 1221 7896**

To participate during Public Hearing or Public Input, please use the raise your hand icon in the Zoom.

TO VIEW THE MEETING LIVE STREAM WITH NO INTERACTION, PLEASE VISIT THE FOLLOWING LINK:

<http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.html>

- I. ROLL CALL; CALL TO ORDER**
- II. TELECONFERENCE PROCEDURES FOR PROCEEDINGS & PUBLIC PARTICIPATION**
- III. APPROVAL OF MINUTES**
 - A. Approval of the minutes of the July 23, 2020 meeting; discussion and/or action and/or vote.**
- IV. CORRESPONDENCE**
- V. NEW BUSINESS**

- A. Application of Leo N. Orsi, Jr. & Patricia M., whose property is located at 795 North Main Rd., and further identified as Assessor's Plat 16, Lot 181 for a variance from Article 3, Sec. 82-302 (Table 3-2) district dimensional regulations, and Article 6, Sec. 82-605 variances authorized by this ordinance to install a 12' x 16' utility shed with a side setback of 1' where 10' is required. Said property is located in a R40 zone and contains 19,758 sq. ft ; review, discussion and/or potential action and/or vote
- B. Application of JTMB Ventures Trust, whose property is located at 1046 East Shore Rd., and further identified as Assessor's Plat 1, Lot 296 for a variance from Article 3, Section 82-302, Table 3-2 & Article 6, Section 82-605 variances authorized by this ordinance to build a 2nd story addition above an existing structure that is over the 30' side yard setback line by 8'-10". The proposed 2nd story walls would align with the 1st floor exterior walls and the foundation of the existing structure with an additional 1'-0" soffit projection. Said property is located in a RR80 zone and contains 1.8 acres; review, discussion and/or potential action and/or vote
- C. Application of Donald R. & Laura J. Carlson, whose property is located at 20 Brook St., and further identified as Assessor's Plat 9, Lot 281 for a variance/special use permit from Article 7, Sec 82-704 (Alteration of a nonconforming use) & Sec 82-705 (Alteration of a nonconforming structure); Sec 82-303 (Number of residential structures per lot); Sec 82-302, Table 3-2 (30' rear setback requirement for a principal building) Article 6, Sec 82-600 thru 608 (Special Use Permits & Variances) to remove an existing nonconforming dwelling and construct a 900 sq ft footprint dwelling; allow an existing 1989 regulatory variance (granted special use permit for nonconforming structure to be used as a second dwelling unit on the lot and a dimensional variance granting side and rear setback relief) to carry over in part to allow replacement structure to serve as a dwelling and comply with accessory building setback requirements. Build the proposed 900 sq ft dwelling on 10' rear setback required for an accessory building instead of 30' rear setback required for a second principal building on the lot. Said property is in a R8 zone and contains 22,000 sq ft with a contiguous commonly owned lot (#823) containing an additional 8000 sq ft subject to a conservation easement held by the Conanicut Island Land Trust.; review, discussion and/or potential action and/or vote

VI. ADJOURNMENT

PLEASE NOTE: All Correspondence or Exhibits you wish the Board to consider on any of the above matters must be received by the Zoning Board Clerk Office no later than Wednesday, June 17, 2020. You may submit those documents the following ways: Email to pwestall@jamestownri.net or via drop box located on the West Street side entrance of Town Hall, or by regular mail 93 Narragansett Avenue, Jamestown, RI 02835

***The website link for the public to use to watch any meeting in Council Chambers is:
<http://158.123.195.41/OTRMedia/Town2020/Others2020/StreamPrimJtown.html>***

Pursuant to RIGL §42-46-5(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Philomenian Library. In addition notice may

also be posted at the Jamestown Police Station and on the Internet at www.jamestownri.gov.

This meeting location is accessible to the physically challenged. If communications assistance or other accommodations are needed to ensure equal participation, please call 1-800-745-5555, or contact the Zoning Board Clerk at 401-423-7221, or email pwestall@jamestownri.net not less than three (3) business days prior to the meeting.

Posted on the RI Secretary of State website.

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the July 28, 2020 Meeting

**A regular meeting of the Jamestown Zoning Board of Review was held July 28, 2020.
THIS MEETING Was TELECONFERENCED VIA ZOOM AND VIA TELEPHONE:**

The Chairman called the meeting to order at 7:02 p.m. The Zoning Officer called the roll and noted the following members present:

Richard Boren, Chair
Dean Wagner, Vice-chair
Terence Livingston, Member
Edward Gromada, Member
Judith Bell, 1st Alt.
Erik Brine, 2nd Alt.
James King, 3rd Alt.

Also present: Erin Liese, Town Clerk
Brenda Hanna, Stenographer
Chris Costa, Zoning Officer
Wyatt Brochu, Counsel

MINUTES

Minutes of June 23, 2020

A motion was made by Terence Livingston and seconded by Dean Wagner to accept the minutes of the June 23, 2020 meeting as presented.

The motion carried by a vote of 5 -0.

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

Erik Brine and James King were not seated and Marcy Coleman was absent.

CORRESPONDENCE

Nothing at this time

NEW BUSINESS

Falsey

A motion was made by Terence Livingston and seconded by Dean Wagner to DENY the request of Frances M. Falsey whose property is located at 71 Columbia Ave. and further identified as Assessor's Plat 9, Lot 144 for a variance from Article 3, Section 82-301, Uses & Districts (Table 3-1) to allow an off-site business to utilize the exterior fenced in portion of the property for a Dog Park, which use is not provided for in Table 3-1 and is thereby prohibited under Section 82-301.

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

This motion is based on the following findings of fact:

1. Said property is located in a R8 zone and contains 13,068 square feet.
2. That the applicant has applied for a use variance for a "Dog Park".
3. Dog Parks are a prohibited use in a R8 zone.
4. That the applicant has stated that if the application was denied she still has beneficial use of her property.
5. Eleven witnesses testified via letters in favor of the application.
6. Two witnesses testified via letter against the application.
7. The owner allows her friend Terry Page who owns a dog business to use her yard to allow her customers dogs to play in her yard.
8. The applicant does not supervise any of the dog activity in her yard. Terry Page supervises all activity of the dogs in her yard.

The motion carried by a vote of 5 -0.

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

Erik Brine recused himself.

James King was not seated and Marcy Coleman was absent.

Stokes

A motion was made by Judith Bell and seconded by Dean Wagner to grant the request of Gail & David Stokes, whose property is located at 86 Frigate St., and further identified as Assessor's Plat 16, Lot 85 for a variance from Article 3 Table 3.2 District Dimensional Regulations & a special use permit from Article 3 Section 314 High Groundwater Table and Impervious layer District to construct an addition to an existing house. The addition will be 20 ft from the front lot line where 30 ft. is required. The lot is within the High Groundwater District Sub District A and so requires a special use permit to exceed allowable impervious surface. Existing impervious surface will be reduced from 26.5% of the lot to 18.3% in the renovation.

Regarding this request, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600

Regarding the request for a Variance, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 606, PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 602.

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

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contain 7200 sq. ft.
2. The hardship is due to the characteristics of the structure.
3. The relief requested is the least relief necessary.
4. This relief is granted incorporating all findings of fact in the June 17, 2020 Planning Commission meeting and all findings of fact from said meeting.

The motion carried by a vote of 5 -0.

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

Erik Brine and James King were not seated and Marcy Coleman was absent.

MacIntyre

A motion was made by Edward Gromada and seconded by Terence Livingston to grant the request of Andrew and Colleen MacIntyre whose property is located at 9 Maple Avenue, and further identified as Assessor's Plat 9, Lot 14 for dimensional relief granted under Article 6, Special Use Permits and Variances, pursuant to Section 82-302, Table 3-2 for the Village Special District Zones R8, R20, CL and CD4, to construct a proposed porch with a front setback of 17 feet where 30 feet is required. The applicant is also seeking relief from Article 7 Section 82-705, Alteration of a nonconforming structure where the subject property currently has a deck that is approximately 19 feet from the front property line where 30 feet is required.

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

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

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains approximately 30492 square feet.
2. The property possesses unique characteristics that require the relief requested
3. The hardship is present due to the unique characteristics of the lot itself.
4. The granting of this requested variance will not alter the general characteristics to the surrounding area.
5. The relief requested is the least relief necessary
6. The hardship amounts to no more than an inconvenience without the requested relief.

The motion carried by a vote of 5 -0.

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

Erik Brine and James King were not seated and Marcy Coleman was absent.

Bilodeau

A motion was made by Dean Wagner and seconded by Terence Livingston to continue to the September 22, 2020 meeting the application of Andrew Bilodeau at the request of the applicant.

The request needs to be re-advertised and resubmitted.

The motion carried by a vote of 5 -0.

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

Erik Brine and James King were not seated and Marcy Coleman was absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 7:40 p.m.
The motion carried unanimously.

**TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW**

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review:

Jamestown, Rhode Island

Date June 29, 2020

Gentlemen/Ladies:

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 ground hereinafter set forth.

Applicant Leo & Patricia Orsi Address 795 North Main Rd.

Owner Leo & Patricia Orsi Address 795 North Main Rd.

Lessee n/a Address _____

1. Location of premises: No. 795 Street North Main Rd.

2. Assessor's Plat 16 Lot 181

3. Dimensions of the lot: Frontage 137 ft Corner 135 ft Area 19,758 sq ft

4. Zoning District in which premises is located: R40, but less than 20,00sf uses R20 Dimensions
See Table 3 - 2

5. How long have you owned above premises? 8 years

6. Is there a building on the premises at present? Yes

7. Size of existing building 2,000sf Size of proposed building or alteration 192sf

8. Distance of proposed building or alteration from lot lines:

Front _____ Rear _____ Left Side _____ North Side 1 foot

9. Present use of premises: Residential

10. Proposed use of premises: Residential

Location of septic tank and well on lot Front - Center (see survey)

11. Give extent of proposed alterations: One pre-constructed utility shed

16' long, 12' wide, 10' high with the north side setback to be 1' where 10' is required.

12. Number of families for which building is to be arranged: Shed – not for occupancy

13. Have you submitted plans for above to Inspector of Buildings? Yes

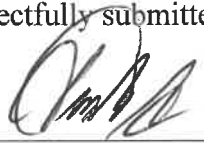
Has the Inspector of Building refused a permit? Yes

14. Provision or regulation of Zoning Ordinance or State Enabling Act under which application for exception or variance is made: Article 3 Sec. 82-302 (see Table 3-2) district dimensional regulations, and Article 6 Sec. 82-605 variances authorized by this ordinance to install a 12' x 16' utility shed with a side setback of 1' where 10' is required.

15. State grounds for exceptions or variation in this case: We cannot locate a shed in the back of the house (not enough space & also because of the setback requirements). No location on the property other than that which we are requesting would be less conforming or practical. Shed will be used for the storage of lawn and garden equipment, snow blower and various tools.

Respectfully submitted,

Signature



Leo N. Orsi, Jr.

Signature



Patricia M Orsi

Address

795 North Main Rd.

Jamestown, RI 02835

Telephone No.

401-487-1789

NOTE: A LOCATION PLAN AND SKETCH AND DRAWINGS NECESSARY TO GIVE FULL INFORMATION MUST BE FILED WITH THE APPLICATION.

ZONING ADVERTISEMENT

Application of Leo N. Orsi, Jr. & Patricia M. Orsi whose property is located at 795 North Main Rd., Jamestown, RI 02835 and further identified as;

Tax Assessor's Plat 16, Lot 181 for a Variance from;

Article 3 Sec. 82-302 (see Table 3-2) district dimensional regulations, and Article 6 Sec. 82-605 variances authorized by this ordinance to install a 12' x 16' utility shed with a side setback of 1' where 10' is required.

