

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R. I.

Date June 23, 2023

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 Navigator Properties, LLC
d/b/a Mariner Tower Address P.O. Box 1160, Kennebunkport, ME 04046

Owner Carr Homestead Foundation Inc. Address 90 Carr Lane, Jamestown, RI 02835

Lessee _____ Address _____

1. Location of premises: No. 90 Carr Lane, Jamestown, RI 02835 ~~Street~~

2. Assessor's Plat 4 Lot 17

3. Dimensions of lot: frontage 1,302 +/- ft. depth 350 +/- ft. Area 463,914 +/- sq. ft.
Rural Residential 200,000 sf (RR-200) (10.65 acres)

4. Zoning Districts in which premises are located: Use See below Area 200,000 Height 25 ft (see below)

5. How long have you owned above premises? 1957 (owned by Carr Homestead Foundation Inc., not Applicant)

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

7. Size of existing building 2,040 sf (976 sf of living area) + 96 sf shed

Size of proposed building or alteration The proposed compound will be contained in a 75' x 75' fence area

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

front 175' +/- rear 175' +/- left side 160' +/- right side 1,168.7' +/-

9. Present use of premises: Single-Family Residence with shed

10. Proposed use of premises: A portion of the property to be developed for "Transmission Lines, Tower, or Substation" use

Location of septic tank & well on lot No change proposed

11. Give extent of proposed alterations Please see Statement in Support.

12. Number of families for which building is to be arranged: N/A

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) Special Use Permit for a "Transmission Lines, Towers or Substations use, all pursuant to Section 82-301, and Sections 82-600-602

2) Special Use Permit for height exception in the RR-200 Zoning District pursuant to Section 82-305

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

Please see Statement in Support.

Respectfully Submitted,

Signature 

Address Bowditch & Dewey, LLP
200 Crossing Boulevard, Suite 300
Framingham, MA 01702

Telephone No. (508) 416-2410

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



Planning Commission MEMORANDUM

TO: Zoning Board of Review
Peter Medeiros, Building Official, Zoning Enforcement Officer

FROM: Michael Swistak, Chair, Jamestown Planning Commission

RE: Advisory Report to the Zoning Official and a recommendation to the Zoning Board of Review for application located at Plat 4 Lot 17. Jamestown, RI Proposal by Navigator Properties LLC/Carr Homestead Foundation for a 160' monopole wireless communication tower and related ground infrastructure

DATE: June 22, 2023

At the Jamestown Planning Commission meeting on June 21, 2023, Navigator Properties, LLC presented a plan to install a 160-foot monopole wireless cellular communication tower and related ground infrastructure at 90 Carr Lane. The Planning Commission unanimously voted to recommend to the Jamestown Zoning Board, approval of the application being reviewed under: Zoning Ordinance Article 8 – Regulations for RR-200 Zoning District, Advisory Report to Zoning Enforcement Officer; Special Uses Permit per 82-300, Table 3-1 V. 12 for transmission lines, towers or substations in RR-200 district; Special Uses Permit per 82-305 B exceptions to height regulation for a structure in excess of 50 feet; and Special Uses Permit per 82-306 D for relief for an eight (8) foot security fence, if required.

The application of Navigator Properties, LLC, 90 Carr Lane was reviewed by the TRC on May 17, 2023 and the Planning Commission on June 21, 2023. The review and recommendation was based on the discussion at these meetings as well as submittal of the following information: Plans entitled Site Number: NAV-29, site name: Jamestown RI, Site Address: 90 Carr Lane, Jamestown, RI 02835, Newport County:

- Title Sheet T-1
- General notes GN-1
- Survey C-1, 2
- Site Plan C-3
- Compound Plan and Elevation A-1
- Details A-2
- Erosion Control and Grading Plan A-3
- Erosion Control Details A-4
- Soil Map A-5

The following information was submitted as part of the development package:

