

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the July 25, 2023 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 7:03 p.m. The clerk called the roll and noted the following members present:

Richard Boren, Chair
Terence Livingston, Member
James King, Member
James Sisson, 3rd Alternate
Robert Maccini, Alternate

Also present:

Wyatt Brochu, Counsel
Peter Medeiros, Zoning Officer
Brenda Hanna, Stenographer
Pat Westall, Clerk

New alternate member Robert Maccini was welcomed.

MINUTES

Minutes of June 27, 2023

A motion was made by James King and seconded by Terence Livingston to accept the minutes of the June 27, 2023 meeting as presented.

The motion carried by a vote of 5 – 0.

Richard Boren, Terence Livingston, James King, James Sisson and Robert Maccini voted in favor of the motion.

Dean Wagner, Jane Bentley, and John Shekarchi were absent.

CORRESPONDENCE

All correspondence was in reference to items on the agenda.

NEW BUSINESS

Lyons

A motion was made by Terence Livingston and seconded by James Sisson to grant the request of Matthew T. Lyons whose property is located at 17 Ocean Ave., and further identified as Assessor's Plat 8, Lot 489 for a variance from Article 3, Section 82-302 (District Dimensional Regulations) to remove existing non-conforming garage and foundation and install new foundation and garage in the exact same footprint. Construct a retaining wall as shown to handle drainage.

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 7744 sq. ft.
2. The applicant desires to demolish and reconstruct a new garage in the same footprint.
3. The current garage is falling down.
4. The foundation is higher than the ground making it difficult to access the garage.
5. The garage is currently crooked. The new garage will be straightened and less non-conforming.
6. One person testified in favor of the application.
7. No person testified against the application.
8. The applicant will build a retaining wall.

The motion carried by a vote of 5 – 0.

Richard Boren, Terence Livingston, James King, James Sisson and Robert Maccini voted in favor of the motion.

Dean Wagner, Jane Bentley, and John Shekarchi were absent.

D'Souza

A motion was made by James King and seconded by Terence Livingston to grant the request of Rikhi J. D'Souza who owns property located at 973 North Main Road and further identified as Assessor's Plat 3, Lot 235 for a dimensional variance from Article 3, Section Table 3-2 which requires a minimum lot size in an R 40 zone of 40,000 square feet, and under Article 6, Section 82-606 entitled "Conditions for granting a variance" and Section 82-607 entitled "Variances-Additional Restrictions". Applicant is seeking permission to reduce his lot size from 34,280 S.F. to 27,701 S.F. and to add 6,579 S.F. to the abutting property located at 991 North Main Road resulting in an increase in the lot size of 991 North Main Road from 7,875 S.F. to 14,454 S.F.

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 conditions:

All conditions set forth 7/6/23 meeting of the Technical Review Board and further stated in the Town Planner letter dated 6/14/23 must be observed.

This motion is based on the following findings of fact:

1. It brings both properties more into conformance with frontages.
2. The lot will not be subdividable in the future.
3. No one objected to this issue.

The motion carried by a vote of 5 – 0.

Richard Boren, Terence Livingston, James King, James Sisson and Robert Maccini voted in favor of the motion.

Dean Wagner, Jane Bentley, and John Shekarchi were absent.

Urso

A motion was made by Terence Livingston and seconded by Richard Boren to grant the request of Philip J. Urso and Renee Deslauriers whose property is located at 16 Green Lane, and further identified as Assessor's Plat 9, Lot 243 for Variance from Article 6, Section(s) 302 & 605, District dimensional regulations, the structure is existing non-conforming regarding front setback along Green Lane, (18 feet required, 15.3 feet existing & proposed) and side setback (7 feet required, 5.3 feet existing & proposed), to replace an existing one-story covered porch with a two-story covered porch (replace the building's original two-story covered porch). The new roof height is proposed at 21 feet 4 inches (maximum height 35 feet allowed). With proposed new construction, the lot coverage will remain at 18.2% (maximum 30% allowed).

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 R-8 Zoning District and contains 17,482 square feet.
2. The applicant proposes to build a porch on the same footprint on the second floor above the first floor porch.
3. There will be no change in the footprint.

4. It will be the same materials on the second floor porch as the first floor porch.
5. Nobody testified in favor of the applicant.
6. Nobody testified against the applicant.

The motion carried by a vote of 5 – 0.

Richard Boren, Terence Livingston, James King, James Sisson and Robert Maccini voted in favor of the motion.

Dean Wagner, Jane Bentley, and John Shekarchi were absent.

Rallis

A motion was made by James Sisson and seconded by James King to grant the request of John G. Rallis Trustee of the John G. Rallis Revocable Living Trust and Sharon F. Rallis Trustee of the Sharon F. Rallis Revocable Living Trust of 86 Blueberry Lane, Platt # 10, Lot 130 request a variance from Article 3, section 82, 302 of Table 3-2 of Article 3 Application of District Regulations to Section 82-302 District Dimensional Regulations Table 3-2. Applicants desire to construct a 3'6" x 8' landing and stairs, a bump-out from existing deck and approved proposed walkway to allow access to yard. Landing and stairs will be 23ft from rear (north) lot line, which extends into current rear setback restriction; however, existing dwelling, deck, and previous stairs violated no rear-yard restrictions when built (legal non-conforming structures); the additional 3 ft do not alter the topography of the land. The variance requested is technically an extension of a non-conforming use. The required rear lot restriction is 40 feet.

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 condition:

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. Property is zoned RR-80. Total square footage of lot is 23,540 square feet.
2. Missed in the initial architectural review.

The motion carried by a vote of 4 – 0.

Terence Livingston, James King, James Sisson and Robert Maccini voted in favor of the motion.

Richard Boren was recused and Dean Wagner, Jane Bentley, and John Shekarchi were absent.

Navigator

Application of Navigator Properties, LLC d/b/a Mariner Tower (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 Special Use Permit from Article 3, Section 82-301 and 82-305, and Article 6, Sections 82-600-602. Specifically, the Applicant seeks a 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.

After testimony was heard a vote was taken.

Richard Boren, Terence Livingston, and James King voted in favor of the request.

James Sisson abstained and Robert Maccini was recused. Dean Wagner, Jane Bentley, and John Shekarchi were absent.

The vote in favor carried by a vote of 3 – 0.

A motion was made Terence Livingston and seconded by James King to continue the application of Navigator Properties, LLC to the August 22, 2023 ZBR meeting, for the reading of the written decision only. No testimony will be heard.

The motion carried by a vote of 4 – 0.

Richard Boren, Terence Livingston, James King, James Sisson voted in favor of the motion.

Robert Maccini was recused and Dean Wagner, Jane Bentley, and John Shekarchi were absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 9:45 p.m.
The motion carried unanimously.