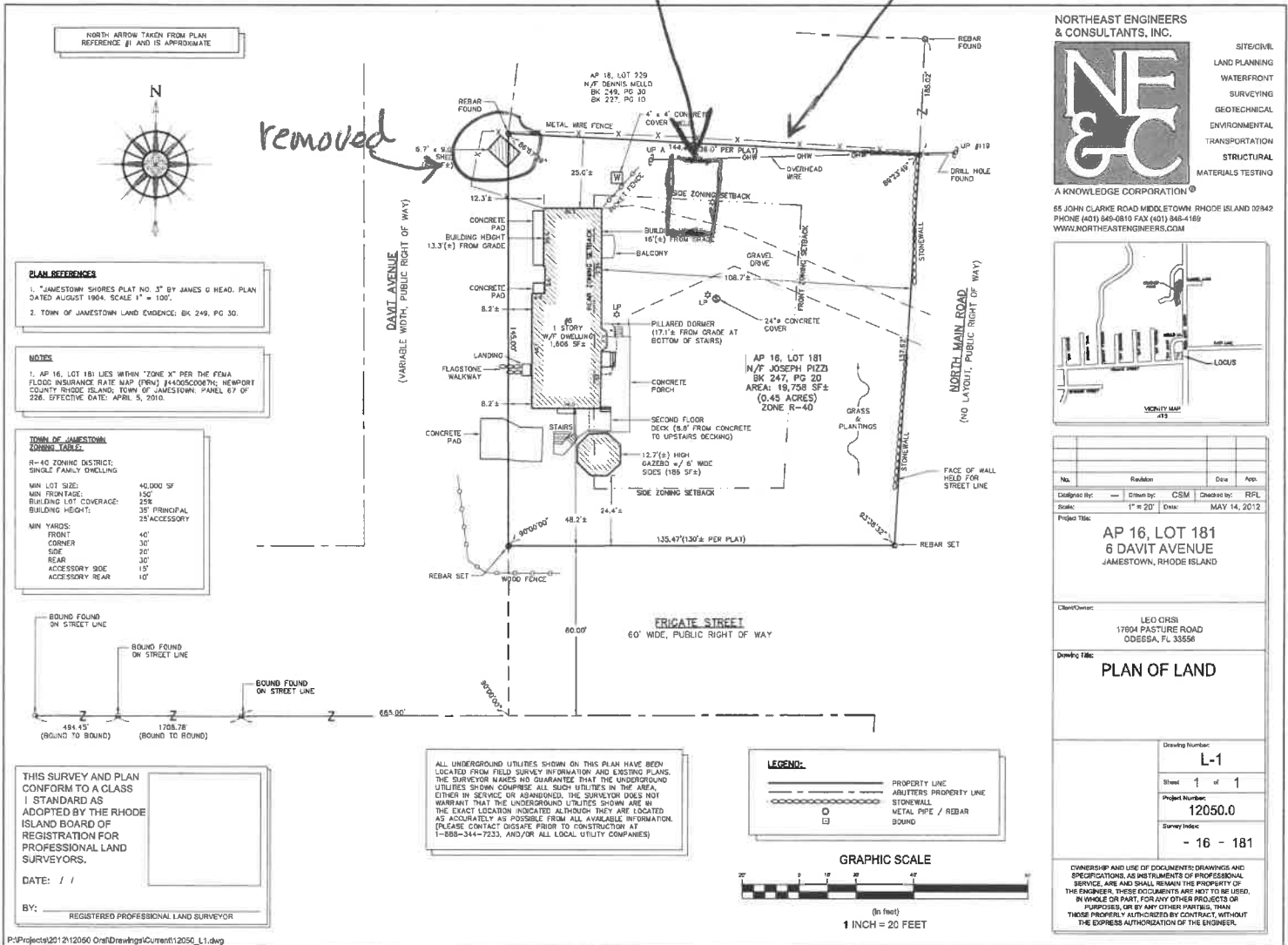
Zoning district: R40

Total sf ft of lot: 19,758

Shed - 16' long
 12' wide
 10' high
 Proposed pre-constructed
 shed 1' from property line
 No objections from Neighbor

Now a stone wall

removed



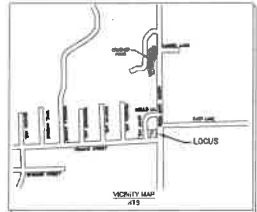
NORTHEAST ENGINEERS & CONSULTANTS, INC.

NE & C

A KNOWLEDGE CORPORATION

65 JOHN CLARKE ROAD MIDDLETOWN, RHODE ISLAND 02842
 PHONE (401) 845-0810 FAX (401) 845-1189
 WWW.NORTHEASTENGINEERS.COM

SITE/CIVIL
 LAND PLANNING
 WATERFRONT
 SURVEYING
 GEOTECHNICAL
 ENVIRONMENTAL
 TRANSPORTATION
 STRUCTURAL
 MATERIALS TESTING



No.	Revision	Date	App.

Drawn by: CSM
 Checked by: RFL
 Scale: 1" = 20'
 Date: MAY 14, 2012



230
2.08 Acres

120 +/-
168 +/-
278.7
240

288 +/-

170
28985 SF
21.5

176
31882 SF

57 +/-

229
25580 SF

DAVIT
AVE

165

130
172 7800 SF
130 7800 SF

132

130
174 15600 SF

145
180 17400 SF

145 +/-
181 18501 SF
137.5 +/-
130 +/-

50

09

60 60 120 60 134 +/-
189 188 186 185 183
393 9426 18957 SF 9225 SF 21095 SF
SF SF SF SF SF
157.4 +/- 158.5 +/- 159 +/-
60 +/- 120 +/- 60 +/- 132 +/-

RR-200

200

450

43

452

2.07 Acres

3.

268 220
110 352 110
24200 SF
122 341 123
26800 SF
220

NORTH MAIN RD

236.84

200

454.76

131

2.4 Acres

433.39

Parcel ID: 16-172
OBRIEN, PATRICIA A
10 FELUCCA AVE
JAMESTOWN, RI 02835

Parcel ID: 16-173
MELLO, DENNIS P TRUST
807 NORTH MAIN ROAD
JAMESTOWN RI 02835

Parcel ID: 16-174
CASWELL, WILLIAM C ET
NORTHRUP, JENNIFER L
6 FELUCCA AVE
JAMESTOWN RI 02835

Parcel ID: 16-176
MELLO, DENNIS P ET
MEDEIROS, ELSIE K
807 NORTH MAIN ROAD
JAMESTOWN RI 02835

Parcel ID: 16-180
MUSSELMAN, MICHELE G., TRUSTEE
1 DAVIT AVENUE
JAMESTOWN RI 02835

Parcel ID: 16-181
ORSI LEO N JR & PATRICIA M TE
PO BOX 72
JAMESTOWN RI 02835

Parcel ID: 16-183
GILLIS, L ALEXANDRA TRUSTEE
5 FRIGATE STREET
JAMESTOWN RI 02835

Parcel ID: 16-185
STAMP KENNETH P & DIANA L TE
9 FRIGATE STREET
JAMESTOWN RI 02835

Parcel ID: 16-186
WEAVER, ALAN D JR & LAURA M
11 FRIGATE STREET
JAMESTOWN RI 02835

Parcel ID: 16-188
LEARNED, C. SCOTT
26 SCOTLAND RD
NORWICH CT 06360

Parcel ID: 16-229
MELLO, DENNIS P ET
MEDEIROS, ELSIE K
807 NORTH MAIN ROAD
JAMESTOWN RI 02835

Parcel ID: 16-230
OSWALD, MAX ET UX
GOMEZ-CHIARRI, MARTA
819 NORTH MAIN ROAD
JAMESTOWN RI 02835

Parcel ID: 4-17
CARR HOMESTEAD FOUNDATION INC
C/O MOLLY DUFOUR
4040 MULBERRY LANE
SACRAMENTO CA 95822

Parcel ID: 4-43
CALISE, ANTHONY J ET
CALISE, JURATE O
780 NORTH MAIN ROAD
JAMESTOWN, RI 02835

**TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW**

Application for Exception or Variation under the Zoning Ordinance

RECEIVED
7-27-20
C Coats

Zoning Board of Review:

Jamestown, Rhode Island

Date: **07.23.2020**

Gentlemen/Ladies:

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 ground hereinafter set forth.

Applicant: ***Stephen Sullivan, Inc.*** Address: ***477 High Street Peace Dale RI 02879***

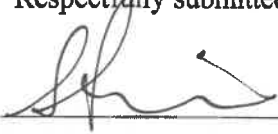
Owner: ***JTMB Ventures Trust*** Address: ***6899 Collins Ave N3401 Miami Beach FL 33141***

Lessee: N/A Address: N/A

1. Location of premises: No. ***1046*** Street: ***East Shore Road Jamestown, RI***
2. Assessor's Plat: ***1*** Lot: ***296***
3. Dimensions of the lot: Frontage ***139 ft*** Depth: ***503 ft*** Area: ***1.8 acres/ 78,460 sq ft***
4. Zoning District in which premises is located: ***RR-80***
5. How long have you owned above premises? ***Purchased on 06.18.2019***
6. Is there a building on the premises at present: ***Yes***
7. Size of existing building: ***3,212 SF*** Size of proposed building or alteration: ***3,719 SF***
8. Distance of proposed building or alteration from lot lines:
Front: ***257'-9"*** Rear: ***177'*** Left Side: ***21'-2"*** Right Side: ***60'-4"***
9. Present use of premises: ***Residential***
10. Proposed use of premises: ***Residential***

11. Location of septic tank and well on lot: *Proposed septic in front yard (west), Existing well also in front yard (west)*
12. Give extent of proposed alterations: *Renovation to existing home including 2nd story addition*
13. Number of families for which building is to be arranged: *1*
14. Have you submitted plans for above to Inspector of Buildings? *Yes*
 Has the Inspector of Building refused a permit? *Yes*
15. Provision or regulation of Zoning Ordinance or State Enabling Act under which application for exception or variance is made: *Dimensional Regulations per Article 3, Section 82-302, Table 3-2 & Article 6, Section 82-605, Variances Authorized by this Ordinance. Zone RR-80 has a side yard setback of 30'-0*
16. State grounds for exceptions or variation in this case: *The existing house is built 21'-2" from the side yard property line, the side yard setback line is 30'. We are seeking a variance to build a 2nd story addition on the house. The proposed 2nd story walls would align with the 1st floor exterior walls and the foundation of the existing structure, if this application is accepted.*

Respectfully submitted,

Signature  _____

Signature _____

Address 477 High St. Peace Dale, RI

Telephone No. 203-641-0756 cell
401-789-1158 office

NOTE: A LOCATION PLAN AND SKETCH AND DRAWINGS NECESSARY TO GIVE FULL INFORMATION MUST BE FILED WITH THE APPLICATION.

SAMPLE ZONING ADVERTISEMENT
MUST BE FILLED OUT BY THE APPLICANT

Application of: *JTMB Ventures Trust*

whose property is located at *1046 East Shore Road,*

and further identified as Tax Assessor's Plat *1*, Lot *296* for a Variance from:

Article 3, Section 82-302, Table 3-2 & Article 6, Section 82-605 Variances Authorized by this Ordinance

to *build a 2nd story addition above an existing structure that is over the 30' side yard*

setback line by 8'-10". The proposed 2nd story walls would align with the 1st floor

exterior walls and the foundation of the existing structure with an additional 1'-0" soffit projection.

Said property is located in a *RR-80* zone and contains *1.8 acres*.

.....

HOW TO WRITE YOUR AD:

Name of owner must be advertised exactly as it appears on the most recent deed for the property. If the applicant's name differs from the owner, the ad must read: "Application of John R. Smith et ux Mary, (Jane L. Doe, owner), whose property...etc." The exact street address must be included in the advertisement, as well as the Tax Assessor's Plat and Lot numbers. Cross out "Variance" or "Special Use Permit" if one does not apply to what you are seeking. List the exact Article(s) and Section(s) numbers from the Zoning Ordinance from which you are seeking relief, followed by the title of the section as it appears in the Ordinance. Then briefly describe what you wish to do: "to construct a tool shed five feet from the side lot line instead of the required ten feet". List what zone your property is in: R8, R20, R40, RR80, RR200, CL, CD, CW or OS. Finally, enter the total acreage or square footage of your lot, crossing out the term that does not apply: acres or square feet.

