

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R.I.

Date: October 2, 2024

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 CHRISTOPHER AND MARIA DUVA

Address 29 Colton Ln, Shrewsbury, Ma 01545

Owner Same Address _____

Lessee NA Address NA

1. Location of premises: No. 509 Seaside Drive
2. Assessor's Plat 3A Lot 14
3. Dimensions of lot: frontage 60 depth 100.42' south 129.4' north Area 6706 S.F.
4. Zoning Districts in which premises are located: Use R-40 Area 40,000 sq.ft.
Height 35ft
5. How long have you owned above premises? Since 2009.
6. Is there a building on the premises at present? Yes
7. Size of existing building: Existing two story house 1557 SF.
Size of proposed building or alteration See Plan 1674 SF.
8. Distance of proposed bldg. or alteration from lot lines:
Front: 17.4' Rear: 40'+-ft. Left side: 10' Right side: 10.5'
9. Present use of premises: Residential
10. Proposed use of premises: Residential
Location of septic tank & well on lot: shown on Plan
11. Give extent of proposed alterations: To raze the existing house and construct a new one
12. Number of families for which building is to be arranged: 1
13. Have you submitted plans for above to Inspector of Buildings? Yes
Has the Inspector of Buildings refused a permit? Yes

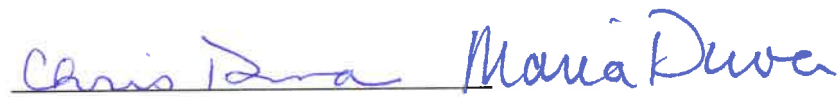
14. Provision or regulation of Zoning Ordinance or State Enabling Act under which application for exception or variance is made:

Variance pursuant to Sec. 82-305 entitled "Variances authorized by this ordinance[chapter], Special Use Permit pursuant to Sec. 82-301 entitled "Special use permits authorized by this ordinance [chapter]" and Sec. 82-800 entitled "High groundwater table and impervious layer overlay district" to construct a single-family home. The property falls under Sub-District "A". The depth to high groundwater is 10" (18" required) and the depth to impervious soil is 68" (42" required). Also impervious coverage of 24.96% exceeds the code requirement of 9%.

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

Applicant proposes razing the existing single-family home and constructing a new home. The new home will be superior to the existing home regarding environmental impacts. Existing impervious coverage is 42.4% and proposed impervious coverage is 24.96%. A new advanced treatment OWTS will be installed. Extensive stormwater runoff mitigation and treatment will be provided. The property slopes from east to west and into Narragansett Bay, so there will be no impact from runoff to neighboring properties. Also, The new home will be constructed in compliance with FEMA regulations governing the height of the structure from Base Flood Elevation.

Respectfully submitted:



Christopher and Maria Duva

Address: 29 Colton Ln, Shrewsbury, Ma 01545

Telephone Number: 508-868-9434

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

Sample Advertisement

Application of Christopher and Maria Duva whose property is located at 509 Seaside Drive, and is further identified as Tax Assessor's Plat 3A, Lot 14 for a Variance pursuant to Sec. 82-305 entitled "Variances authorized by this ordinance[chapter], Special Use Permit pursuant to Sec. 82-301 entitled "Special use permits authorized by this ordinance [chapter]" and Sec. 82-800 entitled "High groundwater table and impervious layer overlay district" to raze the existing house and to construct a new single-family home. The property falls under Sub-District "A". The depth to high groundwater is 10" (18" required) and the depth to impervious soil is 68" (42" required). Also impervious coverage of 24.96% exceeds the code requirement of 9%.

Said property is located in an R-40 zone and contains 6706 square feet.



Office of the Town Planner
MEMORANDUM

TO: Jamestown Zoning Board of Review
FROM: Lisa Bryer, AICP Town Planner for The Jamestown Planning Commission
RE: Motion for Zoning Section 82-800: High Groundwater Table and Impervious Overlay District, Sub-District A; Duva Residence at 509 Seaside Drive, Jamestown, RI
DATE: October 7, 2024

At the October 2, 2024 Planning Commission meeting, the Planning Commission voted to recommend to the Jamestown Zoning Board, approval of the application of Chris Duva (property owners Christopher and Maria A. Duva), 509 Seaside Drive, AP 3, Lot 14, Jamestown RI; being reviewed under Zoning Ordinance Section 82-800 – High Groundwater Table and Impervious Overlay District Sub-District A in accordance with the plans entitled “Proposed Building Layout Plan, Comprehensive Boundary Survey, 509 Seaside Avenue, Assessors Plat #3A Lot #14”, dated 7-10-24, prepared by Christopher G. Palmer, PLS. The supporting Drainage Plan and rain garden design prepared by Craig Carrigan, PE, Carrigan Engineering, Inc. for the above referenced property.

