JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the May 24, 2016 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 7:00 p.m. The clerk called the roll and noted the following members present:

Richard Boren

Joseph Logan

Judith Bell

Terence Livingston

Edward Gromada

Also present: Brenda Hanna, Stenographer

Chris Costa, Zoning Officer

Pat Westall, Zoning Clerk

Wyatt Brochu, Counsel

MINUTES

Minutes of April 26,, 2016

A motion was made by Joseph Logan and seconded by Edward Gromada to accept the minutes of the April 26, 2016 meeting as presented.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Judith Bell, Terence Livingston and Edward Gromada voted in favor of the motion.

Dean Wagner and Richard Cribb were absent.

CORRESPONDENCE

A letter dated March 9, 2016 from Mary Dacquino requesting another year extension of an existing variance for Plat 9, Lot 288.

Dacquino

A motion was made by Joseph Logan and seconded by Terence Livingston to grant a one year extension of the previously granted variance for Plat 9, Lot 288.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Judith Bell, Terence Livingston and Edward Gromada voted in favor of the motion.

Dean Wagner and Richard Cribb were absent.

OLD BUSINESS

Earnshaw

A motion was made by Richard Boren and seconded by Joseph Logan to grant the request of Donald & Marcella Earnshaw, whose property is located on Deck St., and further identified as Assessor’s Plat 14, Lot 301 for a special use permit from Article 3, Section 82-314(C), High Groundwater Table and Impervious Overlay District, Sub district A., to construct a 30 x 24 two bedroom, single-family home, OWTS and associated storm water control.

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 R40 zone and contains 7,200 sq. ft.
2. Mr. Edward Avizins testified that there are no wetlands on the site.
3. Dan Cotta testified that a DEM variance for the septic system was obtained and good for 25 year storm.
4. The Planning Commission voted unanimously to recommend approval to the Zoning Board of Review.
5. The findings of fact from the Planning Commission are incorporated by reference into this approval.
6. The conditions of approval from the Planning Commission are incorporated by reference into the approval.
7. Mr. Carl Seelig, through his attorney, has withdrawn his opposition and has stated that Mr. Earnshaw and Mr. Seelig will be executing a consent order in the Newport County Superior Action regarding the boundaries of this property.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Judith Bell, Terence Livingston and Edward Gromada voted in favor of the motion.

Dean Wagner and Richard Cribb were absent.

NEW BUSINESS

Fargnoli

A motion was made by Joseph Logan and seconded by Edward Gromada to continue the request of David & Liz Morris & Wendy Fargnoli, whose property is located at 10 Hawthorne Rd., and further identified as Assessor’s Plat 8, Lot 390 for a variance to the June 28, 2016 meeting.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Judith Bell, Terence Livingston and Edward Gromada voted in favor of the motion.

Dean Wagner and Richard Cribb were absent.

Cavanagh

A motion was made by Joseph Logan and seconded by Terence Livingston to grant the request of David & Julia Cavanagh, whose property is located at Sloop St., and further identified as Assessor’s Plat 3, Lot 460 for a special use permit from Article 6, Section 82-601, and Article 3, Section 82-314 to construct a single family residence in a Subsection A High Groundwater Table and Impervious Layer Overlay District, with associated well, OSWTS and storm water control systems.

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):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

The project must adhere to the 4 conditions of approval referenced in the Planning Commission’s March 17, 2016 memorandum.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 14,400 sq. ft.
2. All requirements of the ordinance appear to be satisfied by the plans submitted and the testimony.
3. The application was approved unanimously by the Planning Commission in its March 17, 2016 memorandum.
4. There were no objectors.
5. The findings of fact by the Planning Commission are incorporated by reference in this decision.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Judith Bell, Terence Livingston and Edward Gromada voted in favor of the motion.

Dean Wagner and Richard Cribb were absent.

Cofone

A motion was made by Edward Gromada and seconded by Terence Livingston to grant the request of Anthony W. Cofone, whose property is located at Seaside Dr., and further identified as Assessor’s Plat 3, Lot 155 for a special use permit from Article 6, Section 82-601 and Article 3 Section 82-314, High Groundwater Table, to construct a single family home, OWTS system & storm water control.

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):

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 14,400 sq. ft.
2. The construction of a single family dwelling with an OWTS system and storm water control.
3. There were no objectors.
4. Information provided by Anthony Cofone and engineer Mike Darveau.
5. The findings of fact and conditions of the Planning Commission of 4/15/2016 are incorporated into this approval.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Judith Bell, Terence Livingston and Edward Gromada voted in favor of the motion.

Dean Wagner and Richard Cribb were absent.

Izzi

A motion was made by Judith Bell and seconded by Joseph Logan to grant request of Antonetta Izzi, whose property is located at 50 Seaside Dr., and further identified as Assessor’s Plat 14, Lot 134 for a variance from Article 7, Section 82-700, Non Conforming Uses, to acquire 2,400 Sq. ft. (60’ x 40’) of land from the neighbor to construct a bottomless sand filter system.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

In particular reference to Article 7, Section 82-700.

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.

Conditions of approval from the Town Planner, RIGL 45-23-37, are incorporated by reference.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 17,640 sq. ft.
2. Findings of fact from the Town Planner are incorporated into this approval by reference.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Judith Bell, Terence Livingston and Edward Gromada voted in favor of the motion.

Dean Wagner and Richard Cribb were absent.

Cellco

A motion was made by Terence Livingston and seconded by Edward Gromada to grant the request of Cellco Partnership dba Verizon Wireless (Town of Jamestown, Owner), whose property is located at 96 Howland Ave., and further identified as Assessor’s Plat 9, Lot 152 for a special use permit from Article 6, Section 82-601 and Article 3 Section 82-301, Uses & Districts, to expand its existing equipment outbuilding by 84 sq. ft. for the installation of distributed antenna system equipment.

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):

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 R8 zone and contains 22,797 sq. ft.
2. There were two people speaking in opposition.
3. Verizon seeks to expand its existing outbuildings by 84 sq. ft.
4. The shelter expansion will not substantially or permanently injure the character of the surrounding areas but is expected to match the character of the district.
5. The addition will be a “Cape Cod” style outbuilding.
6. The expansion will conform to Section 82-304 of the zoning ordinance by providing vegetative screening adjacent to abutting lots.

The motion carried by a vote of 5 –0.

Richard Boren, Joseph Logan, Judith Bell, Terence Livingston and Edward Gromada voted in favor of the motion.

Dean Wagner and Richard Cribb were absent.

ADJOURNMENT

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

The motion carried unanimously.