Parcel ID: 1-169
BELL, CHARLES H ET AL
C/O SHIRLEY BELL
1035 EAST SHORE ROAD
JAMESTOWN RI 02835

Parcel ID: 1-171
MURRAY, ETHAN, ABRAHAM & AMARA
1053 EAST SHORE ROAD
JAMESTOWN RI 02835

Parcel ID: 1-176
MURRAY, JOSEPH LINK
1053 EAST SHORE ROAD
JAMESTOWN RI 02835

Parcel ID: 1-177
JIGANTI, MEL R. ET
KEEGAN, JENNIFER I.
60 HIGHLAND STREET
CONCORD MA 01742

Parcel ID: 1-193
GREENAN, MARGERY H. TRUST ET AL
10 GARBOARD STREET
JAMESTOWN RI 02835

Parcel ID: 1-195
TOSELLI, RICHARD M & CAROLE V,
TRUSTEES
1052 EAST SHORE ROAD
JAMESTOWN RI 02835

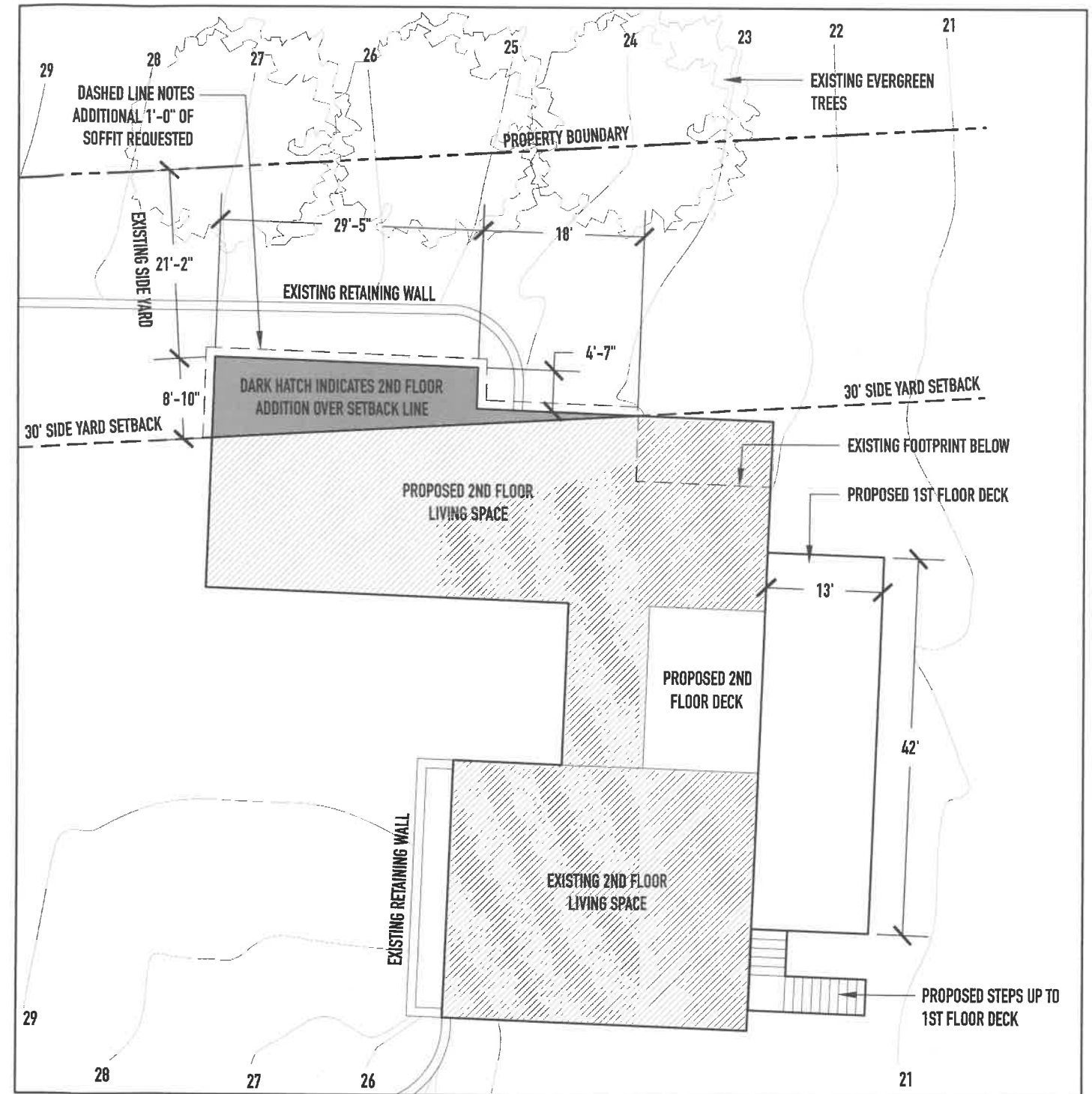
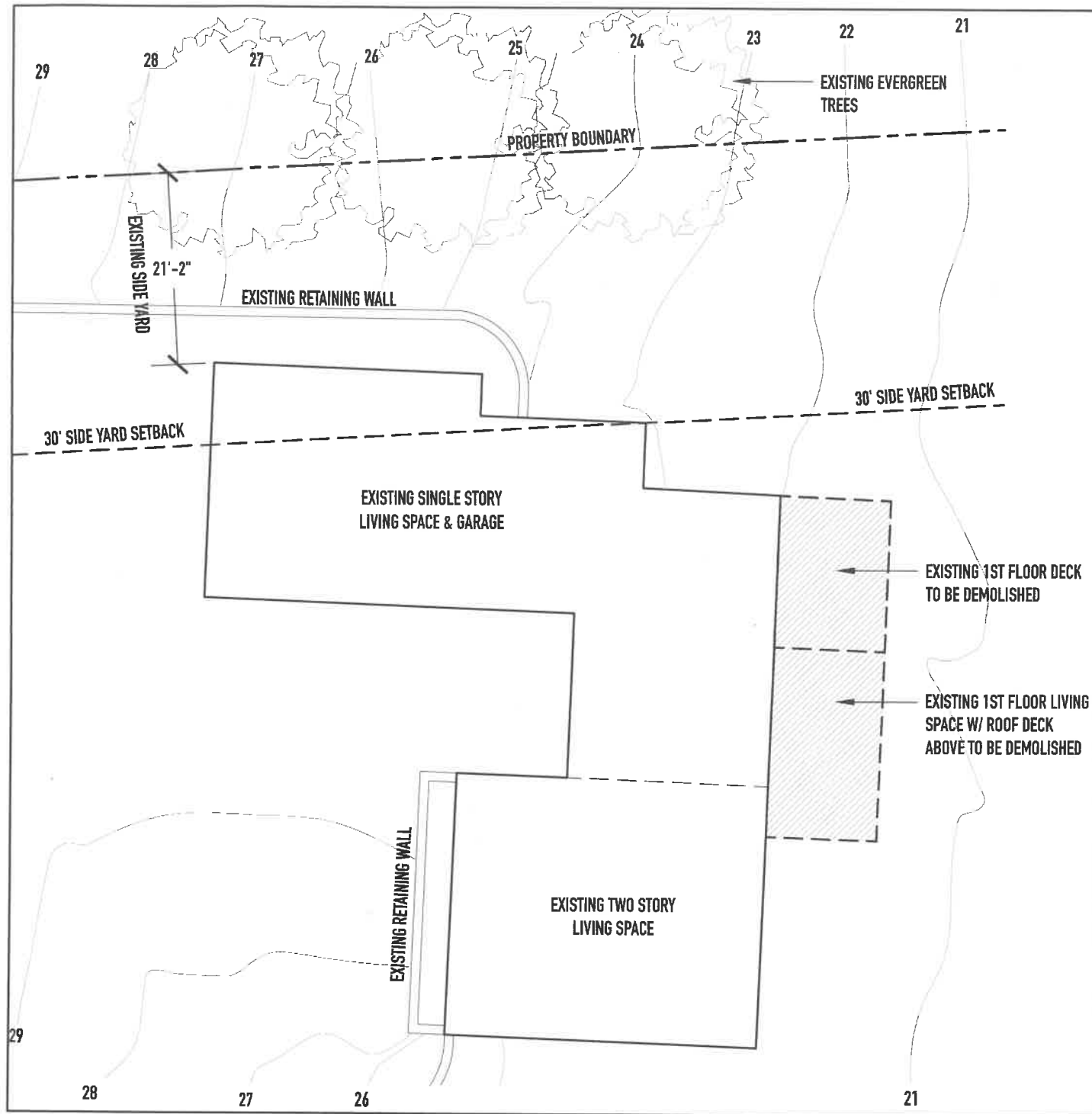
Parcel ID: 1-203
BOORNAZIAN, RAYMOND A ET
BOORNAZIAN, GLADYS, TRUSTEES
1058 EAST SHORE ROAD
JAMESTOWN RI 02835

Parcel ID: 1-229
OLIVEIRA, JOSEPH J (EST)
C/O 67 NORTH ROAD
JAMESTOWN RI 02835-1433

Parcel ID: 1-296
JTMB VENTURES TRUST
6899 COLLINS AVENUE N3401
MIAMI BEACH FL 33141

Parcel ID: 1-322
LEE, SUSANNA I
1036 EAST SHORE ROAD
JAMESTOWN RI 02835

Parcel ID: 1-368
JTMB VENTURES TRUST
6899 COLLINS AVENUE N 3401
MIAMI BEACH FL 33141



01
Z-01
EXISTING FOOTPRINT
SCALE: 1/16" = 1'-0"

02
Z-01
PROPOSED FOOTPRINT
SCALE: 1/16" = 1'-0"

PROJECT INFO:
ZONE: RR-80
PLAT: 1 LOT: 296
USE: RESIDENTIAL

ISSUED: 07.23.2020

STEPHEN SULLIVAN, INC.
477 HIGH STREET
PEACE DALE, RI 02879

JTMB VENTURES TRUST
1046 EAST SHORE RD
JAMESTOWN, RI 02835

Z-1.0



01
Z-02

EXISTING NORTH ELEVATION

SCALE: NOT TO SCALE

ISSUED: 07.21.2020

STEPHEN SULLIVAN, INC.
477 HIGH STREET
PEACE DALE, RI 02879

JTMB VENTURES TRUST
1046 EAST SHORE RD
JAMESTOWN, RI 02835

Z-02



01
Z-03

PROPOSED NORTH ELEVATION

SCALE: 1/8" = 1'-0"

ISSUED: 07.23.2020

STEPHEN SULLIVAN, INC.
477 HIGH STREET
PEACE DALE, RI 02879

JTMB VENTURES TRUST
1046 EAST SHORE RD
JAMESTOWN, RI 02835

Z-03

PLAT 1, LOT 195
N/F RICHARD M. &
CAROLE V. TOSELLI TRUSTEES
(DEED BOOK 846 AT PAGE 259)

PLAT 1, LOT 296
AREA = 78,460± S.F.
OR 1.80± ACRES

PLAT 1, LOT 322
N/F SUSANNA I. LEE
(DEED BOOK 909 AT PAGE 218)

BENCH MARK #2:
TOP OF REBAR
ELEV. 29.31
(NAVD1988)

POTENTIAL S.I.
AS SHOWN ON
APP. #7715-4
(SEE NOTE)

AIR INTAKE
(SEE DETAIL)

