

STATE OF RHODE ISLAND  
TOWN OF JAMESTOWN  
ZONING BOARD OF REVIEW

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PROCEEDINGS AT HEARING \*  
IN RE: \*  
\*  
27 August 2024 Hearing \*  
\*  
\* \* \* \* \*

Jamestown Town Hall  
93 Narragansett Avenue  
Jamestown, RI 02835  
27 August 2024

BEFORE:  
Richard A. Boren  
Terence Livingston  
James King  
Jane Bentley  
John Shekarchi  
James Sisson  
Robert Maccini

PRESENT:  
  
For the Applicants - Mungers and Vinelli:  
Christian S. Infantolino, Esquire  
MURPHY PRIOR & INFANTOLINO  
77 Narragansett Avenue  
Jamestown, RI 02835

For the Town of Jamestown:  
Wyatt A. Brochu, Esquire  
RUGGIERO, BROCHU & PETRARCA  
1130 Ten Rod Road  
North Kingstown, RI 02852

ALSO PRESENT:  
Peter Medeiros, Building and Zoning Official  
Pat Westall, Zoning Clerk

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**IN RE: 27 August 2024 Hearing**

**27 August 2024**

COUNCILOR BOREN: Good evening, everyone.  
I would like to call the Zoning Board of Review  
August 27, 2024 meeting to order.

Pat, would you call the roll, please.

CLERK WESTALL: Richard Boren.

COUNCILOR BOREN: Here.

CLERK WESTALL: Dean Wagner.

(Pause.)

CLERK WESTALL: Terence Livingston.

COUNCILOR LIVINGSTON: Present.

CLERK WESTALL: James King.

COUNCILOR KING: Here.

CLERK WESTALL: Jane Bentley.

COUNCILOR BENTLEY: Here.

CLERK WESTALL: John Shekarchi.

COUNCILOR SHEKARCHI: Here.

CLERK WESTALL: James Sission.

COUNCILOR SISSON: Here.

CLERK WESTALL: Robert Maccini.

COUNCILOR MACCINI: Here.

COUNCILOR BOREN: Thank you.

Is there a motion to approve the minutes of  
the July 23, 2024 meeting?

1 COUNCILOR KING: Motion so approved.

2 MS. BENTLEY: So moved.

3 COUNCILOR BOREN: All in favor.

4 (Voice vote.)

5 COUNCILOR BOREN: Thank you.

6 Correspondence. We did have correspondence  
7 regarding the first matter. This morning  
8 Mr. Infantolino has indicated that his clients,  
9 Steven and Jamie Munger, have withdrawn their  
10 application for appeal of the decision made by the  
11 Town Zoning Officer of June 28, 2024.

12 Is that, in fact, the case, Mr. Infantolino?

13 ATTORNEY INFANTOLINO: Yes, it is.

14 MR. BOREN: Thank you.

15 The next matter before us is the application  
16 of Sergio Vinelli. Is that ready to proceed?

17 ATTORNEY INFANTOLINO: Yes, it is.

18 COUNCILOR BOREN: The next matter before  
19 us is the application of Brooks William Mathews.  
20 Is that ready to proceed?

21 (Pause.)

22 ATTORNEY BOREN: No one here on that  
23 application at the moment?

24 (Pause.)

25 ATTORNEY BOREN: We will hold that for now

1 and proceed on the Vinelli matter.

2 ATTORNEY INFANTOLINO: Good evening.  
3 Christian Infantolino. I am here representing the  
4 applicant, Sergio Vinelli, of the property located  
5 at 10 Emerson Road, Jamestown, Rhode Island,  
6 further identified as Tax Assessor's Plat 8,  
7 Lot 209.

8 We're here before you tonight requesting for a  
9 variance under Article 3, Special Use Permits and  
10 Variances, Section 82-305, 306 and 307 for relief  
11 from Article 6, Section 82-602, Dimensional  
12 Regulations, specifically Table 6-2 for the Village  
13 Special Development District Zone, R-8, R-20, Zoned  
14 CL and CD, for a front yard setback of 20 feet  
15 6 inches where the required setback is 30 feet, and  
16 the existing structure is -- the existing structure  
17 is already in the same spot, 20 feet 6 inches from  
18 the front yard. The subject lot is zoned R-20 and  
19 contains approximately 24,829 square feet.