Findings of Fact Section 800

Existing Conditions:

1. The existing site is 6,706 square feet (sf) in area and located in a R-40 zone where 40,000 sf is the minimum lot size. The lot is existing nonconforming by size;
2. The existing site is developed with a house, dock, shed, patio and paved driveway (total existing impervious area is **2,841 sf or 42.4%**);
3. Soil evaluation results show that the site falls under Sub-district “A” requirements of the High Groundwater Table and Impervious Overlay District with 10” to the seasonal highwater table and 68” to impervious soil;
4. The maximum impervious cover allowed is 9.0% or 604 sf.
5. Topography on the lot slopes from east to west (towards Narragansett Bay) on the site.
6. There are no freshwater wetlands on the property; the CRMC coastal feature is the top of the bluff and there is a 25’ CRMC coastal buffer;
7. The site is completely within the flood zone (VE and AE);
8. The applicant was represented by Mark Liberati, Esq and Craig Richard Carrigan, PE, was accepted as an expert witness, at the Planning Commission meeting on October 2, 2024.

Proposed Site Conditions:

1. The applicant is proposing to demolish the existing house and remove the existing impervious driveway, impervious walkways, and shed;
2. A new 1,674 sf house with a pervious driveway is proposed. The total proposed impervious area is 1,674 sf (24.96%) which is a substantial, 1,167-sf (17.44%) reduction in impervious cover on the site;
3. The applicant has proposed a rain garden for stormwater mitigation and treatment for the CRMC required water quality. A detail for the rain garden, which has been sized to State of Rhode Island standards, has been submitted with the site plans;
4. A new OWTS nitrogen reducing OWTS (RIDEM #0415-0543): 3-bedroom Fujiclean to BSF) will be installed. The new OWTS is replacing a cesspool.
5. Chris Duva testified that the costs to renovate and based on recommendations from contractors, they choose to raze the existing house and rebuild to FEMA standards;
6. Jamestown Engineer Jean Lambert provided correspondence to the Building File and Lisa Bryer, Town Planner dated September 25, 2024 regarding the application (attached).

The proposed project does not comply with the ordinance requirement regarding percent impervious cover but does comply with all other requirements of the Zoning Ordinance Section 82-800.

Recommended Conditions of Approval

1. The existing site exceeds the allowable impervious surface area per Zoning Ordinance Section 82-800. The proposed impervious area is 1,674 sf (24.96%) and the allowable impervious area is 604 sf. (9.0%). A variance from the Zoning Board will be required in addition to a special use permit;
2. The site must comply with zoning setbacks;
3. The new dwelling must meet all flood elevation requirements;
4. A minimum separation of 12" from the SHWT to the bottom of the slab is required. Basements are not allowed in Sub-district A structures;
5. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained;
6. Maintenance and inspection of the new OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance;
7. The rain garden shown on the approved site plans must be installed and maintained as outlined on the notes on the approved site plan; and,
8. Any future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.

Attachments: 1) Memo from Jean Lambert, PE dated September 25, 2024

C: Dennis Begin, Building Official
Chris Duva, Applicant



Town of Jamestown, Rhode Island

Engineering/GIS Office

93 Narragansett Ave ♦ Jamestown, RI 02835 – 1509

Date: September 27, 2024

To: Project Building File

From: Jean Lambert, P.E.

RE: Zoning Section 82-800: High Groundwater Table and Impervious Overlay District, **Sub-District A**
A Duva Residence: AP 3, Lot 14; 509 Seaside Drive, Jamestown, RI

I have reviewed the plans for the Duva Residence at 509 Seaside Drive, in Jamestown RI. The existing and proposed condition plans are prepared by Christopher G. Palmer, PLS. The drainage and owts plans are prepared by Carrigan Engineering Inc. Supporting documents include a drainage narrative and architectural design sketches.

Existing Site/Soil Information:

The property is 6706 square feet (sf) in area. The existing site is developed with a house, dock, shed, patio and paved driveway (total existing impervious area is **2,841 sf or 42.4%**). Topography on the lot slopes from east to west (towards Narragansett Bay) on the site. There are no freshwater wetlands on the property; the CRMC coastal feature is the top of the bluff and there is a 25' CRMC coastal buffer.