CONTROL
PANEL

SEPTITECH M-550D
1,500 GALLON
PROCESSOR TANK

NEW 2,000 GALLON
TWO-COMPARTMENT
SEPTIC TANK

EXISTING SEPTIC TANK
TO BE PUMPED AND
FILLED WITH CLEAN
BANK RUN GRAVEL

LIMIT OF
PLANTINGS

PROPOSED
SILT FENCE

APPROX
O.W.T.S.
#7715-4
ABANDONED

FEA
TOP OF

PROPOSED 2"
FORCE MAIN IS TO
BE SLEEVED THE
ENTIRE LENGTH

EXISTING
WELL

RETAINING
WALL

EXISTING
WELL

EXISTING
WELL

GARAGE SLAB
ELEV. 29.8

THRESHOLD
ELEV. 31.76

EXISTING
DRIVEWAY

EXISTING
DWELLING TO BE
REMODELED INTO
A 6-BEDROOM
DWELLING

THRESHOLD
ELEV. 21.83

SHED

RETAINING
WALL

4' WIDE
PEDESTRIAN
EASEMENT

LIMIT OF
RESTRICTIVE
EASEMENT

PROPOSED
SILT FENCE

PROPOSED
GEOMAT 3900
LEACH FIELD
(SEE DETAILS)

UNDERGROUND
ELECTRIC LINES

L=111.97'
R=1190.00'
T=56.03'
Δ=5°23'28"

REBAR(FND) IS ON
NORTHERLY LOT LINE
AND IS 0.75' WEST
OF STREET LINE

EAST SHORE ROAD

EDGE OF
PAVEMENT

L=139.10'
R=1190.00'
T=69.63'
Δ=6°41'51"

BENCH MARK #1:
BOLT IN POLE #243
ELEV. 44.55
(NAVD1988)

POLE #243

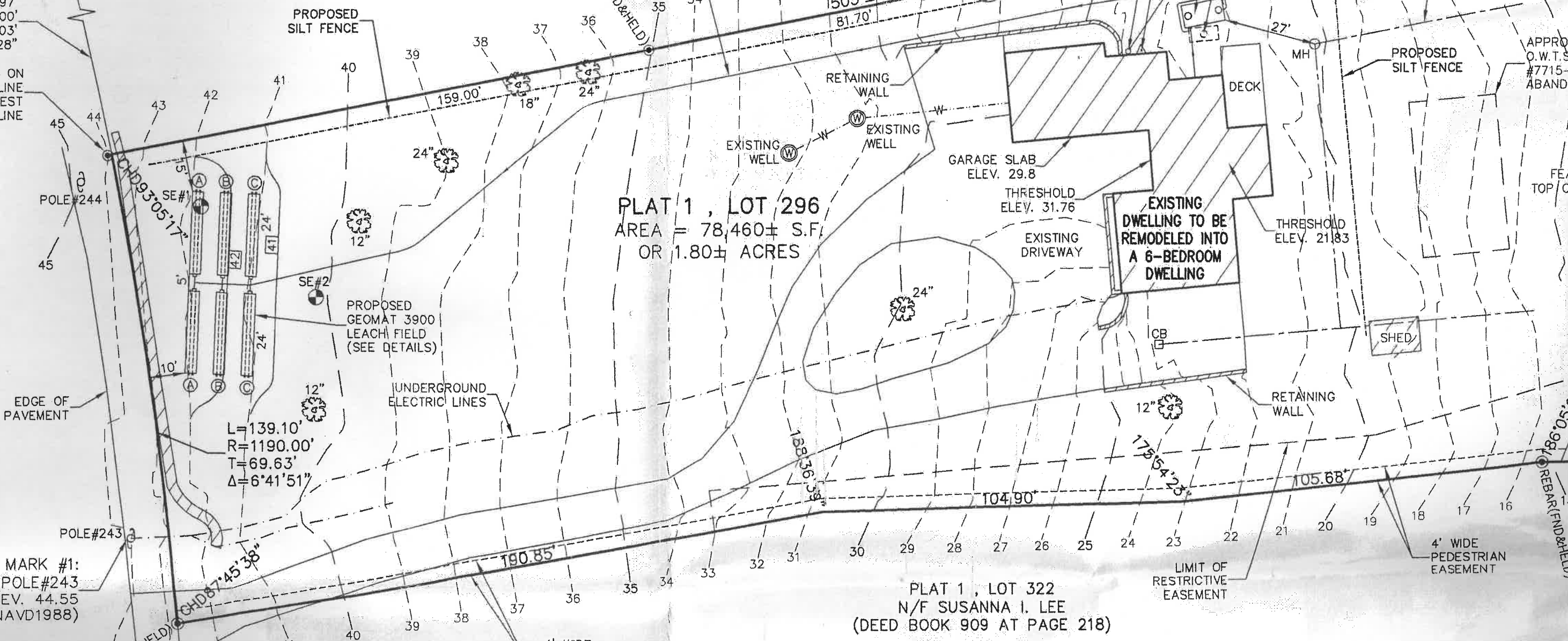
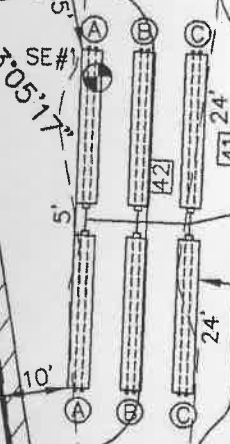
POLE #244

POLE #244

IP (FND & HELD)

REBAR (FND & HELD)

REBAR (FND & HELD)



LEGEND

- IP IRON PIPE
- N/F NOW OR FORMERLY
- S.F. SQUARE FEET
- ELEV. ELEVATION
- INV. INVERT
- APP. APPLICATION
- O.W.T.S. ONSITE WASTEWATER TREATMENT SYSTEM
- SE SOIL EVALUATION TEST MANHOLE
- MH APPROX. WATER LINE
- CB CATCH BASIN
- L LENGTH
- R RADIUS
- T TANGENT
- Δ DELTA

SUBDRAINS NOTE:
 THE SUBDRAINS SHOWN ON THIS PLAN ARE BASED ON BEST AVAILABLE INFORMATION AS SHOWN ON RI DEM APP. #7715-40, AS WELL AS FIELD LOCATION OF EXISTING MANHOLE AND CATCH BASIN.

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF WATER RESOURCES
 DWTS PROGRAM
 PLAN # 1045-10002 DATE 12-20-78
 APPROVED NO CHANGE ALLOWED WITHOUT PRIOR APPROVAL
 APPROVED AS SHOWN MUST BE KEPT AT CONSTRUCTION SITE

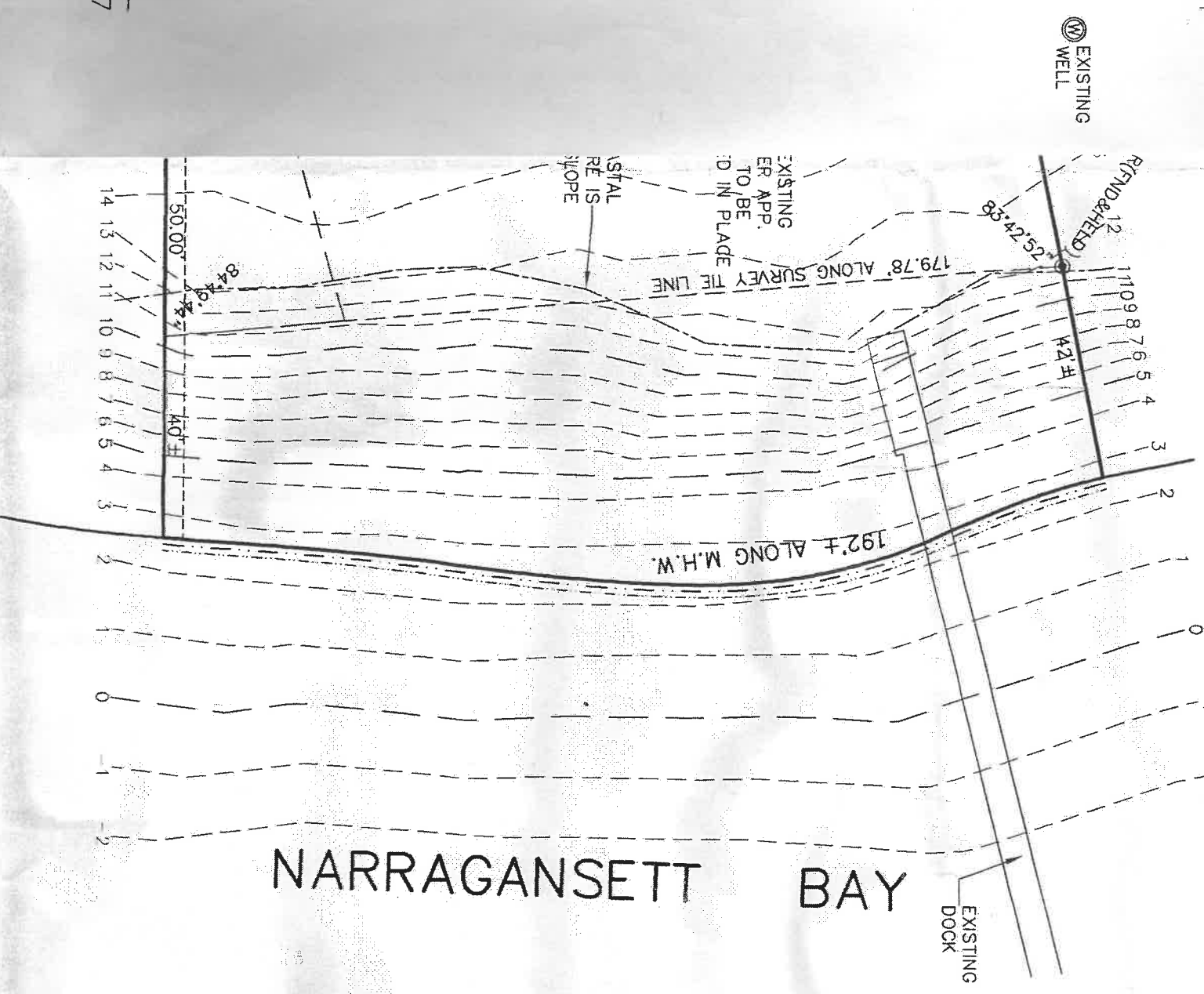


TABLE DATA: 1915-1667
 SOIL EVALUATION
 TH = 26"
 TH = 24"

90 GALLONS PER DAY
 REQUIRED
 TRENCHES

THROUGH THE APPROPRIATE END OR SIDE OF SEPTIC TANK RISER
 BUILDING SEWERS, THE TANK SHALL BE LEACH FIELD ELEVATIONS:
 EAST 3 INCHES BELOW THE INVERT ELEVATION "A"
 OF GEOMAT
 THE SEPTIC TANK WITH A WATERGRADE OVER GEOMAT
 AND THE PIPE GASKET SHALL BE BREAKOUT ELEVATION
 FIT CONNECTION IS ONLY ALLOWED IF "B"

ELEVATIONS:

AT SE#1.....	41.8
ABLE AT SE#1.....	39.6
AT SE#2.....	40.2
ABLE AT SE#2.....	38.2
HOUSE.....	20.0±

ANK ELEVATIONS:

SEPTIC TANK.....	19.75±
SEPTIC TANK.....	19.50±
SEPTIC TANK RISER.....	22.0±

H.M.-400 ELEVATIONS:

SEPTIC TANK.....	19.42±
SEPTIC TANK RISER.....	22.0±

OF GEOMAT..... 42.00

TO 43.0

42.20

41.50

42.2 TO 42.5

"Copy of permit and Operation/Maintenance records must be filed in land records prior to construction"

PROPOSED O.W.T.S. PLAN FOR
 JTMB VENTURES TRUST

PLAT 1, LOT 296
 1046 EAST SHORE ROAD
 JAMESTOWN RHODE ISLAND

DARVEAU LAND SURVEYING, INC.