1. Application for Development Plan Review, signed and dated March 24, 2023
2. The Original Owner Authorization Form was received May 17, 2023
3. Project Narrative signed by Attorney Brian S. Grossman (7 pages)
4. Jamestown Application “Alternatives Analysis”
5. Fair Market Advisors, LLC report (40 pages)
6. Report by Donald L. Haes, Jr., CHP, Radiation Specialist (13 Pages)

7. RF Report dated February 7, 2023
8. Wetland Report from Natural Resource Services, Inc., Scott P Rabideau, PWS
9. Stormwater Management Report by TEP Northeast dated April 25, 2023
10. 300 foot abutters list
11. Owner Authorization Form
12. Supplement #1 dated June 14, 2023

The Planning Commission Advisory Report and recommendations for approval are based on the following findings of fact and subject to the following conditions of approval:

Findings of Fact:

1. This application has been reviewed by the TRC on May 17, 2023. (See attached Minutes from TRC);
2. This property is located in the RR-200 Zoning District. This district covers the watershed area of the north and south pond reservoirs. Towers are permitted in this district by special use permit from the Zoning Board of Review. This application is subject to Development Plan Review per Article 8 of the Jamestown Zoning Ordinance;
3. The existing site has two existing homes, one built in 1690 and one built in 1940 according to town records. The older structure is presumed the oldest house in Jamestown and the former home of Governor Carr;
4. The Cellular Communication Tower is permitted in the RR-200 zoning district by special use permit;
5. The property is 10.65 acres and is currently afforded the tax structure of "Farm, Forest, and Open Space";
6. The applicant will be entering into a long term property lease from the Carr Homestead Foundation will be in 5-year increments between 30-50 years for a portion of Plat 4 Lot 17, 90 Carr Lane;
7. The Cell Tower compound will be made out of concrete and crushed stone and the driveway and access turnaround is permeable pavement. The concrete parts will be 10x20 foot equipment pad for the carriers and the foundation for the tower. The site will be minimally visible from the road with views of the access road and potentially the 75x75 foot compound;
8. Stormwater will be infiltrated onsite and a stormwater report was provided and reviewed by the Town Engineer, Jean Lambert. All her concerns have been addressed;
9. Navigator Properties, LLC has indicated that they are constrained by the land owner as to where the tower can be located;
10. There are no wetlands on the property within 100 feet of the Tower Facility;
11. The Applicant has agreed that propane generators will be used if needed and no petroleum fuel will be stored on site;

12. The Applicant has agreed to provide space on the Tower, for communication for first responders, at no cost the Town at a height not to exceed 115 feet above ground level to the top of all antennas and appurtenances. This limitation is necessary to avoid potential interference with a wireless communications provider occupying the lowest available mounting height for their equipment. The Applicant would require a written agreement documenting the Town's use of the Tower;
13. The Applicant will construct and maintain the Tower, compound and access easement, but its tenants will determine whether to utilize equipment shelters or weatherproof ground mounted equipment cabinets. It is common that wireless communications providers utilize equipment cabinets and not shelters; therefore, there is no guarantee that a shelter would be installed at the Property. For safety reasons, wireless communications providers typically do not permit others to share shelter space or have access to their equipment shelters (if one is even installed);
14. The Planning Commission, reviewed this application under the Jamestown Zoning Ordinance and note the following approvals/relief are required:
 - a. Jamestown Planning Commission Development Plan approval per Zoning Ordinance Article 8 – Regulations for RR-200 Zoning District, Advisory Report to Zoning Enforcement Officer;
 - b. Recommendation to Jamestown Zoning Board of Review – Special Use Permit per 82-300, Table 3-1 V.12 for transmission lines, towers or substations in RR-200 district;
 - c. Recommendation to Zoning Board of Review – Special Use Permit for height of a structure over 50 feet; and,
 - d. If deemed necessary, a variance for a fence over 6 feet in height.
15. The proposed monopole is set back a minimum of 160 feet from the front, North Road, property line, 175 feet from the north and south side lot lines and approximately 360 feet from the closest structure on site. The site is completely wooded and will not need additional screening for that reason. The Communication Tower meets the required setback for the proposed height; 1 foot for each foot setback from the property line;
16. The 8-foot fence around the compound is recommended and supported for safety reasons;
17. The Applicant has agreed to provide a removal bond, indicating that it is not uncommon for the industry; and,
18. The health, safety and welfare benefits of providing the north end of Jamestown with a cellular communication tower outweigh any conflicting considerations in the Comprehensive Plan.