Soil evaluation results show that the site falls under **Sub-district "A"** requirements of the High Groundwater Table and Impervious Overlay District with 10" to the seasonal highwater table and 68" to impervious soil. The maximum impervious cover allowed is 9.0% or 604 sf.

Proposed Site:

The applicant is proposing to demolish the existing house and remove the existing impervious driveway, impervious walkways, and shed. A new 1674 sf house with a pervious driveway is proposed. The total proposed area impervious is **1,674 sf (24.96%)**. A new OWTS (RIDEM #0415-0543: 3-bedroom Fujiclean to BSF) will be installed. The new owts is replacing a cesspool.

There is a **1,167-sf reduction** in impervious surfaces on the site. The applicant has proposed a rain garden for stormwater mitigation of the CRMC required water quality. A detail for the rain garden has been submitted with the site plans.

Recommendations/Conclusions:

- **The applicant proposes a substantial reduction in impervious cover, is installing a nitrogen reducing owts, and is providing stormwater runoff mitigation and treatment.**
- The site must comply with zoning setbacks.
- A minimum separation of 12" from the SHWT to the bottom of the slab is required. Basements are not allowed in Sub-district A structures.
- Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained.
- After installation, maintenance and inspection of the OWTS shall continue as required by the Town.
- Any additional future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance.

Carrigan Engineering, Inc.

CIVIL AND ENVIRONMENTAL ENGINEERING
86 Brook Farm Road South
Wakefield, RI 02879

(401) 789-6865 (Phone)

509 Seaside Drive
AP 3 Lot 14
Jamestown

Drainage Narrative:

Existing Conditions Impervious surfaces:

Existing dwelling 1557 s.f.

Existing shed 102 s.f.

Existing patio 398 s.f.

Existing walkways 449 s.f.

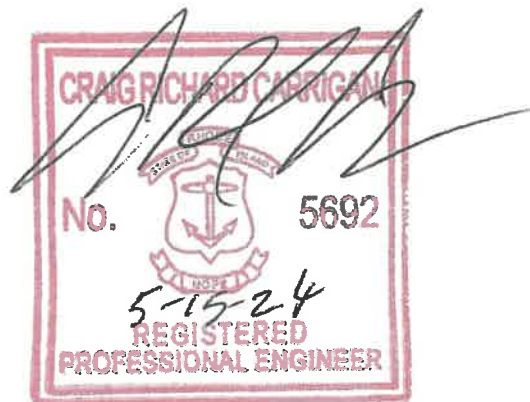
Total impervious surface = 2506 s.f.

Proposed Conditions Impervious surfaces:

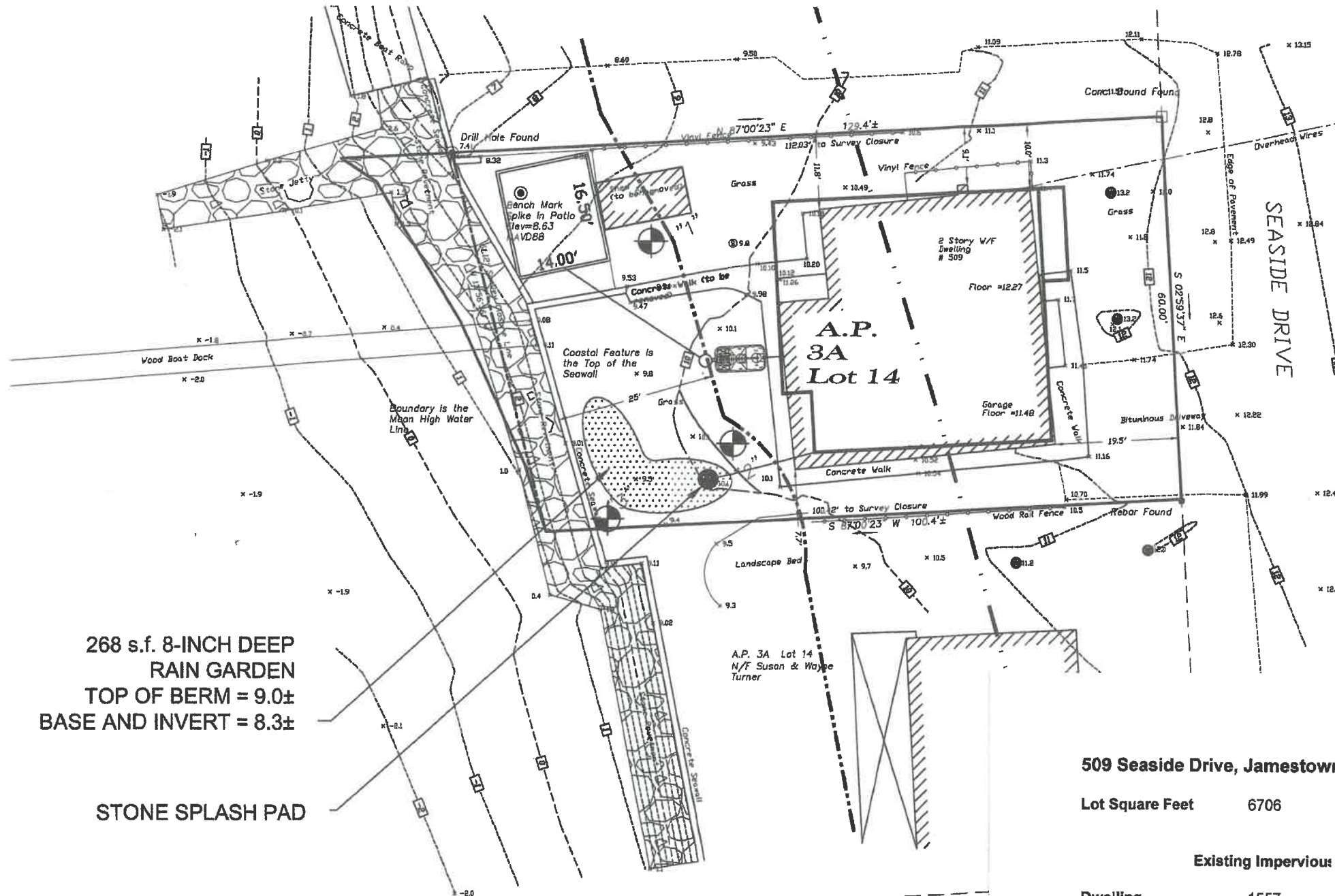
New single-family dwelling 1616 s.f.