P.O. BOX 7918
 CUMBERLAND, R.I. 02864
 PHONE 401-475-5700
 E-MAIL: MIKE@DARVEAULSURVEY.COM

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R. I.

Date July 24, 2020

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 Laura J Carlson and Donald R Carlson Address 20 Brook Street, Jamestown RI
52 Newport Street, Jamestown RI
Owner Laura J Carlson Donald R Carlson Address 20 Brook Street, Jamestown RI
52 Newport Street, Jamestown RI

Lessee _____ Address _____

1. Location of premises: No. 20 Brook Street
2. Assessor's Plat 9 Lot 281
3. Dimensions of lot: frontage 220 ft. depth 100 ft. Area 22,000 * sq. ft.
4. Zoning Districts in which premises are located: Use R-8 Area _____ Height _____
5. How long have you owned above premises? 1 year
6. Is there a building on the premises at present? Yes - 1 primary residence and 1 outbuilding
Outbuilding: 441 sq ft footprint; 776 sq ft living area
7. Size of existing building Principal Building: 3063 sq ft living area
Size of proposed building or alteration 900 sq ft footprint; 1161 sq ft living area
8. Distance of proposed bldg. or alteration from lot lines:
front 62.6 ft rear 10 ft left side 7 ft right side 185.7 ft
9. Present use of premises: 1 bedroom, 2 story rental dwelling unit per 1989 Regulatory Variance
10. Proposed use of premises: Same single family use
Location of septic tank & well on lot None

* Lot 281 is contiguous with co-owned additional 8000 sq ft lot (#823) subject to conservation easement resulting in a total lot size of 30,000 sq ft.

11. Give extent of proposed alterations Remove existing nonconforming structure and replace with structurally and aesthetically improved building that is fully compliant with size (900 sq ft) and setback (10' rear and 7' side) requirements for an accessory structure or outbuilding.

12. Number of families for which building is to be arranged: Single family

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:

1) Article 7, Sec 82-704 (Alteration of a nonconforming use) & Sec 82-705 (Alteration of a nonconforming structure) Sec 82-303 (Number of residential structures per lot)

Article 6 Sec 82-600 thru 608 (Special Use Permits & Variances)

2) If replacement structure is deemed a second "principal building" applicant requests a variance to allow compliance with 10' rear setback requirement for an "outbuilding" in lieu of 30' rear setback. requirement of Sec 82-302, Table 3-2, for a principal building.

15. State the grounds for exception or variation in this case:

1) Existing nonconforming building is burdened by mold and potentially unstable ancient foundation; lacks sufficient ground floor space for bath and kitchen accessibility requirements for elderly resident.

2) Existing structure has 1989 Regulatory Variance permitting special use as dwelling unit and allowing "a 5'6" side setback rather than the required 7' and a 4' rear setback rather than the required 30' " Proposed structure conforms fully with outbuilding setbacks of 7' and 10' and with the 900 sq ft (footprint) size for accessory buildings in Sec. 82-311.

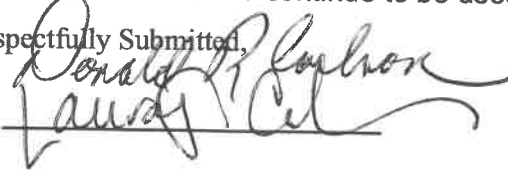
3) Applicants seek a carryover (in part) of existing January 1989 Regulatory Variance

special use permit allowing more conforming replacement structure to continue to be used as a dwelling and allowing 10' rear setback.

(See attached continuation of #15)

Respectfully Submitted,

Signature



Address

52 Newport Street

Jamestown, RI 02835

Telephone No. 917 576 2726

NOTE: A LOCATION PLAN AND SKETCH AND DRAWINGS NECESSARY TO GIVE FULL INFORMATION MUST BE FILED WITH THE APPLICATION.



TOWN OF JAMESTOWN

P. O. Box 377

JAMESTOWN, RHODE ISLAND 02835

Town Hall - 423-0200

Town Offices - 423-0444

January 25, 1989

Mr. & Mrs. Warren O'Sullivan
20 Brook Street
Jamestown, R.I. 02835

Dear Mr. & Mrs. O'Sullivan:

At a meeting of the Jamestown Zoning Board of Review held on January 24, 1989 the following vote was passed:

A motion was made by Ms. Sheehan and seconded by Mr. Vandal to grant the request of Warren A. O'Sullivan and Kathryn F. O'Sullivan, whose property is located on Plat 9, Lot 281 for a Regulatory Variance from Article III, Section 331 (Number of Residential Structures), to permit conversion of the existing carriage house/nursery school to a one bedroom dwelling unit and from Article III, Section 320 (District Dimensional Regulations) to allow a 5'6" side set back rather than the required 7' and a 4' rear setback rather than the required 30' as shown on plans submitted with the application.

This relief is granted in accordance with Article VI, Section 610 in that the requested relief will not be contrary to the public interest and that conditions exist which are peculiar to the property.

This approval is subject to the condition that if lot 281 is subdivided at any time, this variance shall terminate.

This motion is based on the following findings of fact:

1. The property is located in a R-3 Zone and contains 22,000 square feet.
2. The property conforms in all other respects to the zoning ordinance.
3. Use of the carriage house for an apartment is an appropriate use in the neighborhood and will assist in the preservation of the Victorian property.

4. Retention of the outbuilding is preferable to subdivision and/or removal of the carriage house.
5. Sufficient land is available for required parking without major changes to the site.

The motion carried by a vote of 5 - 0.

Very truly yours,

M. S. Hellewell

Martin S. Hellewell, Chairman
Jamestown Zoning Board of Review

MSH/pw

**FRANK SHIRLEY
ARCHITECTS**

40 Paul Street
Cambridge MA 02139
www.frankshirleyarchitects.com

U 617.567.1355
F 617.567.2385

PROJECT

Proposed Cottage For:
**The
CARLSON
RESIDENCE.**
218 Brook Street
Jamaica Plain MA 02130

ISSUES / REVISIONS

DATE	DESCRIPTION
2/18/20	20A REVISION

NOT FOR CONSTRUCTION

© FRANK SHIRLEY ARCHITECTS 2020. All rights reserved.
No part of this drawing may be reproduced without permission.

DRAWING TITLE

FLOOR PLANS

SCALE

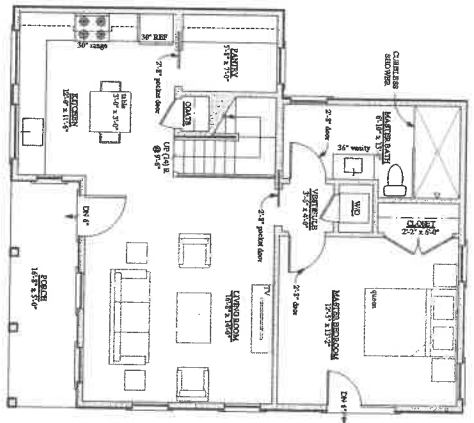


DATE

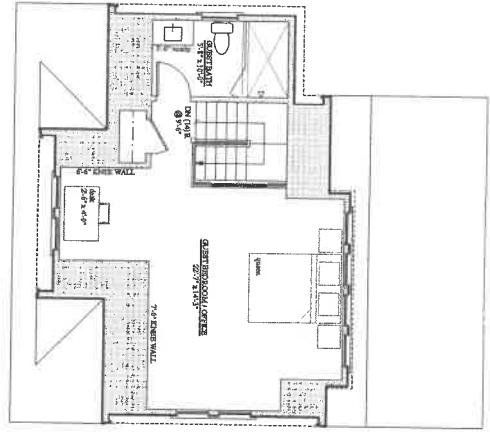
July 27, 2020

SHEET NUMBER

SD-Final



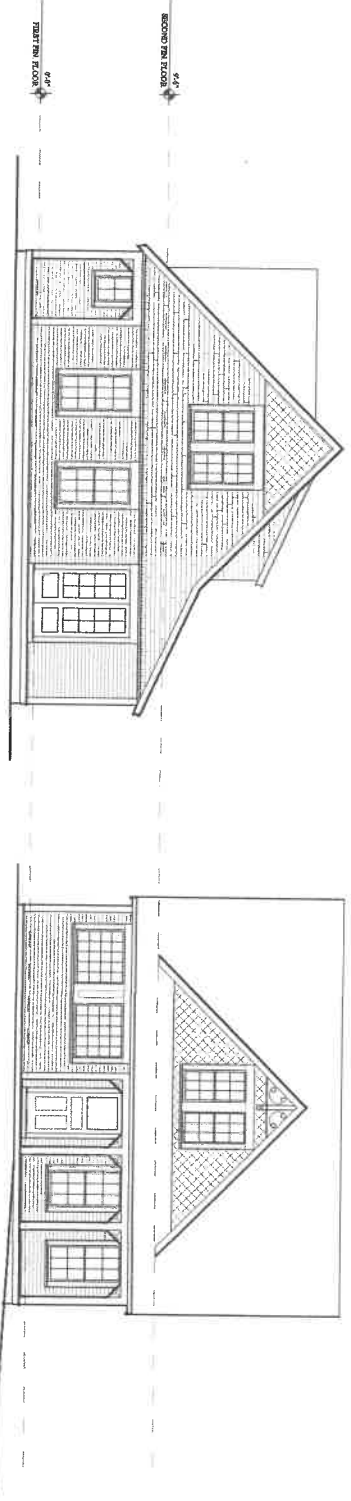
1 FIRST FLOOR PLAN



2 SECOND FLOOR PLAN

SQUARE FOOTAGES - OPTIONS A1	
FOOTPRINT	800 SF
SCREENED	599 SF
2ND FLOOR	742 SF
3RD FLOOR	399 SF
PORCH	1,104 SF
	83 SF





2 EAST ELEVATION

1 SOUTH ELEVATION

**FRANK SHIRLEY
ARCHITECTS**

40 Paul Street
Cambridge, MA 02139
www.frankshirleyarchitects.com

PHOTOGRAPHY
© 2010 Frank Shirley Architects

PROJECT

Proposed Cottage For
**The
CARLSON
RESIDENCE**

20 Brook Street
Jamaica, NJ 07833

ISSUES / REVISIONS

Date: 2/12/20
Drawn: JSA

NO.	DESCRIPTION	DATE

NOT FOR CONSTRUCTION

© FRANK SHIRLEY ARCHITECTS 2010. All rights reserved.
No drawing should be reproduced without permission.

