

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the April 26, 2022 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. The Chairman called the meeting to order at 7:08 p.m. The clerk called the roll and noted the following members present:

Richard Boren, Chair
James King, Member
Jane Bentley, Member
Judith Bell, 1st Alternate
John Shekarchi, 2nd Alternate
Alex Finkelman, 3rd Alternate

Also present: William L. Moore, Zoning Officer
Wyatt Brochu, Counsel
Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk

MINUTES

Minutes of March 22, 2022

A motion was made by James King and seconded by Jane Bentley to accept the minutes of the March 22, 2022 meeting as presented.

The motion carried by a vote of 5 -0.

Richard Boren, James King, Jane Bentley, Judith Bell, and John Shekarchi voted in favor of the motion.

Alex Finkelman was not seated.

Dean Wagner and Terence Livingston were absent.

CORRESPONDENCE

All correspondence was in reference to items on the agenda.

OLD BUSINESS

We Dig

John Mancini, Esq. representing We Dig Investments, LLC requested a continuance as an expert witness is not available to testify.

A motion was made by James King and seconded by Jane Bentley to continue the application of We Dig Investments, LLC to the June 28, 2022 meeting.

The motion carried by a vote of 5 -0.

Richard Boren, James King, Jane Bentley, Judith Bell, and John Shekarchi voted in favor of the motion.

Alex Finkelman was not seated.

Dean Wagner and Terence Livingston were absent.

NEW BUSINESS

5A Builders (Mowab)

A motion was made by James King and seconded by Jane Bentley to grant the request of 5A Builders, LLC (Emily Bowab, Owner), whose property is located at 0 Seaside Dr., and further identified as Assessor's Plat 3, Lot 139 for a special use permit from Article 3, Section 82-314C Development within Subdistrict A, and Article 6, Sections 82-601, 602, 603, and 604 to construct a single-family dwelling.

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 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 R40 zone and contains 14,280 sq. ft.

2. Said property is located in Overlay Subdistrict A.
3. Said property received a unanimous decision from the Planning Board.
4. All OWTS criteria has been met and approved by RI DEM.
5. All stormwater run-off requirements have been met as testified by Josh Rosen expert engineer witness.
6. The property well is over 100' from the nearest OWTS system.
7. There were no objectors to the project.

The motion carried by a vote of 5 -0.

Richard Boren, James King, Jane Bentley, Judith Bell, and John Shekarchi voted in favor of the motion.

Alex Finkelman was not seated.

Dean Wagner and Terence Livingston were absent.

Urban/Secret Garden

A motion was made by Richard Boren and seconded by James King to Grant the request of David Urban et al, The Secret Garden, whose property is located at 12 Southwest Ave., and further identified as Assessor's Plat 9, Lot 592 for a variance from Article 12, Section 82-1203, Minimum Parking Regulations, and Sec. 82-1204, Parking Standards, and 82-1206, Off-street loading requirements, and Art. 6, Sec. 82-605, 606, & 607 to expand the current footprint and construct new mixed use residential, provide 8 total parking spaces (6 commercial & 2 residential) where 12 are required (10 commercial & 2 residential) and to have 2 of the commercial spaces be compact size (8 by 16 feet) where only 20% of total spaces are allowed to be compact.

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 CL zone and contains 8692 sq. ft.
2. The applicants have owned this property for approximately 14 years.
3. There is both a main building and a garage on the property.
4. The garage, which may encroach on the adjoining property, will be removed.
5. The proposed addition on the first level will provide additional work space for the florist shop.
6. The proposed 2-bedroom apartment is permitted by the Zoning Ordinance.
7. The addition will be less than 31 feet in height.
8. The property line on the south side of the property according to a Class 1 survey sets forth that the property line is approximately 6 feet to the south.
9. The majority of the business is weddings, funerals, and events, even though there is walk in retail business.
10. There are presently 6 parking spaces, which a few encroach onto Southwest Avenue. The proposal provides for 8 spaces, 6 of which shall be abutting Southwest Avenue, but will be less intrusive.
11. The present office and arrangement area is very cramped which the proposal will alleviate.
12. The proposed building coverage will be a total of 2783 sq. ft., including decks, which will be 32%, where 35% is allowed.
13. The dumpster will be relocated onto the property.
14. By removing the garage and adding spaces, the non-pervious area will be reduced by 110 sq. ft.
15. The rain gardens will help alleviate any drainage issues and there will be improved drainage.
16. The Planning Commission by memorandum dated 3/10/22 granted development plan approval. The memorandum including 11 conditions of approval are incorporated into this decision.
17. One resident who was not a neighbor, raised concerns over parking and an apartment.
18. Federal Properties of RI, Inc., by letter dated 4/12/22 raised certain concerns but did not appear.
19. Doug Young, a neighbor to the south, raised certain concerns regarding an existing fence and water run-off, but did not appear.

The motion carried by a vote of 5 -0.

Richard Boren, James King, Jane Bentley, Judith Bell, and John Shekarchi voted in favor of the motion.

Alex Finkelman was not seated.

Dean Wagner and Terence Livingston were absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:40 p.m.
The motion carried unanimously.