

Notice of Hearing

Application of TPG Marinas Conanicut, LLC, whose property is located at 1 and 3 Ferry Wharf Unit D and E. and further identified as Tax Assessor's Plat 9, Lot 791 (D) and (E) for a Modification to a Special Use Permit granted under Article 6, Special Use Permits and Variances, Section 600 and 602. This application is made pursuant to the provisions of section 82-302, Table 3-1, Permitted Uses of the zoning ordinance. The Applicant seeks to make interior modifications to the property and is requesting modifications to the service and operational hours, entertainment and service conditions from the approval granted September 25, 2013. Said property is located in a CD zone and contains 12,060 square feet.

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

Application for Modification to a Special Use Permit under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R.I.

Date: 2/17/2022

To Whom it may concern:

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: TPG Marinas Conanicut, LLC

Address: c/o Christian Infantolino, Esq.,
77 Narragansett Avenue
Jamestown, RI 02835

Owner: Same

Lessee: _____

1. Location of premises: No. 1 and 3 East Ferry Wharf Unit D & E
2. Assessor's Plat 9 Lot 791(D) and (E)
3. Dimensions of lot: frontage: +/-160 ft. depth: +/-125 ft. Area: 12,060 sq. ft.
4. Zoning Districts in which premises are located: Use:CD Area: NA sq. ft. Height: 35 ft.
5. How long have you owned the premises? December 31, 2021
6. Is there a building on the premises at present? Yes
7. Size of existing building: 6051 sq Ft (Condo Complex)
Size of proposed building or alteration: NA-Interior modifications
8. Distance of proposed building or alteration from lot lines:
Required: front: 0' rear: 0' side: 0'
Proposed: NO CHANGE IN BUILDING LOCATION
9. Present use of premises: Restaurant and ice cream shop with BV License
10. Proposed use of premises: Restaurant and ice cream shop with full liquor license

Location of septic tank & well on lot: Town water and sewer

11. Give extent of proposed alterations: Applicant proposes to make interior modifications per the enclosed plans and to have a full alcohol license with table service. Applicant is also requesting modifications to the service and operational hours, music and entertainment, and bar service conditions.

12. Number of families for which building is to be arranged: 0

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:

This application seeks a modification to a Special Use Permit granted originally on September 25, 2013 and recorded in Book 812 at Page 82 (copy attached hereto) pursuant to Article 3 Sec. 82-302 Table 3-1 Section VI B(3) to allow a lunchroom/restaurant to serve alcohol.

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

The granting of the modification will not substantially or permanently injure the appropriate use of the property in the surrounding area; and

The granting of the special use permit will not result in conditions inimical to the public health, safety, morals and welfare.

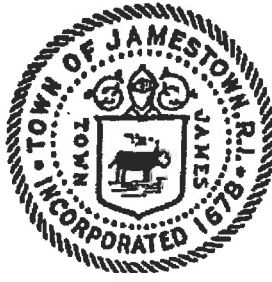
Respectfully Submitted,

Signature: /s/ christian s. infantolino, esq., attorney for applicants

Address: 77 Narragansett Avenue
Jamestown, RI 02835

Phone: 401-423-0400

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



TOWN OF JAMESTOWN

93 Narragansett Avenue, Jamestown RI, 02835
William L Moore, Building official & Zoning Enforcement Officer
401-423-9803, wmoore@jamestownri.net

Zoning Memorandum

Date: 3/4/2022

From: William L Moore, Jamestown Zoning Enforcement Officer

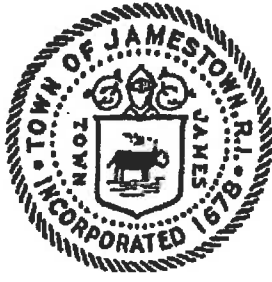
Subject March 22, 2022 Agenda items TPG Marinas Conanicut LLC Application 1,3 Ferry Wharf

Dear Zoning Board Members,

The application before you, is for a modification of a previously approved Special Permit in 2013, book 812 page 82. The renovations proposed for units D, E, which I believe need your approval, are to move the existing ice cream service window into the adjacent unit, and to create an outdoor bar in the rear sunroom. The findings of facts #7 and #8 respectively, specifically are the changes. Hours of operation, and entertainment may be discussed also by the applicant.