20 The applicant tonight is requesting this  
21 relief in order to construct a second floor area  
22 over the existing footprint in order to rearrange  
23 the interior layout and support for his family  
24 needs.

25 Tonight I do have Bill Burgin with me, from

1       Burgin Architects, as noted, in case there are any  
2       questions for him, to put on some testimony.

3               And before I bring up Bill I would just  
4       request the application and all supporting  
5       documents be admitted as exhibits.

6               COUNCILOR BOREN:   So admitted.

7               (Exhibits admitted.)

8               COUNCILOR BOREN:   I do have two  
9       preliminary questions.  If -- first question is if  
10      I am presuming that this house was built after the  
11      zoning ordinance went into effect in the 1990s, and  
12      if that is correct, and that 30 feet was required  
13      going all the way back to the early 1990s, and the  
14      pergola was original or added reducing it to  
15      20 feet 6 inches that this house has been in  
16      violation of the zoning ordinance all these years.  
17      And are you asking to build on top of a  
18      pre-existing violation?

19              ATTORNEY INFANTOLINO:  My understanding  
20      was that this pergo -- this property was built  
21      prior to the zoning ordinance.

22              COUNCILOR BOREN:   Prior to the early  
23      1990s?

24              ATTORNEY INFANTOLINO:  That was my  
25      understanding.  I have not confirmed that with the

1 building permit, and I can do so if that's what we  
2 need to do.

3 COUNCILOR BOREN: Well, that's a major  
4 issue because if it was --

5 COUNCILOR BENTLEY: Yes.

6 COUNCILOR BOREN: If it was not built  
7 before the zoning ordinance then the driveway and  
8 zoning dimensions --

9 ATTORNEY INFANTOLINO: Oh, absolutely. I  
10 see where you're going.

11 COUNCILOR BOREN: -- violating the zoning  
12 ordinance for 30-something years.

13 WILLIAM BERGIN: This house was built in  
14 1985, which is 39 years ago.

15 THE STENOGRAPHER: He's not sworn in.

16 ATTORNEY INFANTOLINO: Sorry.

17 So, that the house was built in 1985. And I  
18 can have Bill Burgin --

19 COUNCILOR LIVINGSTON: Mr. Chairman,  
20 shouldn't we have some type of official document  
21 that shows that it was born or built in 1985?

22 COUNCILOR BOREN: Well, I'll accept  
23 Mr. Bergin when he testifies to that. And I do  
24 know, I was on the commission in 1991 to redraft  
25 the Enabling Act of 1991 and that some towns did

1 not have zoning before then. I don't know whether  
2 Jamestown did or did not.

3 ATTORNEY INFANTOLINO: I do not believe it  
4 did. That was my understanding.

5 My understanding was that the property was  
6 built prior to the zoning ordinance being enacted  
7 here in Jamestown.

8 COUNCILOR BOREN: Okay. That was one  
9 issue. The other issue is are we required under  
10 82-1102 to have Planning Commission review this  
11 because of the zone that it's in?

12 (Pause.)

13 COUNCILOR BOREN: We have -- do we have no  
14 choice because of the zone that it's in?

15 ATTORNEY INFANTOLINO: So, the application  
16 was submitted through the zoning office and the  
17 zoning officer never mentioned that we needed to go  
18 to Planning. He accepted the application and moved  
19 forward.

20 COUNCILOR BOREN: Okay.

21 ATTORNEY INFANTOLINO: My understanding  
22 was that the new zoning ordinance required Planning  
23 approval for special use permits.