DRAWING TITLE
Elevations

SCALE
0 2 4 8 FT

DATE
July 27, 2020

SHEET NUMBER
SD-Final

**FRANK SHIRLEY
ARCHITECTS**

40 Paul Street
Cambridge MA 02139
www.frankshirleyarchitects.com

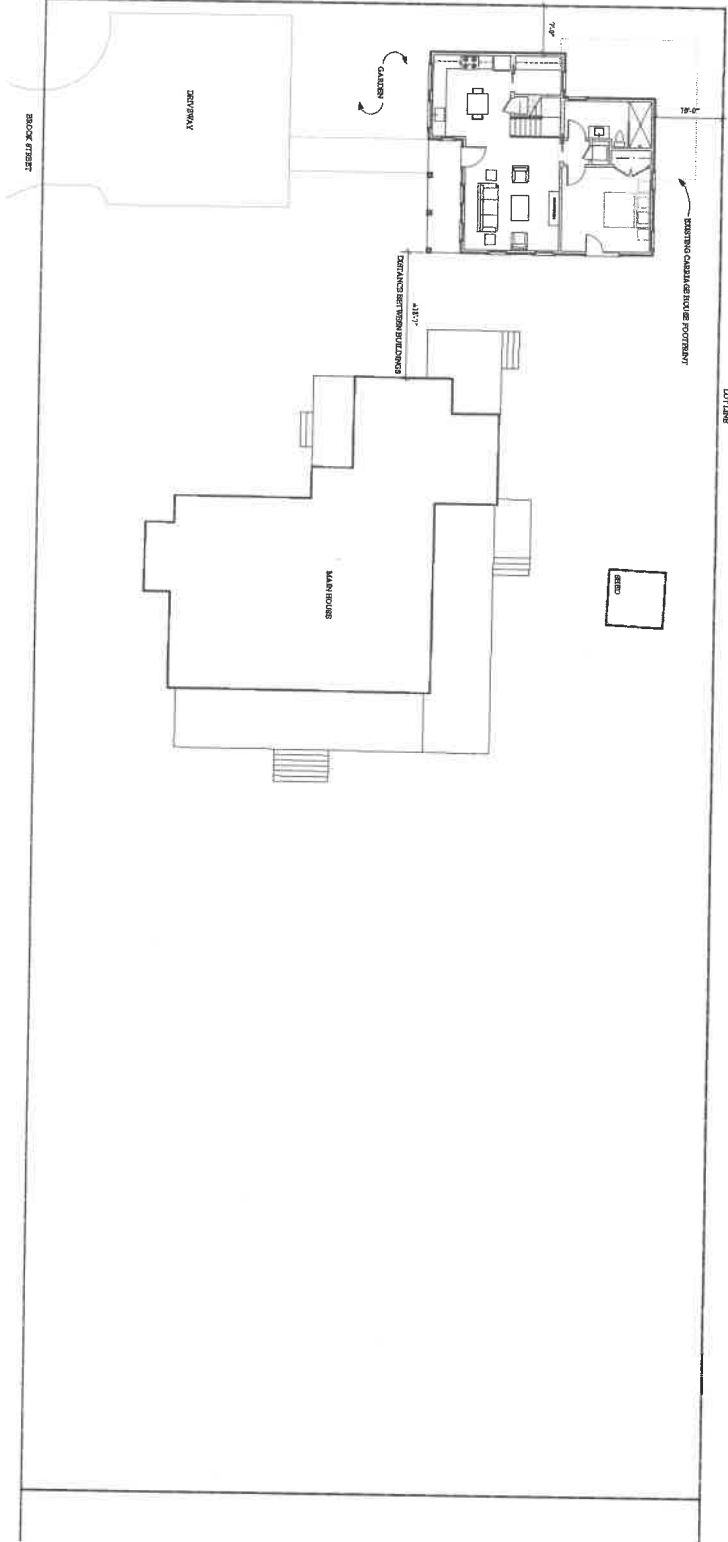
T 617.542.2135
F 617.547.2385

PROJECT

Proposed Cottage for

**The
CARLSON
RESIDENCE**

20 Brook Street
Jamaica, RI 02833



1 SITE PLAN



NOT FOR CONSTRUCTION

© FRANK SHIRLEY ARCHITECTS, 2020. All rights reserved.
This drawing cannot be reproduced without permission.

DRAWING TITLE: **Site Plan**

SCALE: 1/8" = 1'-0" (1/4" = 1'-0")

DATE: July 27, 2020

SHEET NUMBER: **SD-Final**

SAMPLE ZONING ADVERTISEMENT
MUST BE FILLED OUT BY THE APPLICANT

Application of Donald R Carlson and Laura J Carlson whose

property is located at 20 Brook Street, Jamestown, RI, and further

identified as Tax Assessor's Plat 9, Lot 281 for a Variance/Special Use Permit

from Article 7, Section Sec 82-704 (Alteration of a nonconforming use) & Sec 82-705 (Alteration of a nonconforming structure); Sec 82-303 (Number of residential structures per lot); Sec 82-302, Table 3-2 (30' rear setback requirement for a principal building)
Article 6, Sec 82-600 thru 608 (Special Use Permits & Variances)

to Remove an existing nonconforming dwelling and construct a 900 sq ft footprint dwelling; Allow an existing 1989 Regulatory Variance (granting special use permit for nonconforming structure to be used as a second dwelling unit on the lot and a dimensional variance granting side and rear setback relief) to carry over in part to allow replacement structure to serve as a dwelling and comply with accessory building setback requirements. Build the proposed 900 sq ft dwelling on 10' rear setback required for an accessory building instead of 30' rear setback required for a second principal building on the lot.

Said property is located in a R-8 zone and contains 22,000 ~~acres~~/square feet. with a contiguous commonly owned lot (#823) containing an additional 8000 sq ft subject to a conservation easement held by the Conanicut Island Land Trust.

HOW TO WRITE YOUR AD:

Name of owner must be advertised exactly as it appears on the most recent deed for the property. If the applicant's name differs from the owner, the ad must read: "Application of John R. Smith et ux Mary, (Jane L. Doe, owner), whose property...etc." The exact street address must be included in the advertisement, as well as the Tax Assessor's Plat and Lot numbers. Cross out "Variance" or "Special Use Permit" if one does not apply to what you are seeking. List the exact Article(s) and Section(s) numbers from the Zoning Ordinance from which you are seeking relief, followed by the title of the section as it appears in the Ordinance. Then briefly describe what you wish to do: "to construct a tool shed five feet from the side lot line instead of the required ten feet". List what zone your property is in: R8, R20, R40, RR80, RR200, CL, CD, CW or OS. Finally, enter the total acreage or square footage of your lot, crossing out the term that does not apply: acres or square feet.

SUPPORTING MEMORANDUM

To: Jamestown Zoning Board of Review

Re: Application for 20 Brook Street replacement structure

The Carlson family seeks to replace a decaying, nonconforming accessory building with an improved structure with accessible facilities to enable their 80-year old mother, Jamie Rae Carlson, to age in place. Ms. Carlson was a long-time resident of Jamestown's North End in the 80's and 90's as well as a writer for the Jamestown Press. She returned to Jamestown in 2019 after selling her home in Newport and is currently living in her daughter's home – which is the primary residence at 20 Brook Street. Unfortunately, the many stairways, including front and back entrance steps, and inappropriate bathroom accommodations of the primary structure make it unsuitable for an older person with Jamie's joint and medical issues.

The subject property enjoys a January 1989 Regulatory Variance granted by this Board to the prior owners "to permit conversion of the existing carriage house/nursery school to a one bedroom dwelling unit." The same Variance also granted significant relief from then-existing setback requirements. (See attached Regulatory Variance.) The existing nonconforming structure is 2 stories high with a second story deck. It was used as a rental unit without trouble or complaint for 30 years preceding the applicants' purchase of the property in June 2019.

The 1989 relief was made expressly contingent on the prior owners' willingness to refrain from subdividing the oversized 22,000 sq ft lot on Brook Street.¹ The Zoning Board of Review found as fact that "use of the carriage house for an apartment is an appropriate use in the neighborhood and will assist in the preservation of the Victorian property" and farther found that "retention of the outbuilding is preferable to subdivision."

The proposed replacement structure fully conforms with the dimensional requirements for an accessory building in Sec 82-311 (900 sq ft max footprint) as well as the 10' rear and 7' side setback requirements for outbuildings in R-8 in Sec. 82-302, Table 3-2. Compliance with those setbacks substantially reduces or eliminates the nonconformity of the existing structure. In addition, the existing nonconforming structure has a 2-story high North wall and a deck that overlooks the neighboring property. By contrast, plans for the replacement structure include substantial features designed to reduce the visual intrusiveness of the structure toward neighboring properties including:

- Lower rear profile facing North, one-story on the setback line,
- carve out on the northwest corner,
- "broken back" north-facing roof, with a low pitch at the lower portion to reduce its visibility,
- elimination of existing second story deck overlooking neighbors' property.

¹ Lot 281 is contiguous with the jointly owned 8000 sq ft lot (Lot 823) which is subject to a conservation easement, making the potential consolidated size of property 30,000 sq ft and thus highly amenable to subdivision.

All of the abutting properties to the North have outbuildings that fail to conform to setback requirements. Moving the proposed structure to comply with accessory building setback requirements will significantly alleviate the existing crowding of outbuildings in that area.²

The relief requested is solely to carry over the *existing special use permit* from the existing nonconforming building to the proposed replacement structure – which will permit the applicants to continue using the replacement building as a dwelling unit, just as the existing building has been used for 30 years. No new status for this property is requested and thus no new precedent or legal entitlement would be established by granting this relief.

No dimensional use variance is sought if the Board of Appeals agrees that the proposed structure is an accessory building “subordinate to the principal building” as defined in the ordinance.³

If the Board determines that the proposed structure is a “second principal building” on the premises, the applicants respectfully request that the proposed structure be granted a variance under Sec 82-302, Table 3-2, to comply with the rear setback requirement for an accessory building or outbuilding (10’ versus 30’), given the much smaller size and clearly subordinate architectural nature of the proposed structure.⁴ This form of relief would locate the proposed replacement structure substantially farther from the property boundaries than the existing nonconforming structure.

The 1989 Zoning Board of Review permitted a second dwelling unit on the premises (with very substantial setback relief) in order to avoid the prospect of subdivision. The Board determined at that time that allowing a second dwelling unit in the subordinate position in the back corner

2 The abutting Maccini property (Lot 277), Whitaker property (Lot 521), and Fine property (Lot 520) along Friendship Street all have significant permanent accessory structures that lie directly on or within 3’ of the Western and Northern borders of the Carlson’s lot.

3 The plain language of the ordinance appears to demonstrate that the proposed structure fits squarely within the definition of “accessory building” as a subordinate structure and not within the definition of a “principal building” which is defined as the “main building on the lot.”

Sec 82-103 Definitions . . . “(3) **Accessory building.** Any building which is customarily incidental and subordinate to the principal building and does not share a common wall and roof with the principal building.

An accessory building shall be located on the same zoning lot as the principal building. See *Outbuilding*. . . .

(117) **Outbuilding.** An accessory building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding. . . .

(127) **Principal building.** The main building on a lot, usually located toward the frontage.”

4 The side setback requirement of 7’ is the same for accessory and principal buildings in R-8; thus no relief from the side setback is requested. Note that the West side of the property abuts a right-of-way owned by the Fine family on Friendship Street. The Fine’s have expressed strong support for this proposed building project and have voiced no objection to the proposed siting of the replacement structure. As a result of this right-of-way there is no encroachment at all toward the Gillespie property farther to the West – which does not actually share a property line with the Carlson property.

of the lot was “preferable” to subdivision and the possibility of another full-size principal residence in place of what was and is still a beautiful sloping greensward toward the sea in the middle of Town. All of the same considerations remain in place today.

Accommodations

This application was initially filed in March 2020 and was before the Board at its June 23 meeting; however, the application was deferred on jurisdictional grounds due to mistakes in the advertised notice, resulting in an additional two-month delay. The Chair suggested during that prior session that the applicants meet with neighbors to address any potential objections. Applicants have tried diligently to comply with that request.

This application has been revised *sua sponte* in important respects post-June 23:

- Applicants are no longer asking for a variance to continue use of the existing setbacks for the carriage house which currently stands significantly closer to the rear (3.9’) and side (4.8’) boundaries; the replacement structure proposed in the revised application complies fully with the appropriately required 10’ rear and 7’ side setbacks for an accessory building.
- The size (footprint) of the proposed structure has been reduced from 970 sq ft to just under 900 sq ft in order to comply with the maximum size requirement for an accessory building. Compliance with this constraint creates challenges to incorporating interior first-floor accessibility requirements in the kitchen, bathroom, hallways, and passages, but applicants believed it was important to respect the maximum size requirements for an accessory building.

As noted above, applicants have retained a highly-regarded architect, Frank Shirley of Cambridge MA, to design the proposed structure. Mr. Shirley specializes in 1880’s New England shingle-style cottages and has published widely on their attributes. He has created a beautiful replacement structure with a design that incorporates many features intended to make the new building less intrusive and more conforming to both legal requirements and the aesthetic standards of the neighborhood. He will be available at the hearing to speak directly to those important architectural accommodations.