The proposal calls for a new decrease of 890 s.f. of impervious surface area. There will therefore be a net decrease in runoff from the proposed construction.

Stormwater management will therefore comply with the water quality standards required by RICRMC. Assuming silty soil (based on soil evaluations) the regulations require a 8-inch deep rain garden with a bottom area of 259 s.f. to provide proper treatment.



NOTE: ALL EXISTING IMPERVIOUS WALKWAYS, PATIOS, AND DRIVEWAYS TO BE REMOVED.



268 s.f. 8-INCH DEEP
RAIN GARDEN
TOP OF BERM = 9.0±
BASE AND INVERT = 8.3±

STONE SPLASH PAD

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

509 Seaside Drive, Jamestown - Impervious Lot Coverage Table

	Lot Square Feet	6706	6706	
		Existing Impervious	Proposed Impervious	Change
Dwelling	1557		1674	117+
Shed	102		0	-102
Patio	398		0	-398
Walkways	449		0	-449
Driveway	335		0	-335
Total Impervious	2841		1674	-1167
% Impervious	42.37%		24.96%	-41.09%

The proposed plan would reduce impervious coverage of this lot by 41.09%

DRAINAGE PLAN

ASSESSOR'S PLAT 3 LOT 14
509 SEASIDE DRIVE
JAMESTOWN, RHODE ISLAND
PREPARED FOR: DUVA

TITLE:



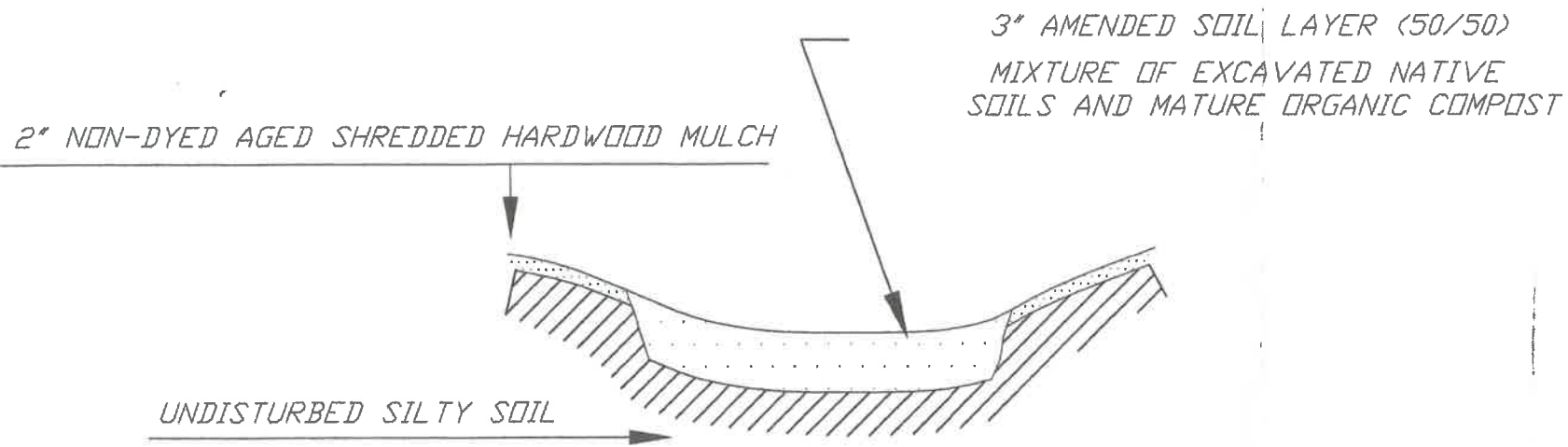
CARRIGAN ENGINEERING, INC.