24 COUNCILOR BOREN: Okay. Article 11,  
25 Jamestown Village Special Development District, and



1       you identified that this is in the Special  
2       Development --

3               ATTORNEY INFANTOLINO:  It is.

4               MR. BOREN:  -- District.  It states  
5       Section 1102.1, Planning Commission has DPR  
6       approving authority.  The Planning Commission shall  
7       review any development application with existing  
8       conditions representing legally established  
9       pre-existing nonconforming situations.  Two, no  
10      existing nonconforming shall be increased an amount  
11      of density.  Two, no new nonconforming are  
12      recreated and the Planning Commission shall -- it  
13      doesn't say "should," it says "shall."  And then it  
14      goes on to say building placement, pre-existing  
15      building that does not meet setback standards shall  
16      be reviewed by the Planning Commission pursuant to  
17      what I read to you.

18              When I was reading this this afternoon, I  
19      started looking for Planning Commission approval,  
20      and when I didn't see it and saw this was in the  
21      Special Zone --

22              ATTORNEY INFANTOLINO:  Well, this  
23      application went through without Planning approval  
24      to this point.  I didn't think we needed it at the  
25      time.  You know, I'd be -- you know, I would be

1 willing to continue the application until we get  
2 Planning.

3 COUNCILOR BOREN: Let's discuss it with  
4 counsel and the zoning official.

5 ZONING OFFICER MEDEIROS: Yes, I didn't  
6 think it needed to go before Planning as well.

7 COUNCILOR BOREN: I'm sorry, I can't hear  
8 you.

9 ZONING OFFICIAL MEDEIROS: I didn't think  
10 it needed to go before Planning as well.

11 MR. BOREN: Didn't?

12 COUNCILOR SHEKARCHI: He didn't think it  
13 had to go to Planning.

14 COUNCILOR LIVINGSTON: Why is that?  
15 (Pause.)

16 COUNCILOR LIVINGSTON: After what  
17 happened -- after what the chairman just read, why  
18 did he think it did not need to go before Planning?

19 ZONING OFFICER MEDEIROS: I don't know. I  
20 just -- I didn't discuss it with Lisa, which I  
21 normally do. But it seemed like it was a simple  
22 setback dimensional variance request.

23 COUNCILOR SHEKARCHI: If I may,  
24 Mr. Chairman?

25 Wyatt, would you -- would this be -- because

1       if that fact is correct you need Planning and  
2       dimensional relief, it would be the Unified Zoning  
3       application just before Planning, correct, under  
4       the new statute?

5               SOLICITOR BROCHU: It could be.

6               COUNCILOR SHEKARCHI: Under the new  
7       statute, you would apply the Planning and Zoning?

8               ATTORNEY INFANTOLINO: Right. No, no, I  
9       get that part of it completely. But that would  
10      mean that every application that now goes before --  
11      every application within the Special Zoning  
12      District is going to qualify under Planning,  
13      Unified Planning. Is that --

14              COUNCILOR LIVINGSTON: If that's what the  
15      statute says that's what the statute says.

16              ATTORNEY INFANTOLINO: No, no, I hear you.

17              COUNCILOR BOREN: But that's all been the  
18      case.

19              ATTORNEY INFANTOLINO: Right.

20              COUNCILOR BOREN: In my 25 years, there  
21      has only been emergencies in that district and all  
22      three, besides yours --

23              ATTORNEY INFANTOLINO: Right.

24              COUNCILOR BOREN: -- have gone before  
25      Planning before it came to us.

1           ATTORNEY INFANTOLINO: And I have no  
2 problem, you know, if the board is willing to  
3 continue this out, this application, we'll take and  
4 submit the application before Planning. And that  
5 if we could continue tonight in order to do that  
6 and then get that approval. It's a recommendation,  
7 it isn't a problem.

8           COUNCILOR LIVINGSTON: I think you have  
9 to.

10          ATTORNEY INFANTOLINO: And that's fine.  
11 Like I said, you know, I'm willing to, you know,  
12 continue this application until that point. I  
13 would prefer not to have to withdraw it. Short of,  
14 you know, Planning saying that we have to  
15 completely --

16          COUNCILOR BOREN: I don't think you have  
17 to withdraw it.

18          ATTORNEY INFANTOLINO: -- you know, revamp  
19 the info.

20          COUNCILOR SHEKARCHI: Well, the bigger  
21 question -- and we could have the solicitor look at  
22 it -- if, in fact, it needs Planning approval as  
23 well I don't think you come to zoning with that. I  
24 think we have superfluous powers, and Planning  
25 takes our dimensional variance strength or

1 jurisdiction away and they can rule on both the  
2 planning issue and the dimensional variance as  
3 well.