The applicant already has CRMC approval for dock and pile repairs to the building. They are also currently renovating the inside of the Restaurant and Marina restrooms together with adding an Accessible restroom to the Restaurant side.

I have included herein copies of Zoning Certificates and Zoning approvals of both units Plat 9 Lot 791 D, E.



TOWN OF JAMESTOWN

93 Narragansett Avenue, Jamestown RI, 02835
William L Moore, Building & Zoning Official
401-423-9803, wmoore@jamestownri.net

ZONING CERTIFICATE

Date: 3/4/2022

Subject Property location: 3 Ferry Wharf, Assessor plat, 9 Lot, 791 D

Owner: TPG Marinas Conanicut LLC

Zoning District: Commercial Downtown, Lot size 5,000 sq ft, Downtown Special Development District Overlay

Existing Lot size: 8606 square feet +-

Setbacks for principal: Front-0'-12', side 0', rear 12', **Setbacks Accessory:**

Current Use: Restaurant, Café, (A-2)

SEWER/SEPTIC: Connected Jamestown Sewer

WATER SUPPLY: Connected Jamestown Water

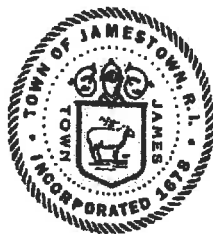
Flood Zone: Yes VE 13 **CRMC:** Subject Property is completely in CRMC jurisdiction.

Remarks: The Subject Property lot size, is conforming in size to Jamestown Zoning ordinance.

1. See attached Jamestown Zoning Board of review decision 3 Parking spaces,
2. The Marina and boat slip seaward of the Subject property, share a restroom and shower facilities with plat 9-791(D) and plat 9-791(E), located at 9-791(E).

William L Moore, CBO

Jamestown Building Official and Zoning Enforcement Officer



ZONING BOARD OF REVIEW
Doc# 00046223
Bk# 812 Ps# 82
Town of Jamestown

93 Narragansett Avenue
401-423-7200

Jamestown, Rhode Island
02835-1199

September 25, 2013

Lucky Ridge, LLC
c/o John A. Murphy, Esq.
77 Narragansett Ave.
Jamestown, RI 02835

Dear Mr. Murphy,

The following is the decision on your Petition heard by the Town of Jamestown Zoning Board of Review on September 24, 2013.

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 Joseph Logan to grant the request of Regnum, LLC (owner) and Lucky Ridge, LLC, doing business as Spinnakers (tenant), whose property is located at 3 Ferry Wharf, and further identified as Assessor's Plat 9, Lot 791(D) for a special use permit as required by Table 3-1 of Section 82-302, to allow the existing restaurant to offer beer and wine service to its customers. The applicant also seeks a dimensional variance from Art. 12, Sec. 82-1203, Minimum off-street parking requirements. 9 spaces are required, and 3 are provided.

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. 83

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

1. Service of alcohol shall be prohibited at the outdoor seating at the front of the building.
2. If a beer and wine license is issued, any further BYOB arrangement is prohibited.
3. If a beer or wine license is issued the alcohol service shall terminate by 10:00 p.m. and there shall be no music entertainment.
4. The outdoor area where consumption of alcohol is permitted will be clearly defined, marked, and strictly enforced.
5. Patrons shall be requested, if possible, to exit through the restaurant.
6. A railing shall be installed by Conanicut Marine as it meets the south boardwalk where the Spinnaker counter and stools are located.
7. Reasonably beyond, but within a short distance from the table and chairs on the boardwalk, there shall be installed a wooden narrowing of the passage way to differentiate and delineate the restaurant boundaries.

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 CD zone and contains 9940 sq. ft.
2. The restaurant has seating for 68 patrons, 30 of which are inside, including the sunroom, and the balance are on the back deck and boardwalk, and front sidewalk.
3. The building occupies more the 50% of the lot.
4. Sec. 82-120B requires 1 space for 8 seats, i.e. 9 spaces.
5. There are 3 spaces directly in front of the condo complex.
6. There are additional parking spaces on Conanicus and Ferry Wharf.
7. There will be no change to the interior of the premises.