Hardship – Additional considerations

1. The existing nonconforming structure has a very small first floor that cannot reasonably accommodate 21st century living norms or the dimensions of an accessible bathroom and kitchen arrangement. The building has been neglected for many years; its ancient foundation and crawl space are infested with mold and mildew. The building has been evaluated by a structural engineer (Richard Pastore) and a well-known architect (Frank Shirley) who specializes in 1880’s New England cottages. Mr. Shirley found the carriage house not to be authentic to the 1880’s era primary home, highly modified over the years with poor construction, and not worthy of salvaging or remodeling. As Mr. Pastore noted, “you might want to save the cupola, but that’s about it.”

2. Jamie Carlson is currently living in a second-floor bedroom that is unsuitable to her age and medical condition. The many stairs, inaccessible bathrooms, and lack of privacy are a hardship for her. Moreover, she has deferred necessary surgeries on her knee and her foot until she has access to a single-story living space in which to recover. Due to the rampant spread of COVID-19 in nursing homes, she and her family feel the danger of recovery in a rehabilitation facility is unacceptable. The very long series of delays since the original filing of this application in March 2020 has resulted in Ms. Carlson living in pain and uncertainty for many months.
3. According to architect Frank Shirley, moving the proposed structure to the 30' rear setback line for principal buildings would place the cottage too close to the primary residential structure, crowding the lot, compromising the visual integrity of the site layout from Brook Street, and destroying the historical aesthetic composition of the property with its primary home and separately offset and clearly subordinate "carriage house" accessory structure.
4. The Carlsons considered adding on to the back of the primary residence or moving the replacement structure in line with the primary residence. However, an "ancient and valuable Japanese Flowering Cherry tree" sits on the property just West of the primary residence. This 40' tree is one of the many glories of the neighborhood when it flowers in the spring. Adding on to the house or shifting the proposed structure too close to this specimen tree would require the felling of this tree or endanger its survival during construction and afterwards. See letter from Largess Forestry recommending no excavation or heavy equipment within 15' of this tree's canopy to avoid harm to its root system.

Summary & Conclusion

Laura and Don Carlson have both returned to live in Jamestown as year-round permanent residents in recent years. They plan to live here for the rest of their lives with their extended families. They own the property at 20 Brook Street jointly and seek this relief to build an appropriate and accessible home for their mother to enable her to age in place surrounded by loving family members across four generations. To that end they seek continuation of an existing special use permit allowing for a second dwelling on the lot.

The proposed structure substantially decreases the nonconformity of the existing structure and is fully compliant with the dimensional and setback requirements for an accessory building. The structure has been designed with sensitivity to reduce its intrusiveness toward the abutting neighbors; allowing it to sit discretely in a garden at the rear corner of the property will also reduce its intrusiveness from Brook Street.

The property already enjoys a long-standing Regulatory Variance from this Board allowing for a second dwelling unit on the premises in the existing nonconforming structure and finding as fact that such an arrangement is "an appropriate use in the neighborhood," "assists in the preservation of the Victorian property," and is "preferable to (the alternative of) subdivision." There is no new precedent nor any new legal right established by the relief requested.

The 1989 Regulatory Variance was contingent upon the prior owners' agreement not to subdivide the 22,000 sq ft Lot 281 and its co-owned, contiguous 8,000 sq ft Lot 823. In fact the existing special use permit terminates automatically by its own terms if Lot 281 is ever subdivided. The Carlson family is willing to live by that same commitment to preserve the long open greensward running down toward the sea. They agree that any new special use permit should likewise be contingent on that commitment.



April 16, 2020

For: Laura Carlson
20 Brook Street
Jamestown, RI 02835

To Whom This May Concern,

Largess Forestry has maintained this ancient and valuable Japanese Flowering Cherry tree, *Prunus serrulata* 'Kanzan,' located in the backyard of 20 Brook Street in Jamestown, Rhode Island, for over 20 years. This is one of the great trees of Jamestown.

It is critical that this tree is protected during the upcoming construction project, especially its root system, which is vulnerable to incursions. It is therefore at risk if the proposed cottage and related excavation and construction intrudes too closely to its root system. With anticipated over-excavation for the foundation, and sufficient distance for heavy equipment to pass without driving over the root system, we recommend that the cottage be located no less than 15' from the tree's canopy. If the new building's footprint aligns with the pre-existing structure on the north and west sides, and the footprint extends to the markings currently laid out to reflect the drawings submitted to the Town, that spacing should adequately protect this important specimen tree. In my view the new building should not be moved any closer to the tree.

Jamestown is a Tree City USA and highly regards its forest canopy. I want to thank the town and ask them for their cooperation in preservation of this tree.

Matthew "Twig" Largess
ISA Certified Arborist NE 0802 / RI Arborist 200
HMI Tree Consultant
Voice of the Forest Alliance

Largess Forestry Inc, 7395 Post Road, North Kingstown, RI 02852
(office)401-849-9191 (cell)401-533-2722
www.largessforestry.com largessforestry@gmail.com

Parcel ID: 9-273
SPENCER, DAVID R
20 FRIENDSHIP STREET
JAMESTOWN, RI 02835

Parcel ID: 9-274
MOLINARI, FRANCIS MURPHY ET
MOLINARI, LISA SMITH
26 FRIENDSHIP STREET
JAMESTOWN RI 02835

Parcel ID: 9-275
STAHL, ERIC C.
STAWICKI, IRENE P
32 FRIENDSHIP STREET
JAMESTOWN RI 02835

Parcel ID: 9-276
LITTLE, PORTIA M, TRUSTEE
33 FRIENDSHIP STREET
JAMESTOWN RI 02835

Parcel ID: 9-277
MACCINI, ROBERT J & KRISTEN S
17 FRIENDSHIP STREET
JAMESTOWN RI 02835

Parcel ID: 9-278
CAMPBELL-KING, ABIGAIL TRUSTEE
11 FRIENDSHIP ST
JAMESTOWN RI 02835

Parcel ID: 9-279
MOODY, S CLARKE III TRUSTEE &
MODDY, ELIZABETH S TRUSTEE TIC
1 HARBOUR HOUSE
KEY LARGO FL 33037

Parcel ID: 9-281
CARLSON, DONALD R ET
CARLSON, LAURA J TIC
20 BROOK STREET
JAMESTOWN RI 02835

Parcel ID: 9-282
HERNE, PETER ET
GILLESPIE, ANN (LE)
11495 BEACON POINTE LANE
WELLINGTON FL 33414

Parcel ID: 9-283
POLLOCK, WILSON F, TRUSTEE
33 BROOK STREET
JAMESTOWN RI 02835

Parcel ID: 9-288
DACQUINO, MARY FRANCIS ET
DACQUINO, DAVID JOSEPH
2 WALCOTT AVENUE
PO BOX 597
JAMESTOWN RI 02835

Parcel ID: 9-520
FINE, CHERYL T
1 BROOKSIDE BOULEVARD
W. HARTFORD, CT 06107

Parcel ID: 9-521
WHITAKER, MELVIN A. ET UX
WHITAKER, BARBARA A TE
23 FRIENDSHIP STREET
JAMESTOWN RI 02835

Parcel ID: 9-632
DOUVILLE, SHERRY J., TRUSTEE
29 EAGLEBROOK DRIVE
SOMERS CT 06071

Parcel ID: 9-650
MCBRIDE ROBERT O & KINNE G
55 MAIN STREET UNIT 2
SOUTHBOROUGH MA 01772

Parcel ID: 9-691
WADSWORTH, WALTER E TRUSTEE
1111 LITTLE HARBOR DRIVE
DEERFIELD BEACH FL 33441

Parcel ID: 9-692
HORNE-BUCHANAN TRUST
BUCHANAN ELAINE M TRUSTEE
12 FRIENDSHIP ST
JAMESTOWN RI 02835

Parcel ID: 9-742-4
WILKIE, SUSAN R
3 CONANICUS AVENUE UNIT 4
JAMESTOWN RI 02835

Parcel ID: 9-742-1
BECKMAN, JUDY K
3 CONANICUS AVENUE, UNIT 1
JAMESTOWN RI 02835

Parcel ID: 9-742-3
HOLMES, ROBERT J ET
HOLMES, JEAN D
3 CONANICUS AVE
JAMESTOWN RI 02835

Parcel ID: 9-742-2
STONE, DOUGLAS DWIGHT
3 CONANICUS AVENUE, UNIT 1
JAMESTOWN RI 02835

Parcel ID: 9-742

Parcel ID: 9-778
BENDICK, ROBERT L JR & JILL R
1211 OXFORD ROAD
WINTER PARK FL 32789-5066

Parcel ID: 9-781
SKUDERA, WAYNE & REGINA
59 GREEN LANE
JAMESTOWN RI 02835

Parcel ID: 9-783
BRAK, JOSEPHINE & PHILLIPPE
27 BROOK STREET
JAMESTOWN RI 02835

Parcel ID: 9-784
CROMPTON, ALFRED W ET
CROMPTON, ANN H
221 MT. AUBURN ST
CAMBRIDGE MA 02138

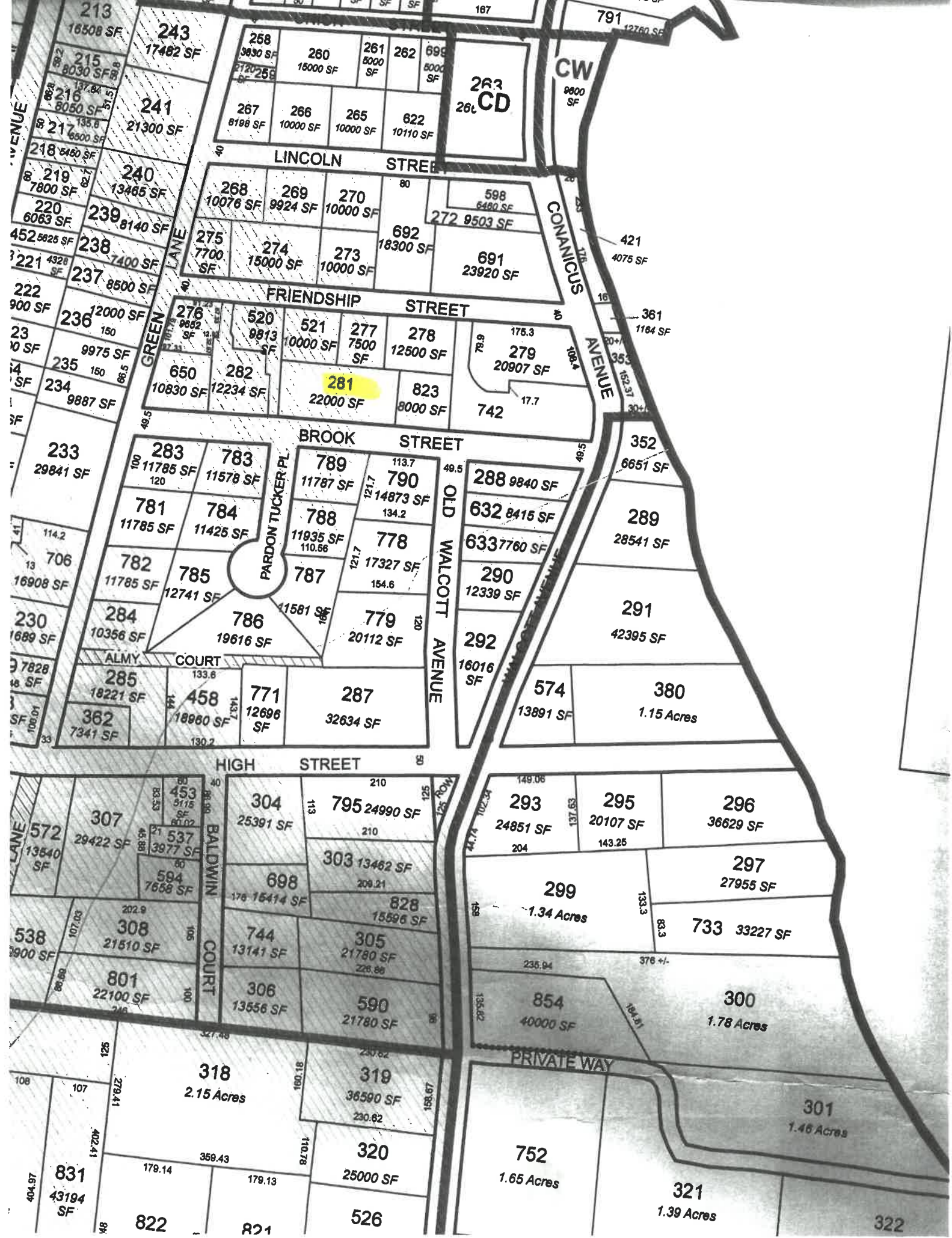
Parcel ID: 9-788
UNDER THE SUN LLC
26 PARDON TUCKER PLACE
JAMESTOWN RI 02835

