

Compliance of Clinton Avenue property argued at planning

By Michaela Kennedy

Discussion of the upcoming work session to focus on a downtown strategic plan was upstaged by James Donnelly, the attorney representing Jack and Mary Brittain, at its Feb. 21 meeting. The Brittain's are under fire for changes made to a new construction on Clinton Avenue not approved by the commission.

The meeting at the library began with a warning to the commission from Andrew Teitz, attorney representing neighbor Frank Andres. Teitz told the commission that police officers had prevented Teitz and his client from entering Brittain's property earlier in the evening. The commission at that time met and held an inspection of the property with the town planner and building inspector. "I would hate to see you people fined for violation of open meetings laws," Teitz said. "There's no reason to have the public banned."

Solicitor Lawrence Parks noted that information from the building official showed the building to not be in compliance with the plan approved by the commission originally.

He said the board's goal was to review the plan and hear suggestions from the applicant as to how he would modify the building to bring it into compliance. Parks also said the required number of parking spaces "can't be found" and would need a dimensional variance. "In the meantime there is not going to be a certificate of occupancy," he said.

If an agreement were not reached, the problem would require enforcement at the Superior Court level, Parks continued.

Commissioner Victor Calabretta asked why the argument of compliance was before the board if it was an enforcement issue. Parks explained that, after reviewing the plan, one option was "to do nothing."

Donnelly stood up and challenged Town Planner Lisa Bryer, claiming that she wrote a letter "full of inaccuracies." He accused the town planner of reporting "erroneous information" and passed out highlighted copies of Bryer's

correspondence to Jack Brittain. "I am going to address every line of the town planner's report as to why we are absolutely 100 percent in compliance with what was approved," he argued.

An uproar ensued between the commissioners and Donnelly, who continued to voice "frustration with Ms. Bryer."

The town solicitor intervened. "We are not here to listen to arguments from the developer as to how he is in compliance," Parks said, reminding the board that the applicant was there to make suggestions regarding problems with the plan.

Planning Commission Chairman Gary Girard repeatedly asked Donnelly to "please stick to the building and not specific people."

Parks recommended that the commission table the agenda item, since the applicant "hasn't responded to Ms. Bryer in any way shape or form."

According to the town planner's report, some of the inconsistencies noted in the new building and not existing on the approved plan include a crawl space, a third floor with a staircase, and changes in elevations.

The commission continued the meeting with an informational discussion about the work session for downtown development ideas to be held in the spring.

Board members agreed to come up with a group of questions they would like answered at the work

session.

Girard commented on acceptable setbacks for applicants who develop property in the commercial district. He noted that input from the business community would be valuable. He asked board members to consider the build-out analysis, a potential of 9,000 residents, from the Comprehensive Community Plan. "When an applicant comes to us, they'll have some guidance and make things easier for them," he added.

Bryer noted that at present the town had "very general standards," and whether that was a good idea.

Commissioner Michael White suggested hiring someone to help brainstorm ideas for the work session. Girard agreed that a consultant would help with "a lot more planning" for the work session.

Commissioner Richard Ventrone made suggestions about how to "distinguish it (downtown) and keep it good looking," adding that details such as color of the shingles, and window treatments should be considered.

Commissioner Jean Brown warned not to be insensitive. "The business community is afraid of being over-regulated. We have all the great intentions of making Jamestown a great place, but we don't want to make it prohibitive to the shop owner," she said.

Bryer suggested a consultant be chosen who is "more than just a facilitator, someone with architectural experience."

For the record

Town Councilor Michael Schnack was identified incorrectly in the Feb. 25 issue of the Jamestown Press as the person discussing the legality of the annual fishing derby at North Pond Reservoir.

Outgoing Town Solicitor J. William W. Harsch talked about policy versus law pertaining to council approval of fishing at the reservoir. Schnack said Friday that he researched the issues raised by Harsch. Schnack said state laws ban public access such as for hunt-

ing or fishing on public reservoir properties and on lands posted according to state regulations, unless the owner grants specific permission. The councilor said "we (town officials) have the right to allow" the derby fishing. He said he found no local ordinance or rule that states otherwise.

