

Zoning board denies Conanicus Avenue application

By Sam Bari

Applicant Patrick Kilroy was denied the variances needed to build a home on Conanicus Avenue by a vote of 5-0 at the March 27 regular meeting of the Zoning Board of Review. The lot in question is on the east side of Conanicus Avenue, opposite Brook Street.

Newport Attorney Turner Scott first presented the application to the board at its January meeting. The matter was given a continuance because extensive testimony needed to be heard and the hour was late. Jamestown attorney John A. Murphy, representing a group of nine neighbors and abutters opposing the project on the tiny, 6,500 square foot lot, said that he would require a minimum of 45- minutes to present his case. Due to conflicting schedules of expert witnesses, the application was continued until the March 27 meeting.

Independent of the group represented by Murphy, attorney Mark Liberati, speaking as a concerned citizen, opposed the project citing building on a scenic coastal area and across a drainage easement without clearance from the Department of Transportation (DOT) as reasons for denial. George Wilkie, a neighbor living across the street from the property cited drainage problems and parking issues to support his objections. Wilkie was one member of the group represented by Murphy. Others in the group concurred with Wilkie and added coastal erosion concerns,

blocking of water views, and design plans that were inconsistent with the surrounding neighborhood as reasons to deny the application. Correspondence from Save the Bay, an environmental group, also stated opposition to the project.

One of Murphy's many reasons for denial suggested that the applicants were bound to show that they were requesting the smallest relief possible. He then pointed out that Campbell-King, the Jamestown architectural firm that designed the structure said the house could have been smaller.

Although Scott strongly opposed Murphy's arguments and had three letters of support for the project, it was not enough to convince the board to approve the request for variance.

In other business, the Zoning Board of Review sitting as the Planning Board of Appeal voted 5-0 in favor of continuing the appeal of Roger and Maryjane Lavallee concerning the decision of the Planning Commission to approve the application of Evelyn F. Furtado on Oct. 11, 2006. The Furtado application for a two-lot subdivision with waivers for a private roadway was contested by the Lavalles in an appeal on Nov. 8, 2006.

Jamestown attorney James Donnelly represented the Lavalles, while attorney Ken Littman, also of Jamestown, represented Furtado.

Chairman Ginnerty asked for a legal opinion from town solicitor Brochu on the presentation of the appeal and the rebuttal given by Donnelly and Littman. Brochu was not willing to give an opinion based on the arguments of the two attorneys and asked them to submit briefs substantiating their positions that he could review.

The board voted 5-0 in favor of a continuance to the March meeting to give them time to consider the town solicitor's legal opinion. Donnelly and Littman requested that the matter be continued to the April meeting because they were

in the process of making a settlement.

Narragansett attorney Margaret Hogan represented John J. Perrotti who applied for a special use permit to install a septic system, private well, and three-bedroom single-family home with a two-car attached garage and pervious driveway on their 14,400 square foot Ship Street property. Hogan questioned expert witnesses Craig Carigan and Michael Zavalia, both engineers from Narragansett for over 45 minutes. Hogan indicated that she needed considerably more time to finish her presentation. Due

to the late hour, the board voted 5-0 to continue hearing the application at the April 24 meeting.

All other applications on the March meeting agenda were continued until the April 24 meeting. The continuances included: Charles A. Sheahan request for special use permits and variances; Allan and Nancy Randall request for a special use permit; Mark Brasil request for a variance; J. Patrick McIntyre request for a variance; Eastern Resorts request for a variance; and Rosemary C. Baron request for a special use permit.

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