Parcel ID: 9-789
SLEEPING VILLAGE LLC
26 PARDON TUCKER PLACE
JAMESTOWN RI 02835

Parcel ID: 9-790
LIBERATI, MARK E ET UX
MARY ANN
2 OLD WALCOTT AVENUE
JAMESTOWN, RI 02835

Parcel ID: 9-823
CARLSON, DONALD R ET
CARLSON, LAURA J TIC
20 BROOK STREET
JAMESTOWN RI 02835

27 x 6.80 = 183.60 + 200.00 = Total 383.60



213
16508 SF

215
8030 SF

216
8050 SF

217
6500 SF

218
6460 SF

219
7800 SF

220
6063 SF

221
4328 SF

222
900 SF

223
10 SF

224
10 SF

230
1699 SF

233
29841 SF

234
9887 SF

235
9975 SF

236
12000 SF

237
8500 SF

238
7400 SF

239
8140 SF

240
13465 SF

241
21300 SF

243
17482 SF

258
3830 SF

260
16000 SF

261
5000 SF

262
5000 SF

267
8198 SF

266
10000 SF

265
10000 SF

622
10110 SF

263
266 CD

598
6480 SF

272
9503 SF

275
7700 SF

274
15000 SF

273
10000 SF

692
18300 SF

691
23920 SF

276
9852 SF

520
9813 SF

521
10000 SF

277
7500 SF

278
12500 SF

175.3

279
20907 SF

650
10830 SF

282
12234 SF

281
22000 SF

823
8000 SF

742
17.7

283
11785 SF

783
11578 SF

781
11785 SF

784
11425 SF

782
11785 SF

785
12741 SF

786
19616 SF

789
11787 SF

790
14873 SF

788
11935 SF

778
17327 SF

787
11581 SF

779
20112 SF

288
9840 SF

632
8415 SF

633
7760 SF

290
12339 SF

292
16016 SF

289
28541 SF

291
42395 SF

299
1.34 Acres

574
13891 SF

380
1.15 Acres

285
18221 SF

458
18980 SF

771
12696 SF

287
32634 SF

362
7341 SF

304
25391 SF

795
24990 SF

303
13462 SF

698
178 15414 SF

828
15596 SF

744
13141 SF

305
21780 SF

306
13556 SF

590
21780 SF

293
24851 SF

295
20107 SF

296
36629 SF

297
27955 SF

733
33227 SF

299
1.34 Acres

854
40000 SF

300
1.78 Acres

318
2.15 Acres

319
36590 SF

320
25000 SF

752
1.65 Acres

301
1.46 Acres

831
43194 SF

822

821

526

321
1.39 Acres

322

VENUE

GREEN LANE

LINCOLN STREET

FRIENDSHIP STREET

BROOK STREET

HIGH STREET

LANE

BALDWIN COURT

PARDON TUCKER PL

OLD WALCOTT AVENUE

CONANICUS AVENUE

PRIVATE WAY

CW

August 8, 2020

Zoning Board of Review
Christ Costa, Building and Zoning Official

Re: 20 Brook St., Plat 9, Lot 281
Jamestown, RI

Dear Mr. Costa:

After reviewing the application for approval of construction of a non-conforming structure including multiple variances, we would like to place our objection for consideration of this proposal. The existing setbacks are bare minimum requirements which hardly allow for access in case of emergency. The proposed setbacks do not allow sufficient space for emergency or maintenance equipment. It seems to us that normal overhangs would further encroach on the setback. The building will present a noise nuisance to neighboring properties. We are therefore against approval of this request. It is obvious that there is sufficient space to relocate the proposed building and maintain standards for R-8 zoning.

When we were renovating and adding on to our home around 7 years ago we conformed to those standards even though it added expense and complexity to our project.

Sincerely,

Walter and Deborah Wadsworth

17 Conanicus Ave.
Jamestown, RI

Pat Westall

CORRESPONDENCE

From: captainscottage1@aol.com
Sent: Monday, August 10, 2020 11:17 AM
To: Pat Westall
Subject: 20 Brook St. variance

Regarding the request of Laura and Donald Carlson's variance, I am opposed to their building a two story dwelling so close to their neighbors lot line. In keeping within R8 requirements, their structure should be 30' from their immediate rear neighbor, the Witakers. If they move the dwelling closer to Brook St., they conform to R8 set backs which makes it a win/win for all involved. Now, how do we address the barking dogs they have brought into our neighborhood? Thank-you for adding my opposition to the list.

Sincerely, Elaine Buchanan
12 Friendship St.
Jamestown, RI

Abigail Campbell-King AIA

11 Friendship Street, Jamestown RI 02835 abbyarch1@cox.net 401-423-3321

August 10, 2020

To : Zoning Board of Review
Chris Costa, Building and Zoning Official

Re: 20 Brook Street
Jamestown RI
Plat 9, Lot 281
Application for a variance/special use

Dear Mr. Costa,

After talking with my neighbors, Barbara and Mel Whitaker (23 Friendship St.) and Kristen and Bob Maccini (17 Friendship ST.) we came up with a solution to the objectionable location of the Carlson's new house on the rear lot line of 20 Brook Street. We are all abutters and we discussed the potential location of the new construction (a house as it has a full kitchen 2 bedrooms and baths on 2 levels) in a conforming zoning configuration.

The enclosed illustration shows the building pulled forward by 32 feet. This location complies with the R-8 zoning set back regulation minimum dimensions of :

- 7' from side lot line
- 30' from rear lot line
- 15' from front lot line

This solution gives the new owners the building they want. They could restore the rear hedge for the privacy we enjoyed with the former owners' landscaping. The compliant location of building upholds the zoning regulations the town has in place to retain the R-8 village character. Please consider the attached sketch.

Yours very truly,

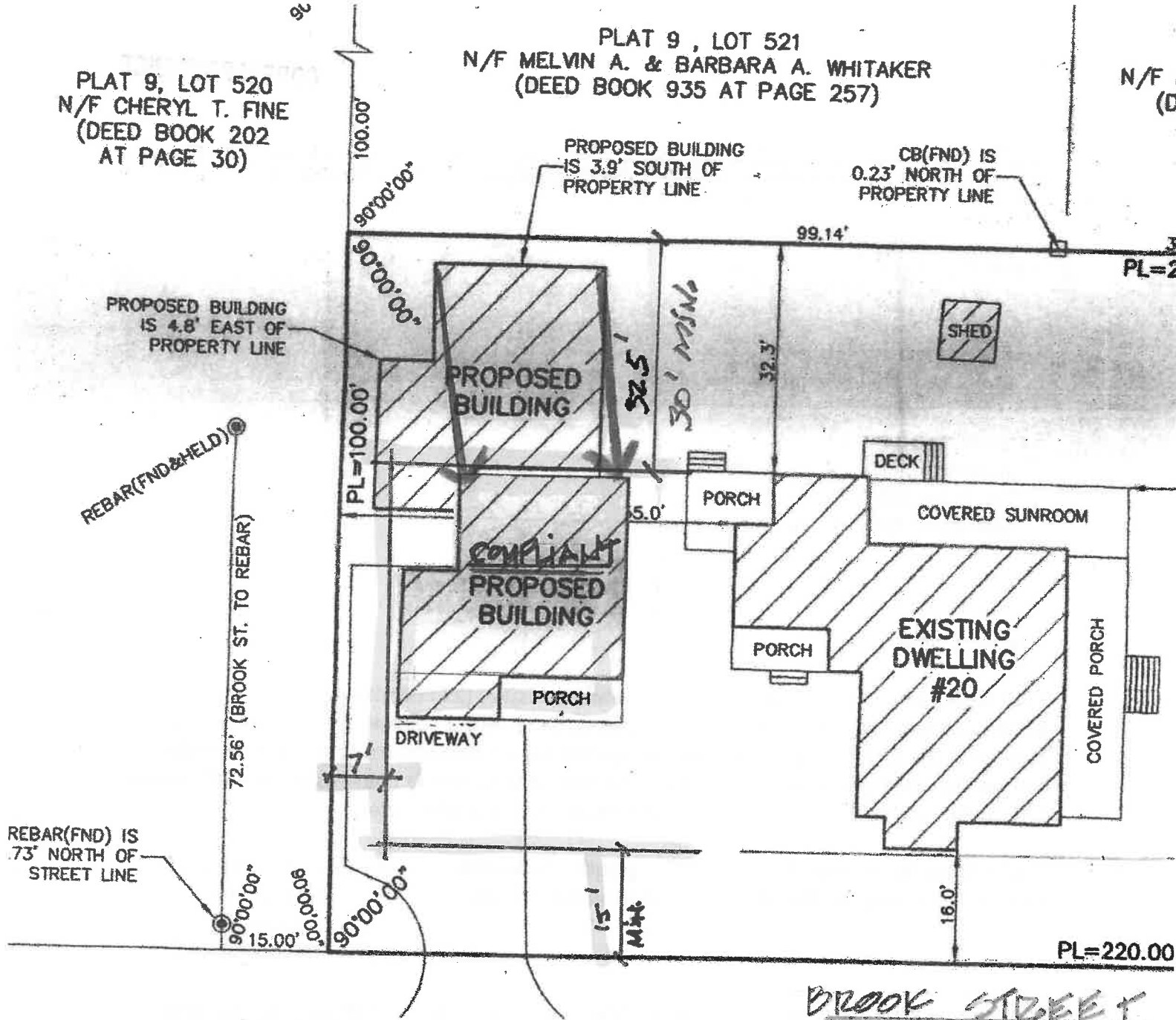


Abigail Campbell-King AIA
Architect

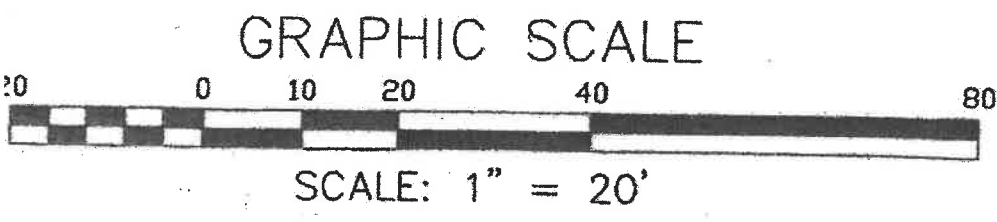
PLAT 9, LOT 520
N/F CHERYL T. FINE
(DEED BOOK 202
AT PAGE 30)

PLAT 9, LOT 521
N/F MELVIN A. & BARBARA A. WHITAKER
(DEED BOOK 935 AT PAGE 257)

N/F F
(DI)



5K COMPLIANT LOCATION OF PROPOSED BUILDING
SCALE: 1/20



LEGEND

PL	PROPERTY
IP	IRON PIPE
RIHB	R.I. HIGH
CB	CONCRETE
FND	FOUND
N/F	NOW OR
S.F.	SQUARE