CIVIL AND ENVIRONMENTAL ENGINEERING
86 BROOK FARM ROAD SOUTH
WAKEFIELD, RI 02879
PHONE: (401) 789-6865

REV. DATE: 07/10/24 REV. DATE 08/19/24
SCALE: AS NOTED DATE: 05/15/24 SHEET 1 OF 2

Rain Garden (Bioretention Cell) Installation:

- 1.) Install sediment control devices.
- 2.) Grade site to elevations shown on plan. If applicable, construct curb openings and/or remove and replace existing concrete. Curb openings should be blocked or other measures taken to prohibit drainage from entering construction area. Install safety fence around construction area or excavation.
- 3.) Stabilize grading within Limits of Disturbance except for the bioretention area to be planted. Surround the rain garden with a biolog, straw bales, or compost berm to keep sediment out of the bioretention cell.
- 4.) Excavate bioretention area to proposed Invert depth and scarify the existing soil surfaces, taking care not to compact the in-situ materials. Do not leave any open areas or pits open at the end of the day and no excavation over local jurisdiction or OSHA limits.
- 5.) Install underdrain system and observation wells, if specified. (Use perforated 4" HDPE pipe and surround the pipe with about 2" of gravel)
- 6.) If existing soil is not well-drained planting soil, remove existing soil to depth of at least 3'-0" or to water table. Fill bottom of cell with a 4-inch thick layer of washed gravel or stone.
- 7.) Backfill rain garden (bioretention cell) with planting soil. Fill the cell with 8-inch lifts of soil. Saturate each lift and let it drain and then place the next lift. Be careful not to compact the soil with equipment and over-saturate it.
- 8.) Plant vegetation.
- 9.) Mulch and install erosion protection at entrance points. Remove sediment control practices or entrance blocks with Inspector authorization. Leave perimeter biodegradable controls to reduce sediment loads to cell until vegetation is established.



RAIN GARDEN VEGETATION

- SWEET PEPPERBUSH - (*clethra alnifolia*)
- BAYBERRY - (*myrica*)
- SWEET FERN - (*comptonia peregrina*)
- HIGHBUSH BLUEBERRY - (*vacinium corymbosum*)
- BUTTERFLY MILKWEED - (*asclepias tuberosa*)
- BEARBERRY - (*arcostaphylus uva-ursi*)

Maintenance

- Rain gardens shall be inspected following at least the first two precipitation events of at least 1.0 inch to ensure that the system is functioning properly. Thereafter, the rain garden shall be monitored and maintained to assure proper functioning, plant growth and survival. Plants shall be replaced on an as-needed basis during the growing season.
- Silt/sediment shall be removed from the rain garden when the accumulation exceeds one inch, or when water ponds on the surface of the rain garden for more than 48 hours). The top few inches of material shall be removed and shall be replaced with fresh soil mixture and mulch.
- Pruning or replacement of woody vegetation shall occur when dead or dying vegetation is observed.
- Soil erosion gullies shall be repaired when they occur.
- Fertilizer or pesticides shall not be applied to plants within rain gardens.
- Perennial plants and ground covers shall be replaced as necessary to maintain an adequate vegetated ground cover. Annual plants may also be used to maintain ground cover.

TITLE:

°RAINAGE PLAN
ASSESSOR'S PLAT 3 LOT 14
509 SEASIDE DRIVE
JAMESTOWN, RHODE ISLAND
PREPARED FOR: DUVA



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