

Planning panel denies proposed Clinton Ave. parking plan

By Michaela Kennedy

Planning Commission members showed wear as they continued a hearing on a contentious request to amend a development plan for a newly built house on Clinton Avenue. Applicant Jack Brittain of Windridge Properties was denied a recommendation for a parking amendment required for the third floor of the building, at the board's May 16 meeting.

James Donnelly, the attorney representing Brittain, showed a rendering of the Clinton Avenue property and the abutting property owned by Edward Holland. He noted a parking agreement had been drawn up between the neighbors. "We are on zoning next week. We found that he has 17 extra spaces that he is willing to let us use," Donnelly told the Planning Commission.

Commissioner Betty Hubbard complained that the site plan pro-

vided by Brittain and Holland did not give specific information about the parking spaces and flow of traffic. She noted the board did not receive the information needed from the applicant to make a recommendation.

Chairman Gary Girard asked how the lot in the rear would be accessed and if traffic flow would change. He also asked if there would be an easement for the parking spaces. Donnelly responded that the parking agreement covered the details.

Town Solicitor Peter Ruggiero explained the parking agreement would be linked to a title search. "A future owner would know what the agreement involved is," he said.

Commissioner Victor Calabretta agreed with Hubbard about the need for a site plan that showed parking places. Calabretta showed annoyance that the applicant failed to provide a clear amended plan. "I

am offended that an attorney can come in with this and say it's the best they can do. It's this kind of miscommunication that has brought us to this point," he said.

Planning Commissioner Richard Ventrone moved to deny changes to the plan based on modifications made to the buildings. He listed all modifications to the building as findings of fact, including changes that enhanced the building's appearance.

Ventrone voiced frustration that the applicant still did not adequately address the questions about the modifications made to the development.

Commissioner Barry Holland protested the motion, calling it "grossly over-exaggerated." Holland pointed out that some of the modifications listed as findings of fact for the motion were improvements to the plan. He said he had no problem with the changes "as long

as the amendments that were made do not deviate significantly from the comprehensive plan."

The motion carried, with Holland and Calabretta voting against it.

In other business, the commission unanimously voted to deny a request to combine the master plan and preliminary phases of review for the major land development project at 61 Narragansett Ave.

Girard told applicants Allan and Nancy Randall the denial was in the interest of the public good, since the project would have a high-profile spot on the main street. He noted the importance of public involvement in the development of the downtown character, especially with the development of a downtown ordinance at hand.

In correspondence, the commission:

- Acknowledged a letter from the planning office to Marjorie Prior

and Bessie Rhodin, granting approval for an administrative subdivision at Columbia Avenue and Windsor Street.

- Received a notice from the Coastal Resources Management Council allowing the construction of a residential boating facility, extending 134 feet beyond mean low water tide mark requiring an 84-ft. length variance from the 50-ft. standard.

- Received a notice from the CRMC agreeing to allow construction of a dock to extend 90 feet beyond MLW, requiring a 40-ft. variance.

Girard noted that the first week in July would be a vacation week for the board.

Commissioners Jean Brown and Michael White were absent.

Jack's Electric denied presentation to zoning; pending planning appeal

By Sam Bari

The problems surrounding 14 Clinton Ave., the future home of Jack's Electric, are getting more complex by the day. After the Planning Commission denied approval of the revised plans for the building at the monthly meeting last Wednesday, the Zoning Board of Review on Tuesday was advised by counsel to not consider their application for a special use permit for shared parking.

Jamestown Attorney James A. Donnelly, who represents Jack Brittain, Windridge Properties and Jack's Electric owner, filed for an appeal the day after the Planning Commission denied approval. Consequently, town solicitor for planning issues, Wyatt Brochu, advised the zoning board to not consider the Windridge application for a special use permit for parking until the ap-

peal was settled.

The zoning board will not be sitting as the Planning Commission Board of Appeals until their next regular meeting in June. Donnelly argued the point saying that it was just another stall tactic to continue to deny his client a certificate of occupancy.

Fred Brown, the town zoning officer, denied Windridge an occupancy certificate last month because the recently-completed building was not constructed according to the approved plan. The reason that Windridge needed to apply for a special use shared parking permit was because they partially finished a third floor, which was not in the approved plan, and that changed the parking requirements, Brown said.

Brown added, "This is not a recommendation issue like they would

recommend to deny or approve a home because of high ground water. This is a commercial building and Planning Board approval of the plans is mandatory." Brown said, "It's the law."

Donnelly continued to argue saying that the town was treating his client unfairly. He shouted a stream of invectives at Brochu and Chairman Thomas Ginnerty, and accused Brochu of joining the conspiracy of Town Planner Lisa Bryer and the planning commission to slow down the process and deny his client the right to occupy the building.

Brown interjected that the planning commission denied approval because the only item in the plans that had changed when they went before the commission last week was the parking, and the parking plan wasn't presented to the commission's satisfaction. Also,

the building plans were still not revised, Brown said.

Donnelly said that he wasn't prepared to go before the planning commission and accused town solicitor Peter Ruggiero of luring him in to the meeting saying that Ruggiero said "just go before the commission and present your plans and we'll get this whole thing straightened out." Donnelly accused Bryer of knowing that two members of the planning commission who would have voted in favor of approval were going to be absent from the meeting last week, and that's why she wanted to vote on the matter that night. Brochu said that was conjecture and was not relevant to the proceedings.

The discussion continued with Donnelly becoming more contentious, continually cutting off Brochu and Ginnerty whenever they tried to speak. Finally, Donnelly gathered his paperwork and left the meeting shouting "I am ashamed to be here. I am ashamed to be a part of these proceedings."

Jack Brittain requested permission to address the board and the town solicitor, asking what he could do to resolve the matter. Ginnerty called for a break and Brochu explained to Brittain privately that

his choices were to withdraw the appeal and revise the plans as requested by the town zoning officer and the planning commission, or take his chances and continue the appeal. Until a decision is made the building will continue to be unoccupied.

In other business, project engineer Robert Courmoyer represented Rosemary C. Baron in her application for a special use permit to construct a house on her property on North Bay View Drive. The two-bedroom house on the 11,000 square-foot property is located at the northern tip of the island.

Jack McVicker a close friend of Baron spoke in support of the proposed project.

David S. Martin, a real estate agent and neighbor in close proximity to the property strenuously objected, saying that the water runoff from Baron's property would cause erosion on his land. After some discussion, the board voted 4-1 for approval of the application. Ginnerty cast the dissenting vote.

Linda Nilsson represented herself in a request for a variance to build an 8- by 28-foot open porch on their property at 6 Ocean Avenue. The application was unanimously approved with a 5-0 vote.



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