

**TOWN OF CHARLESTOWN
ZONING BOARD OF REVIEW
MINUTES**

The Charlestown Zoning Board of Review held a regular open meeting on Tuesday, February 16, 2010 at 7:00 PM at the Charlestown Town Hall, 4540 South County Trail, Charlestown, Rhode Island.

Members present: Michael Rzewuski
Ronald Crosson
Raymond Dreczko
Richard Frank
Scott Northup, Alt. #1
David B. Provancha, Alt. #2

Also present were, Kenneth Shea, Legal Counsel, John J. Matuza, Building Official, Caroline Dion, Stenographer and Ellen A. Hefler, Clerk.

Minutes

The minutes of the January 19, 2010 meeting were approved as written.

Pre-roll

Everyone present will attend the March 16, 2010 except Mr. Northup.

Mr. Rzewuski welcomed Mr. Shea who is substituting for Robert Craven tonight.

Mr. Rzewuski called the first petition.

Petition #1164 Metro PCS for the Narragansett Indian Tribe

Requesting a Special Use Permit under Article XV, Section 218-105 and 218-25 to add telecommunication facility on an existing tower in an R2A Zone. Premises located at Kingswood Court, Charlestown and is further designated as Lot 119 on Assessor's Map 17.

Joseph Giammarco of Prince, Lobel, Glovsky & Tye, LLP, attorney for the applicant, explained the petition. There will be six panel antennas at 120' on the existing cell tower. Additionally, there will be 4 equipment cabinets on the existing pad with the existing fenced compound area.

Aquileno Orechi, radio frequency engineer for Metro PCS was sworn and explained the coverage gap in coverage.

Mr. Giammarco explained the tower and its ability to support the antennas.

Mr. Rzewuski asked how many more carriers can be added to the tower.

Mr. Giammarco stated that he was not sure but each applicant would file a separate application. There is a structural report in the application.

There ensued discussion.

There were no objectors present.

Mr. Crosson moved that the public hearing be closed.
Mr. Frank seconded the motion.

THE BOARD UNANIMOUSLY CLOSED THE PUBLIC HEARING.

There ensued discussion.

Mr. Crosson moved that petition #1164 Metro PCS for the Narragansett Indian Tribe requesting a Special Use Permit under Article XV, Section 218-105 and 218-25 to add telecommunication facility on an existing tower in an R2A Zone be approved. Premises located at Kingswood Court, Charlestown and is further designated as Lot 119 on Assessor's Map 17.

Mr. Northup seconded the motion.

The Board felt that the applicant met their obligation and it is not a new tower but a collocation, which we would prefer over the installation of a new tower. Granting the special use permit will not pose a threat to drinking water supplies, that the use will not disrupt the neighborhood or the privacy of abutting property owners by excessive noise, light, glare or air pollutants. As was stated, there will be no generator on site. It will not result in adverse impact or create conditions that will be inimical to the public health, safety, morals, or general welfare of the community. The applicant did a fine job presenting the attributes of section 218-105 in satisfying the requirements for a special use permit under 218-25 for telecommunication towers.

VOTE: Crosson – aye Northup – aye Frank – aye Dreczko – aye Rzewuski - aye

THE PETITION WAS GRANTED UNANIMOUSLY.

Mr. Rzewuski called the second petition.

Petition #1168 Charlestown Historical Society for Donald Dodson

Requesting a Dimensional Variance under Article XIX, Section 218-158 to construct a small Museum closer to property lines in a TVD Zone. Premises located at 4435 Old Post Road, Charlestown and is further designated as Lot 128 on Assessor's Map 12.

Pamela Lyons, president of the Charlestown Historical Society was sworn, explained the history of the Society, the petition and the reason for the proposed location.

Mr. Rzewuski asked about setback for ramp.

Mr. Matuza stated that handicap ramps are not included in setback requirements.

Ms. Lyons explained the plans.

There ensued discussion.

Mr. Matuza stated that he will review the entire design for the Building Permit. He explained considerations given for the best location of the building and least relief necessary.

Five people in the audience were in favor of the application but chose not to speak.

There were no objectors present.

A letter dated January 12, 2010 from the Cross Mills Public Library stating their objections was received by the Board and is in the file.

A letter of approval dated February 2, 2010 was read from Ashley Hahn Morris, Town Planner and is in the file.

The Board received a memo from Ms. Hahn Morris relative to the Cross Mills Public Library's concerns. A copy is in the file.

Mr. Crosson moved that the public hearing be closed.

Mr. Dreczko seconded the motion.

THE BOARD UNANIMOUSLY CLOSED THE PUBLIC HEARING.

There ensued discussion.

Mr. Crosson moved that petition #1168 Charlestown Historical Society for Donald Dodson requesting a Dimensional Variance under Article XIX, Section 218-158 to construct a small Museum closer to property lines in a TVD Zone be approved. Premises located at 4435 Old Post Road, Charlestown and is further designated as Lot 128 on Assessor's Map 12.

Mr. Dreczko seconded the motion.

The Board felt that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not to the general characteristics of the surrounding area. It is not due to a physical or economic disability of the applicant. Granting of the requested variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of this ordinance, the relief to be granted is the least relief necessary and not contrary to the public interest and welfare. The unique characteristics of the subject land make it difficult to position the proposed structure elsewhere on the property in compliance with ADA requirements. Ms. Lyons made a fine presentation, explaining the attributes of ordinance and the reason for the variance. Also with the information from the Building Official, Mr. Matuza, it was demonstrated that it was due to the unique characteristics of the subject property that this is the best location for the structure.

VOTE: Crosson – aye Dreczko – aye Northup – aye Frank – aye Rzewuski - aye

THE PETITION WAS GRANTED UNANIMOUSLY.

Mr. Rzewuski called the third petition.

Petition #1169 Chris Petrichko for John C. & Maureen T. Mimnaugh

Requesting a Dimensional Variance under Article VI, Section 218-33 A(3) to construct a screen porch closer to property lines than allowed in an R2A Zone. Premises located at 1 Grandview Drive, Charlestown and is further designated as Lot 159 on Assessor's Map 10.

Mr. Dreczko recused himself from sitting on the application. Mr. Provancha will be voting.

Mr. Jack Mimnaugh, was sworn and explained the relief sought. He reviewed other designs and locations that had been considered.

Mr. Rzewuski questioned the size.

Mr. Mimnaugh explained the other locations that were considered. It will be adjacent to the existing deck.

There ensued discussion.

There were no objectors present.

Mr. Crosson moved that the public hearing be closed.

Mr. Northup seconded the motion.

THE BOARD UNANIMOUSLY CLOSED THE PUBLIC HEARING.

There ensued discussion.

Mr. Crosson moved that petition #1169 Chris Petrichko for John C. & Maureen T. Mimnaugh requesting a Dimensional Variance under Article VI, Section 218-33 A(3) to construct a screen porch closer to property lines than allowed in an R2A Zone be approved. Premises located at 1 Grandview Drive, Charlestown and is further designated as Lot 159 on Assessor's Map 10.

Mr. Northup seconded the motion.

The Board felt that the relief to be granted is the least relief necessary and not contrary to the public interest and welfare. The applicant has proven his case and demonstrated the reason for the requested variance to construct a screen porch closer to property lines and that it is the least relief necessary.

VOTE: Crosson – aye Northup – aye Frank – aye Provancha – aye Rzewuski - aye

THE PETITION WAS GRANTED UNANIMOUSLY.

Adjournment

There being no further business, the meeting adjourned at 7:40 PM.