Conditions of Approval:

1. The Applicant shall provide a written agreement documenting the Town's use of the Tower. The written agreement would provide that the rights to utilize the designated space would be assignable to any public safety agency which supports communications for first responders, subject to necessary limitations including without limitation those concerning interference and structural capacity;

2. The removal bond shall name the Town and shall be a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include an escalator clause for a 10% increase every 5 years;
3. The Stormwater Mitigation measures shall be adhered to and the construction superintendent shall coordinate with the Town Public Works Department to insure compliance;
4. Any future on-site generators shall be fueled by propane. No petroleum fuels shall be used or stored on site;
5. Any permanent on-site generators shall utilize a sound reducing enclosure;
6. The stones from the stone wall shall be maintained on site. The design of the driveway entrance shall take turning radii into consideration so as not to encourage stone wall damage from entering or exiting the site;
7. The permeable pavement on site shall be appropriately maintained every 6 months as noted on Plan A-1;
8. Public Safety access shall be provided either by key, knox box, or combination lock;
9. The applicant shall be required to register with RI Secretary of State Corporations as a foreign entity doing business in RI.
10. This application is subject to Zoning Board approval for the following.
 - a. Recommendation to Jamestown Zoning Board of Review – Special Use Permit per 82-300, Table 3-1 V.12 for transmission lines, towers or substations in RR-200 district;
 - b. Recommendation to Zoning Board of Review – Special Use Permit for height of a structure over 50 feet; and,
 - c. If deemed necessary, a variance for a fence over 6 feet in height.

Attachments: TRC Minutes, May 17, 2023

C: Peter Medeiros, Zoning Official
Michael Gray, Public Works Director
Planning Commission

**SAMPLE ZONING ADVERTISEMENT
MUST BE FILLED OUT BY THE APPLICANT**

Application of Navigator Properties, LLC (Carr Homestead Foundation Inc. - Owner) whose

property is located at 90 Carr Lane, Jamestown, RI 02835, and further

identified as Tax Assessor's Plat 4, Lot 17 for a ~~Variance~~ **Special Use Permit**

