

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the January 25, 2022 Meeting

A regular meeting of the Jamestown Zoning Board of review was held at Jamestown Town Hall.

THIS MEETING Was Also TELECONFERENCED VIA ZOOM AND VIA TELEPHONE:

The Chairman called the meeting to order at 7:05 p.m. The Zoning Officer called the roll and noted the following members present:

Richard Boren, Chair
Dean Wagner, Vice-chair
Terence Livingston, Member
James King, Member
Jane Bentley, Member
Judith Bell, 1st Alternate
John Shekarchi, 2nd Alternate

Also present:

Roberta Fagen, Town Clerk, Host
Aileen Froth, Executive Secretary, Host
William L. Moore, Zoning Officer
Wyatt Brochu, Counsel
Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk

MINUTES

Minutes of December 14, 2021

A motion was made by Richard Boren and seconded by Jane Bentley to accept the minutes of the December 14, 2021 meeting as presented.

The motion carried by a vote of 5 –0.

Richard Boren, Dean Wagner, Terence Livingston, James King and Jane Bentley voted in favor of the motion.

Judith Bell and John Shekarchi were not seated and Alex Finkelman was absent.

CORRESPONDENCE

All correspondence received was in reference to agenda items.

OLD BUSINESS

Dumpling Land

A motion was made by Jane Bentley and seconded by Terence Livingston to continue the application of Dumplings Land to the February 22, 2022 meeting for a written decision.

The motion carried by a vote of 5 –0.

Richard Boren, Dean Wagner, Terence Livingston, James King and Jane Bentley voted in favor of the motion.

Judith Bell and John Shekarchi were not seated and Alex Finkelman was absent.

NEW BUSINESS

CMS

An appeal, of 2 separate aggrieved persons to this subdivision, has been filed against the Jamestown Planning Commission, therefore as per Jamestown Town Code Appendix A, Article XII- Appeals, A.2, An appeal shall stay all proceedings in furtherance of the action being appealed.

SHM/JBY

A motion was made by Richard Boren and seconded by to Terence Livingston to grant the request of SHM Jamestown Boat Yard, LLC whose property is located at 60 Dumpling Drive, and further identified as Assessor's Plat 10, Lots 141. 143, 20, for a Modification to a Special Use Permit granted under Article 6, Special Use Permits and Variances, pursuant to Section 82-704, Alteration of a non-conforming use and Article 3 Section 82-301/ Table 3-1 Section F.8 and F.9, and dimensional relief from Section 82-302-District Dimensional Regulations, and Table 3-2, for setback relief and lot coverage relief, to remove an existing stairway and replace with a stairway that meets code and an ADA compliant access ramp.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTIONS 600 and 602.

This Special Use Permit is granted with the following restriction/condition(s):

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. There will be no change of use.
3. There will be no intensified use.
4. There will be no increase in activities.
5. Although not a condition: The Board is not authorizing a "Yacht Club".

This motion is based on the following findings of fact:

1. Said property is located in a R80 zone and contains 92,965 square feet.
2. The application before the Board is a modification of a special use permit as well as for setback and lot coverage dimensional relief in order to replace an existing stairway to meet building code, install an ADA compliant access ramp and make certain interior modifications to the building known as the “rigging shop”.
3. Zoning Board approval is necessary as the property is operating under a special use permit.
4. The special use permit is necessary to renovate the interior, including bathrooms, showers and a kitchenette.
5. In February, 2016 this Zoning Board granted Jamestown Boatyard, Inc., the predecessor in interest, several variances and a special use permit to enclose an existing structure and construct a new one to replace two temporary buildings.
6. The present application of SHM Jamestown Boatyard, LLC which was conveyed the property in January, 2020 from Jamestown Boat Yard, states that the present use of the premises is boat storage/maintenance office and that there will be “no change’ under the proposed use.
7. William Burgin, licensed RI Architect, credibly testified about the four corners of the application, the renovations, access, need for an ADA compliant ramp, his floor plans and renderings, which were all marked exhibits.
8. Mr. Burgin credibly testified that the interior renovations include relocating 2 existing bathrooms so the public or clients do not have to walk through the entire rigging shop in order to use the facilities. Clients will be able to access one of the bathrooms from the exterior.
9. Mr. Burgin credibly testified that 2 outdoor showers will remain in place – perhaps enclosed - and another shower will be added to the ADA compliant indoor bathroom.
10. Mr. Burgin credibly testified that the 2 existing kitchen areas will be combined into one, lowering their combined area from 200 to 156 sq. ft. with new kitchen cabinets, counters, appliances and fixtures including a range hood and possible stove top.
11. The proposed ADA compliant ramps and staircase will have coverage of 768 sq. ft., compared to current coverage of 318 sq. ft.
12. The existing lot coverage is 33%. The proposed lot coverage will be 33.5%, which is the increase in the proposed ADA compliant ramps and staircase, which replace the existing staircase.
13. Fourteen neighboring landowners, a number of whom testified, raised concerns that the applicant is expanding its proposed use from boat storage, repair and rigging into a full-fledged “yacht club”.
14. The neighbors testified that in their view and opinion, the applicant is intensifying its use.
15. The neighbors rely upon accepted facts that the applicant provides a place for boating customers to relax, play lawn games, gather around a fire pit, use barbeque and Wi-Fi.
16. The Board finds as a fact that the Safe Harbor website list these “first class amenities” as: barbeque grills, community leisure space, complimentary parking, complimentary Wi-Fi, courtesy bikes, dog park, fire pit, kitchenette, lawn games, restrooms, and showers.
17. Brandon Somers, general manager of the applicant, was credible in his testimony and the Board finds as fact that all listed amenities exist on the property except the dog park. There

is one fire pit, a 10 ft. by 10 ft. deck for community leisure space, one picnic table, a couple of bicycles, a kitchenette not for cooking and a refrigerator for customers to store food while on the water.

18. The Board, based upon Mr. Somers credible testimony finds as fact that the amenities advertised on the applicant's website, except the dog park, existed on the property for years and were in existence upon the granting of the 2016 special use permit.
19. The Board finds as fact that there is no reliable or sufficient evidence that the applicant is changing the use, intends to change the use or is intensifying the use.
20. The Board finds as fact that the neighbors have voiced and testified about legitimate concerns regarding the potential intensification of use, but that such intensification is speculative at this time.
21. The Board finds as fact, that the applicant has met its burden under Section 300 et seq, 600 et seq. and 700 et seq.

The motion carried by a vote of 5 –0.

Richard Boren, Dean Wagner, Terence Livingston, James King and Jane Bentley voted in favor of the motion.

Judith Bell and John Shekarchi were not seated and Alex Finkelman was absent.

JB On the Water

Testimony was heard.

Roll call was taken again and noted the same members in attendance.

A motion was made by Richard Boren and seconded by Terence Livingston to continue the application to JB ON THE WATER, LLC to the February 22, 2022 meeting.

The motion carried by a vote of 5 –0.

Richard Boren, Dean Wagner, Terence Livingston, James King and Jane Bentley voted in favor of the motion.

Judith Bell and John Shekarchi were not seated and Alex Finkelman was absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 9:05 p.m.
The motion carried unanimously.