8. There will be no bar, but service will be from behind the counter.
9. Two people spoke in favor and one in general opposition to the town parking.

The motion carried by a vote of 4 - 1.


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

David Nardolillo voted against the motion.

Richard Cribb, Richard Allphin and Judith Bell were not seated.

This special use permit and variance shall expire one year from the date of granting unless the applicant exercises the permission granted.

Very truly yours,



Thomas Ginnerty, Chairman
Jamestown Zoning Board of Review
TG/pw

RECEIVED FOR RECORD
Nov 20, 2013 09:23A
JAMESTOWN TOWN CLERK
CHERYL A. FERNSTROM, CNC



TOWN OF JAMESTOWN

93 Narragansett Avenue, Jamestown RI, 02835
William L Moore, Building & Zoning Official
401-423-9803, wmoore@jamestownri.net

ZONING CERTIFICATE

Date: 3/4/2022

Subject Property location: 1 Ferry Wharf, Assessor plat, 9 Lot, 791 E

Owner: TPG Marinas Conanicut LLC

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Current Use: Business Office, Restroom

SEWER/SEPTIC: Connected Jamestown Sewer

WATER SUPPLY: Connected Jamestown Water

Flood Zone: Yes VE 13 **CRMC:** Subject Property is completely in CRMC jurisdiction.

Remarks: The Subject Property lot size, is conforming in size to Jamestown Zoning ordinance.

1. See attached Jamestown Zoning Board of review decision
2. The Marina and boat slip seaward of the Subject property, share a restroom and shower facilities with plat 9-791(D) and plat 9-791(E), located at 9-791(E).
3. The Subject parcel together with parcel plat 8-278 are complicated to track approvals and permissions. The Town of Jamestown owns parcels, 8-171, 8-183, 8-377, 9-355, 9-356, 9-595, these are parcels of land adjacent to the Subject property and also used in connection with plat 8-278. All uses approved and permitted for the Subject property and any other parcels owned by the Subject property owners, together with their corporations and LLC's in the President's or controlling partners capacity, are all subject to the terms and conditions of any lease/ contracts/ memorandum of understanding with the Town of Jamestown's properties.

William L Moore, CBO

Jamestown Building Official and Zoning Enforcement Officer



Town of Jamestown

RHODE ISLAND
02835

TOWN CLERK
(401) 423.0200

April 14, 1987

WILLIAM S. MUNGER
MARILYN A. MUNGER
102 Cole Street
Jamestown, RI 02835

Dear Mr. and Mrs. Munger:


At a meeting of the Jamestown Zoning Board of Review held on March 24, 1987, the following vote was passed, to wit:

THAT the Board grant your request (property located at 1 Ferry Wharf, and further identified as Tax Assessor's Plat 9, Lot 791, Condominium Unit E) for a Variance from the Zoning Ordinance, Article VIII, Section 801, Paragraph 5 (Minimum Off-Street Parking Requirements) to convert 440 square feet of existing storage area to office space without providing additional parking. This relief is granted in accordance with Article VI, Section 610 in that:

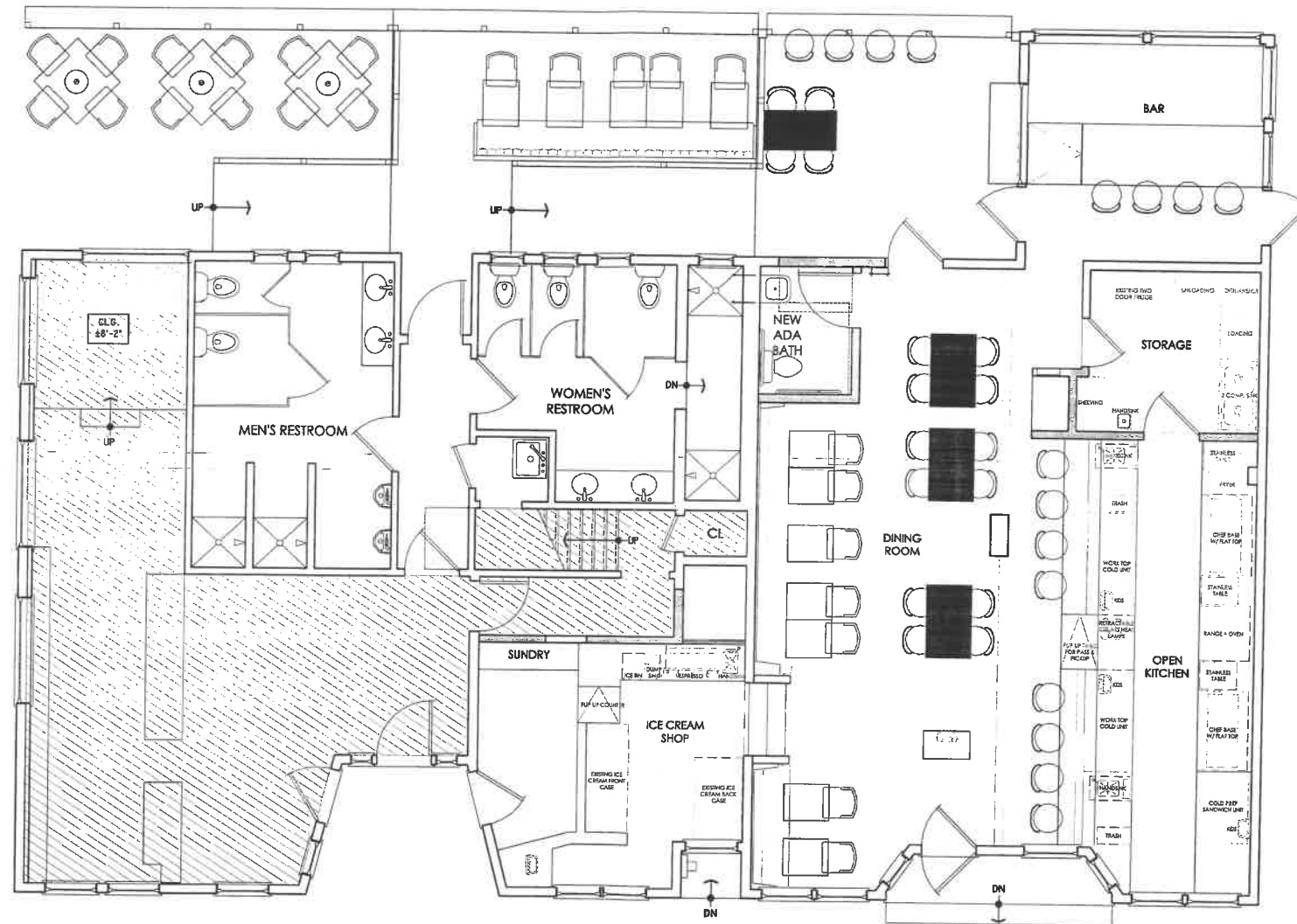
- a) conditions exist which are peculiar to the site, and
- b) the unnecessary hardship has not been caused by the applicant.

This approval passed by a unanimous vote.

Sincerely,


Theresa C. Donovan
Deputy Town Clerk

xc: Building Inspector



1 FLOOR PLAN
 SCALE: 1/4" = 1'-0"

SEAT COUNTS
 BAR: 4
 RESTAURANT: 34
 OUTDOOR: 30
 TOTAL: 68

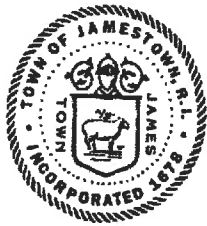
OVERALL INTERIOR SQUARE FOOTAGE
 1260 SQUARE FEET

SUBMITTAL DATE

FOR DESIGN INTENT ONLY
 NOT FOR CONSTRUCTION

PROJECT
**JAMESTOWN
 MARINA**

JAMESTOWN, RI



ZONING BOARD OF REVIEW
Doc# 00046223
Bk: 812 Ps: 82
Town of Jamestown

93 Narragansett Avenue
401-423-7200

Jamestown, Rhode Island
02835-1199

September 25, 2013

Lucky Ridge, LLC
c/o John A. Murphy, Esq.
77 Narragansett Ave.
Jamestown, RI 02835

Dear Mr. Murphy,

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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:

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Jamestown Zoning Board of Review
TG/pw

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