82-301; 82-305
from Articles 3 & 6, Sections 82-600 - 602

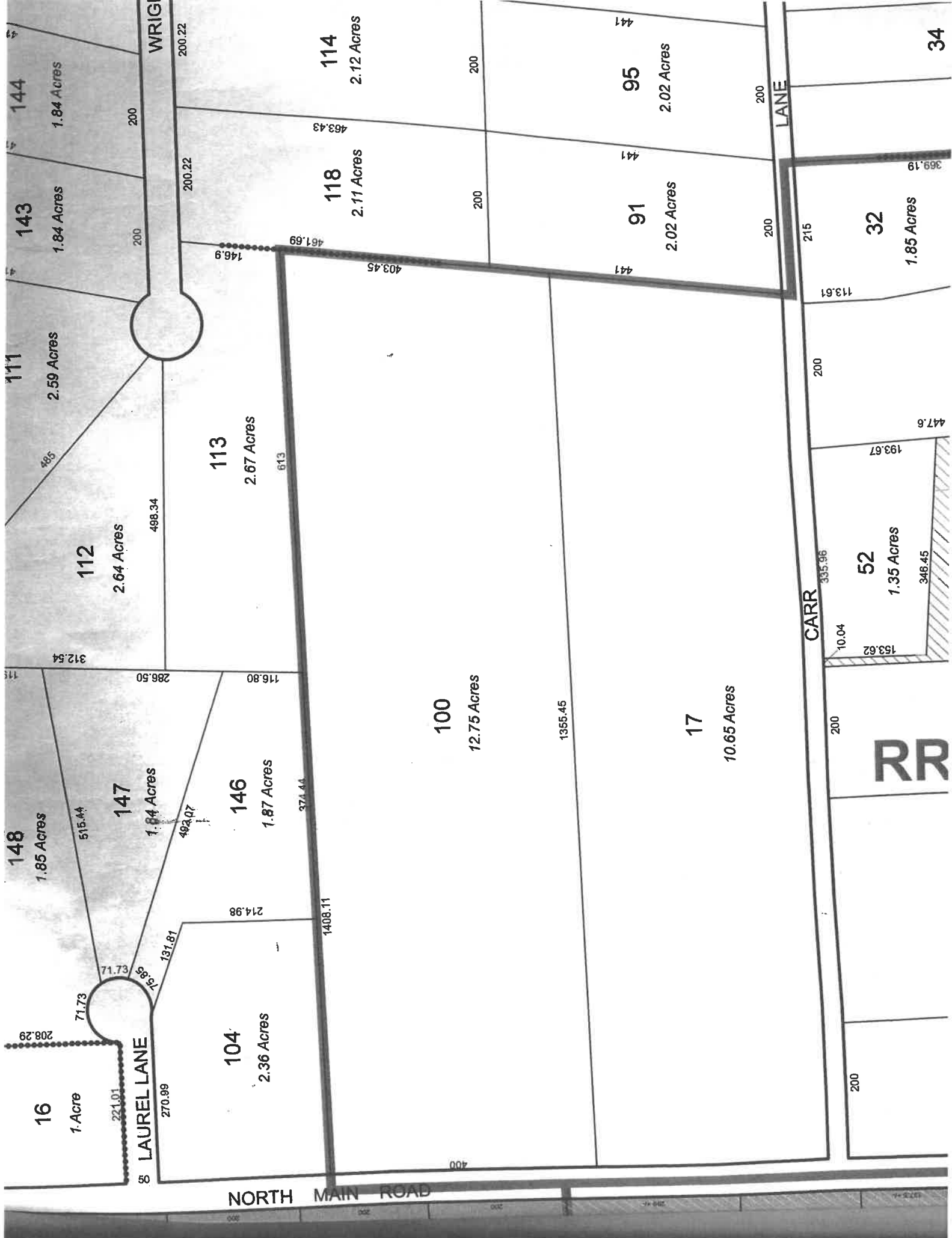
Special Use Permit for a Transmission lines, towers or substations use pursuant to Sections 82-301 and 82-600-602;
and (2) Special Use Permit for height exception in the RR-200 Zoning District pursuant to Section 82-305

to construct a 160' above ground level ("AGL") monopole that will structurally accommodate up to four (4) wireless telecommunications carriers including without limitation their associated antennas, radio communications equipment and cabling. The proposed 75'x75' fence surrounding the proposed compound at the base of the tower will accommodate the carriers' ground-based radio communications equipment. The proposed ground equipment will be located within the proposed fenced compound. The Facility will be constructed to accommodate the co-location of other wireless communications providers on the lower as well as associated radio communications equipment, backup power, and/or weatherproof cabinets to be located within the fence. Wireless communications providers can fill a significant coverage gap in their respective networks, and the Facility will assist them in providing adequate and reliable wireless communications services in and around the Town of Jamestown and to other parts of Rhode Island.

Said property is located in a RR-200 zone and contains 10.65 **acres** square feet.

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.