OUTRAGE CONTINUES

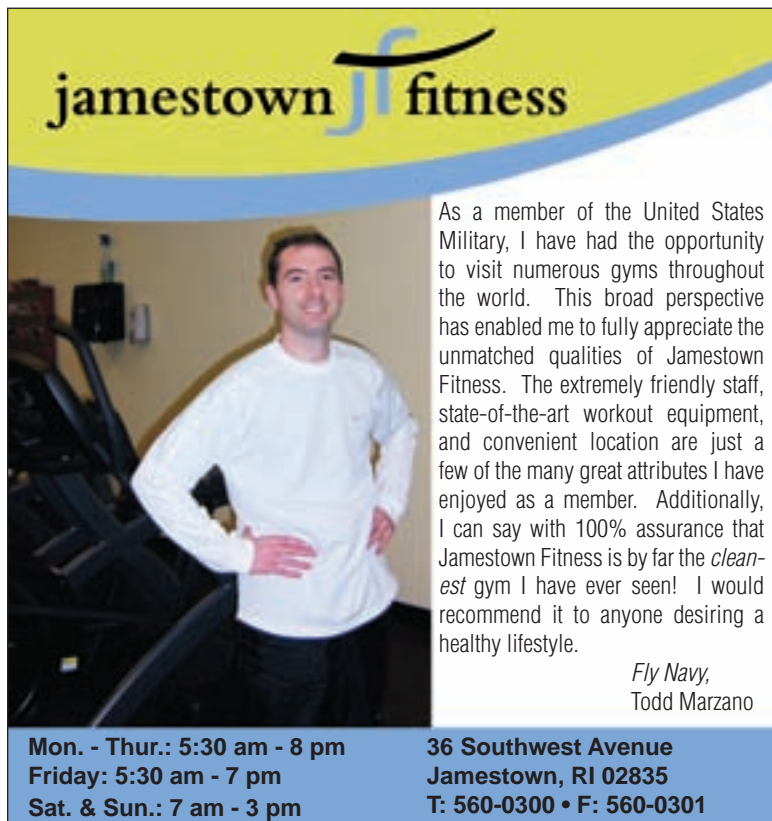
Edward Achorn's recent column (*Providence Journal*, 2/20/07) eloquently and forcefully describes the cynicism and hypocrisy surrounding the General Assembly's enactment of the draconian new statewide fire code following the Station nightclub disaster four years ago.

In that column, Achorn states: "...the truth is, and everyone knows it, the old fire code was *not* the problem at the Station nightclub. Had that code simply been enforced, no one would have died."

But rather than rigorously investigate, and take appropriate action based upon the actual facts, our government officials instead chose to distract with grand gestures, imposing onerous and unnecessary burdens upon all our citizens, and creating the outrage that must follow when reasonable expectations of justice are dashed.

Given the obvious incompetence and neglect rampant in this entire matter, both pre and post fire, the resort to distraction by government officials was predictable. Nevertheless, the sense of disappointment is close to overwhelming.

Brought to you as a public service by
MORNEAU & MURPHY
 ATTORNEYS
 77 Narragansett Avenue
 Jamestown, RI 02835
 (401) 423-0400
 e-mail: johna@Murphys-law.net



jamestown fitness

As a member of the United States Military, I have had the opportunity to visit numerous gyms throughout the world. This broad perspective has enabled me to fully appreciate the unmatched qualities of Jamestown Fitness. The extremely friendly staff, state-of-the-art workout equipment, and convenient location are just a few of the many great attributes I have enjoyed as a member. Additionally, I can say with 100% assurance that Jamestown Fitness is by far the *cleanest* gym I have ever seen! I would recommend it to anyone desiring a healthy lifestyle.

Fly Navy,
Todd Marzano

Mon. - Thur.: 5:30 am - 8 pm
 Friday: 5:30 am - 7 pm
 Sat. & Sun.: 7 am - 3 pm

36 Southwest Avenue
 Jamestown, RI 02835
 T: 560-0300 • F: 560-0301


Bird Houses • Field Guides • Fruit Feeders • Nesting Bags • Bird Calls • Bat Houses • Songbird CDs

20 DAYS 'TIL SPRING

THE WORLD STORE

16 West Main Street
 Wickford, RI
 295-0081

Pocket Kites • Hiking Sticks • Hiking Maps



The Secret Garden

Start your Spring Planting now!!

Seeds, Potting Soil
 Jiffy 7's/Peat Pots
 Seed Starter Trays
 Garden Gloves

Garden Center/Florist
 12 Southwest Ave
 Jamestown
 401-423-0050
 800-252-1594

Also: Tulips, Primrose, Hyacinths, Tete-a-tetes & more

Get low prices on quality top-name products

4.99 Your choice 4-Pc. Leather Palm Gloves or 3-Pc. Latex Palm Gloves

5.99 Your choice CinchSak Drawstring Trash Bags

7.99 BACONA Scrolled-Border Door Mat

MARCH BARGAINS of the month

Find the right tools and supplies for your projects, plus expert, local advice.

JAMESTOWN True Value HARDWARE

5 Narragansett Ave • 423-2722

YANKEE Exterior Remodel by HOUSEWRIGHTS



CHRYSALIS AWARD WINNER
 Best Porch/Deck

Robert Van Cleef, Master Builder—RI Registration #10
 (401) 423-3800
 yankeehousewrights.com