4 ATTORNEY INFANTOLINO: And that would be  
5 if it doesn't just require you TRC.

6 COUNCILOR SHEKARCHI: Yes.

7 ATTORNEY INFANTOLINO: Well, I'm thinking  
8 it's going to be a TRC with a recommendation, but I  
9 don't know if they're going to make full Planning.  
10 I don't know what the TRC is going to do for  
11 Planning.

12 COUNCILOR SHEKARCHI: My understanding is  
13 if it needs just dimensional relief, our board has  
14 jurisdiction. Any time there's a planning  
15 component needed or jurisdiction is taken away from  
16 us given to the Planning Board, who has the power  
17 to act on their issue under the Unified Development  
18 and Dimensional Relief as well. I don't think we  
19 have done one yet here.

20 COUNCILOR LIVINGSTON: No, we haven't.

21 SOLICITOR BROCHU: No. They have gone  
22 directly to Planning.

23 What I would recommend, Mr. Chairman, if I  
24 could weigh in, is that this matter be continued  
25 and Mr. Infantolino can follow up with the Zoning/

1 Planning Department tomorrow and get a direction on  
2 the application, but if it does need Unified  
3 Development or it does need both then it would go  
4 under Unified Development.

5 COUNCILOR BOREN: And I mean, I apologize.  
6 I try to read everything I can the day of the  
7 application, and I read this this afternoon, and  
8 I'm thinking to myself it seems to fall directly --

9 ATTORNEY INFANTOLINO: No, no. We want to  
10 make sure that it's done the right way. We want to  
11 make that the Is dotted and the Ts are crossed and,  
12 you know, hopefully the Unified and Planning and  
13 some of the other issues that have changes have  
14 some wrinkles ironed at Planning.

15 So, I appreciate your understanding and  
16 welcome us to allow us to continue the matter to  
17 make the appropriate filings.

18 COUNCILOR LIVINGSTON: So, Attorney  
19 Infantolino, are you asking us to continue this?

20 ATTORNEY INFANTOLINO: Yes, please.

21 COUNCILOR LIVINGSTON: I make a motion to  
22 continue this --

23 ATTORNEY FOPPERT: May I speak --

24 MR. BOREN: Wait.

25 COUNCILOR LIVINGSTON: -- to the September

1 meeting.

2 ATTORNEY FOPPERT: May I speak before you  
3 continue it officially?

4 COUNCILOR BOREN: I presume --

5 ATTORNEY FOPPERTY: As part of this, I am  
6 representing a neighbor, and I do have the building  
7 permit from 1985.

8 But I think the question that needs to be  
9 determined before we all move forward is whether  
10 there is a zoning ordinance from this 1980s that  
11 shows 30 feet. I believe our building inspector  
12 has that ordinance here.

13 COUNCILOR BOREN: That was my next request  
14 and --

15 ATTORNEY FOPPERT: -- and it was at least  
16 30 feet was the requirement. And I think we can  
17 establish that before we close that.

18 COUNCILOR BOREN: I was going to raise  
19 that.

20 ATTORNEY FOPPERT: However, the building  
21 permit is a little wonky. It says that the  
22 frontage was 150 inches. I'll give you copies.

23 COUNCILOR BOREN: You may make a motion.

24 COUNCILOR LIVINGSTON: Yes. I make a  
25 motion to continue.

1 COUNCILOR BOREN: Is there a second?

2 COUNCILOR BENTLEY: Second.

3 COUNCILOR BOREN: All in favor.

4 (Voice vote.)