16
1. Acre

104
2.36 Acres

147
1.84 Acres

146
1.87 Acres

148
1.85 Acres

112
2.64 Acres

113
2.67 Acres

114
2.12 Acres

118
2.11 Acres

100
12.75 Acres

17
10.65 Acres

52
1.35 Acres

91
2.02 Acres

95
2.02 Acres

32
1.85 Acres

34

LAUREL LANE

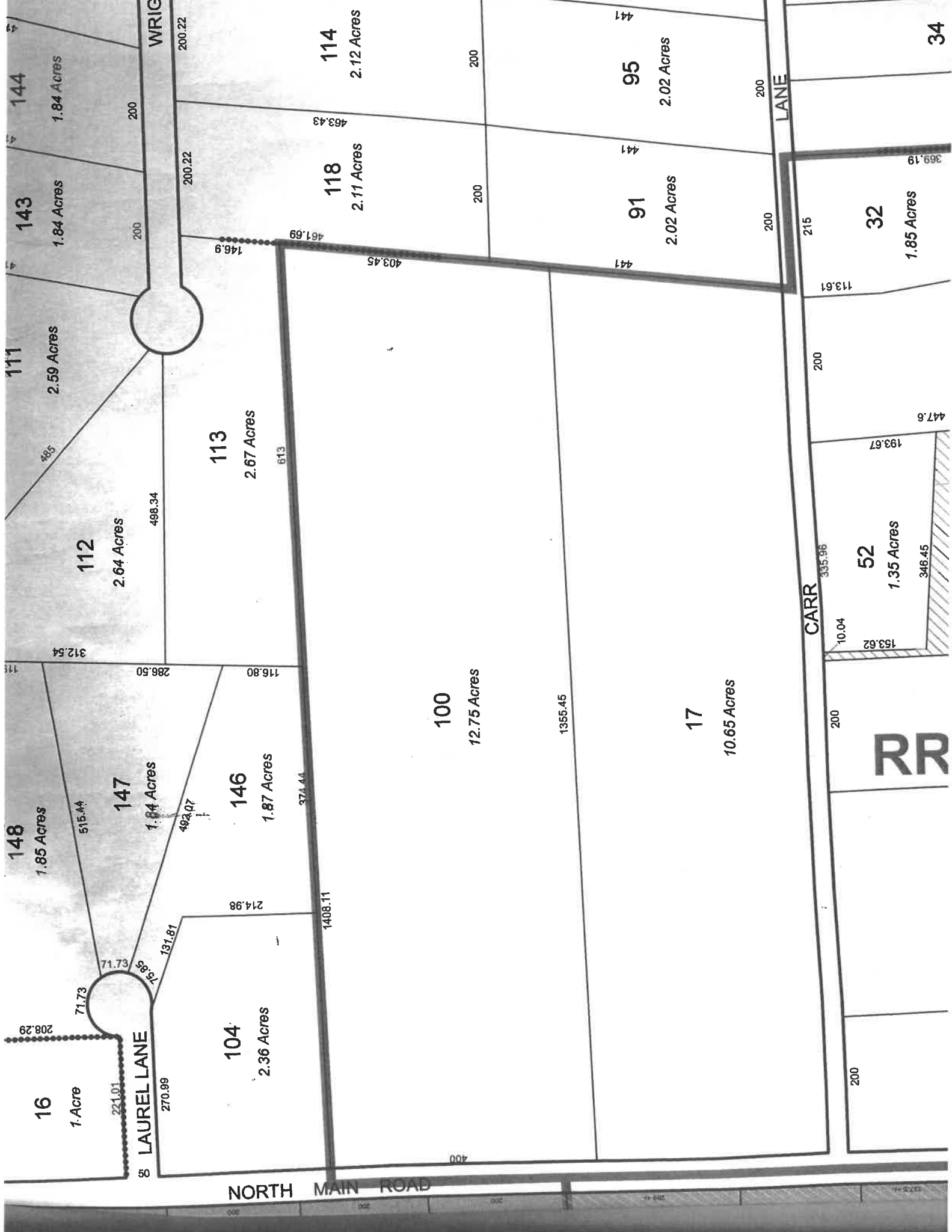
WRIGLEY LANE

NORTH MAIN ROAD

CARR LANE

LANE

RR



THIS ZBR FILE CAN BE REVIEWED AT TOWN HALL.

THE WHOLE FILE IS TOO LARGE TO SCAN.