

## • VIEWPOINT •

# A zoning primer

By Robin Monihan-Yoffa

Prior to the beginning of the 20th century, most land use regulations relied upon the common law theory of nuisance, which prohibited unreasonable uses of land that impacted the public's health and safety. However the mere prohibition of nuisances was not sufficient to stop the blight and decay found in the 19th century urban areas and to address uncontrolled development in other areas.

In the 1920's the Department of Commerce published the Standard State Zoning Enabling Act. The legislature vested local governments with the power to adopt and enforce zoning ordinances to further the comprehensive plan for development of the community. This is how local zoning ordinances started in communities across the United States, to protect the safety, health and wellbeing of the townspeople.

Residential zoning was designed to preserve the character of neighborhoods as well as practical health and safety issues. Side setbacks made sure that houses were not too close together which could present a fire spreading hazard. Setbacks also insured side yards to give privacy to each home. Front setbacks addressed the automobile in the driveway, proximity to sidewalks and act as a buffer to the street. Height restrictions prevented a house from being significantly taller than a neighboring house which could cast that house

in shadow and negate privacy to a back yard or porch. It also prevented the area from becoming too dense with too much traffic and noise which would be a detriment to the neighborhood as a whole.

The Shores is an example of a neighborhood planned as a summer cottage community for one to two bedroom homes on lots that were designed for just that. The zoning was put in place to maintain that vernacular. We have impacted the density in the Shores significantly over the last twenty years by granting variances for larger and larger homes.

When you purchase a lot, and plan to build, it is up to the homeowner to review the building codes and zoning ordinances to see what local codes apply. This is in place for the protection of everyone in the neighborhood. Zoning codes allow for special exceptions (variances) when needed to be in "harmony with the zoning's general purpose and intent." This safety valve was seen as critical to due process." Variances were not intended to redefine the zoning ordinance.

Zoning districts prevent factories and commercial enterprises in residential neighborhoods. It also provides for commercial zones, industrial zones and transitional zones where each area goes by similar regulations. These districts have zoning regulations based on the type of enterprise, the physical lot size and in some cases, grand-

father allowances. Regulations can also affect more abstract things, like parking and aesthetics, like signage or style. Each community decides how strict (Nantucket) or how relaxed (West Warwick) some of these regulations will be. Parking in older towns is frequently an issue because the buildings and streets were designed before the advent of the automobile, and in older towns residential areas are often next to the commercial district. The fact that you can't park in front of your favorite restaurant on a Saturday night in the summer does not require a rewrite of the zoning/parking ordinance in Jamestown. Maybe we need to be more creative with areas, like the schools, that have the extra parking we need in the summer. We also need to protect those residential areas that abut the commercial zone.

I think the success of our downtown area would indicate that the current zoning works overall, but granted, may need some revising. I don't know of any business that was not successful strictly due to the town's zoning regulations.

I urge everyone to get involved with the Comprehensive Community Plan Review, or at least go online and take the Jamestown Vision survey. You can immediately check the results and see what your neighbors are thinking!

*Editor's note: Yoffa is an interior designer, living on Hamilton Avenue.*

this means there will be a wall of trees at maturity.

When we purchased our home the appraisal value of the property was brought up by the golf course and the view of the West Passage. To block our view would be devaluing our property greatly.

Please reconsider plans for the ninth hole and inform us of any future plans for the golf course. We have a lot to lose.

**John and Mary Brittain**  
Conanicus Avenue

## Long petitions Grid on LNG

*This letter was sent to the President of National Grid and copied to the Jamestown Press.*

Michael Ryan  
President, National Grid RI  
280 Melrose Street  
Providence, RI 02907

I am writing to ask that National Grid not pursue the expansion of the former KeySpan property at Fields Point in Providence to develop a marine terminal for the receipt of

liquefied natural gas. As you know, KeySpan appealed the Federal Energy Regulatory Commission's denial of this expansion and I am asking that you withdraw this appeal.

This issue has now gone on for years and I am hopeful you will bring finality to this situation. The economic and environmental hazards that would come with the traffic of LNG tankers up and down Narragansett Bay are frightening. The state of Rhode Island has spoken with one voice on this issue and the message is clear, we do not want LNG tankers on Narragansett Bay.

It is my hope that National Grid will demonstrate its commitment to being a good community partner and withdraw the appeal of F.E.R.C.'s decision. Thank you in advance for your consideration of this important matter. Please feel free to contact me if you have any questions.

Sincerely,

**Bruce J. Long**  
House Deputy Minority Whip  
(R-Dist. 74 Jamestown,  
Middletown)

## LETTERS

Continued from page 6

would get between 30 and 40 balls a month. We currently get about eight. We and our lawn-maintenance crews have been in the front yard on a daily basis and no one has been hit by a ball.

We were never informed of a plan for the golf course. As a neighbor we should have been notified in writing long ago. No plans were ever unveiled to the public, nor were there any notices in any papers for viewing or input. We would like to know why the tree committee agenda is not published in the Jamestown Press or on the town website. We are all owners of town property and should have the opportunity to address the committee for all public property in Jamestown.

We hope that you reconsider planting anything on the ninth hole. If you plant the trees and the proposed height of them at 20- to 50- foot tall, with a 35-foot spread,



## Greening up Town Hall

Last Friday, Jamestown Department of Public Works employees planted trees at the new Town Hall in preparation for the upcoming opening. The trees were provided by grants obtained by the Jamestown Tree Preservation and Protection Committee. Tree Warden Steve Saracino said the trees would beautify the area and shade the parking lot on West Street, keeping it cool.

## Town seeks private help in curtailing deer population

By Tom Shevlin

In a letter sent to approximately 45 land owners, town officials are hoping to enlist the help of private residents to manage the island's growing deer population.

The letter, which was sent to residents who own in excess of 10 acres, asked for cooperation in opening their land to hunters who register with the town.

"To make progress toward the goal of herd reduction, more private land needs to be opened to controlled and limited hunting," the letter reads.

The island deer population, which has increased four-fold since 1998, is a concern for town and state officials.

According to a report released in August, the Department of Environmental Management (DEM) estimates that the island's habitat can sustain 220 deer. Currently, it estimates that approximately 400

deer populate the island.

Hunters reported 56 deer kills on the island last season, while automobile drivers accounted for 26 more. In order to begin reducing the island deer population, DEM estimates that future harvests need to increase to approximately 126 animals.

According to Keiser, the town has already received several positive responses and is hoping to receive many more.

## New band officers named

The Jamestown Community Band held their annual meeting last week and elected officers for the coming year.

The president is Fred Pease, Bill Knapp is vice president, Jeff Hunter is treasurer and Bethany Busch was elected secretary.

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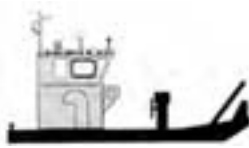
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