5 ATTORNEY INFANTOLINO: Thank you.

6 COUNCILOR BOREN: And I can propose that  
7 you bring with you the exact building document.

8 ATTORNEY INFANTOLINO: Yes.

9 COUNCILOR BOREN: And then, before 1991  
10 many cities and towns had zoning ordinance, they  
11 just weren't the 1991 reiteration -- the 1991  
12 Enabling Act.

13 ATTORNEY INFANTOLINO: Yes. It was before  
14 1991. You know, I will attempt to try and locate  
15 whatever ordinance was in play at the time of the  
16 permit. Is that kind of what we're talking about?

17 COUNCILOR BOREN: Yes.

18 ATTORNEY INFANTOLINO: Yes, that's what  
19 you're asking for or suggesting I bring.

20 COUNCILOR BOREN: Yes.

21 ATTORNEY INFANTOLINO: Thank you.

22 COUNCILOR BOREN: I'm not suggesting --

23 ATTORNEY INFANTOLINO: No, no, no. I want  
24 to make sure I'm understanding what you're saying,  
25 you know, in trying to locate the zoning ordinance



1       that was in play at the time of the issuance of the  
2       permit.

3               COUNCILOR BOREN: My understanding is that  
4       there will not be any need for readvertisement?

5               SOLICITOR BROCHU: Well --

6               ATTORNEY INFANTOLINO: There will be if I  
7       have to go under Unified.

8               COUNCILOR BOREN: Right, right, right.  
9       I'm sorry.

10              ATTORNEY INFANTOLINO: But if it's TRC and  
11       then back to here -- and that's why I'm requesting  
12       the continuance.

13              COUNCILOR BOREN: Correct. I'm sorry.

14              ATTORNEY INFANTOLINO: No. That's okay.  
15       I want to make sure we're all on the same page.

16              COUNCILOR BOREN: Thank you.

17              CLERK WESTALL: Richard, we have a motion  
18       and a second. Do we have a vote?

19              COUNCILOR BOREN: Okay. All in favor.

20              (Voice vote.)

21              COUNCILOR BOREN: Thank you.

22              ATTORNEY INFANTOLINO: Thank you.

23              COUNCILOR BOREN: Is there anyone here in  
24       reference to the matter to the Mathew Trustee  
25       matter on Walnut Street?

1 (Pause.)

2 COUNCILOR LIVINGSTON: I make a motion to  
3 dismiss it.

4 COUNCILOR BOREN: Well --

5 COUNCILOR LIVINGSTON: Or continue it?

6 COUNCILOR BOREN: I think continue it.

7 COUNCILOR LIVINGSTON: And, you know, I  
8 think somebody should, either the building  
9 official, the clerk, the legal counsel, somebody  
10 should probably notify the applicant that they need  
11 to either represent themselves pro se or have their  
12 attorney here, that a non-attorney builder cannot  
13 represent the applicant at the zoning board. We  
14 are a quasi judicial board. So, if somebody could  
15 let them know just so it doesn't get continued  
16 again.

17 ZONING OFFICER MEDEIROS: They were told  
18 they don't need an attorney.

19 COUNCILOR LIVINGSTON: No. They need an  
20 attorney or appear pro se. Or appear pro se. But  
21 a contractor cannot come in and represent them.

22 ZONING OFFICER MEDEIROS: No. They  
23 understand that.

24 COUNCILOR BOREN: And this would not be  
25 the first time that Kirby Perkins -- they have

1       attempted to have even a non-engineer send in the  
2       application.

3               COUNCILOR LIVINGSTON:   So, I make a motion  
4       to continue it to the September meeting.

5               COUNCILOR BENTLEY:   Second.

6               COUNCILOR BOREN:   All in favor.

7               (Voice vote.)

8               COUNCILOR BOREN:   Thank you.

9               (Hearing adjourned 7:18 p.m.)

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C E R T I F I C A T I O N

I, Brenda D. P. Hanna, do hereby certify that the foregoing pages are a true, accurate, and complete transcript of my notes taken at the above-entitled hearing before the Town of Jamestown Zoning Board of Review on 27 August 2024.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of September 2024.

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BRENDA D. P. HANNA, NOTARY PUBLIC/  
REGISTERED PROFESSIONAL REPORTER