

Middletown Zoning Board of Review

The Middletown Zoning Board of Review held its regular monthly meeting on April 28, 2009 at 7:00 p.m. Present at this meeting were, Chairman- Tom Silveira, Vice Chairman- Peter Van Steeden, Secretary -Lucy Levada, Tom Newman, Steve MacGillivray, Third Alternate- Michael Potter, Town Solicitor- Michael Miller and Zoning Officer - Jack Kane. Greg Schultz and Frank Flanagan were absent.

Election of officers took place, election to office by a unanimous vote:

Chairman- Tom Silveira

Vice Chairman- Peter Van Steeden

Secretary- Lucy Levada

A motion was made by Peter Van Steeden and second by Steve MacGillivray to accept the secretary's minutes of March 24, 2009.

Motion carried 5-0

Continuances/ Withdrawals:

1. BRM Co. Inc. & JEM Co. Inc. (Special Use)-----May 12, 2009

2. BRM Co. Inc. & JEM Co. Inc. (Variance)-----May 12, 2009

3. Bancroft Partners LLC-----May 19,

2009

4. Renaissance Development-----May 26, 2009

5. Purgatory Associates LLC-----May 26, 2009

6. Norman Bird Sanctuary- A motion was made by Steve MacGillivray and second by Tom Newman to dismiss this petition per request of the petitioner. Motion carried 5-0

Appeal:

1. Appeal of: Richard and Lila Neidich- Richard Neidich (applicant)- for an Appeal from Section 319 to Appeal the Master Plan Approval for the 14 lot Major Subdivision granted by the Middletown Planning Board dated January 22, 2009. Said real estate located at Bailey Ave & Sachuest Dr. and further identified as Lot 4, 217, 218 & 219 on Tax Assessor's Plat 126.

A motion was made by Peter Van Steeden and second by Steve MacGillivray to withdraw the appeal per request of the applicant. Motion carried 5-0

Continued Cases:

1. Renaissance Development Corp.- 35 Sockanosset Cross Rd.-Cranston, RI (owner)- for a Special Use Permit from Section 1211, Tables 12-4 & 12-5 to allow a 6' round internally illuminated box

cabinet sign with a light background and dark graphics and a 46 sq. ft. internally illuminated channel letter sign where 30 sq. ft. is allowed. Said real estate located at 569 West Main Rd. and further identified as Lot 32 on Tax Assessor's Plat 107SE.

Part of this case was heard and have to report back to their company and do another plan and come back to complete their request.

New Cases:

1. Petition of: Gary Hooks- 52 Maplewood Rd.- Middletown, RI (owner)- by his attorney Alexander G. Walsh-130 Bellevue Ave.- Newport, RI- for a Variance from Section 603, Table 6-2- to allow the subdivision of Lot # 9 into 2- Parcels with Parcel-B having an area of 36,320.53 square feet where 40,000 is required. Said real estate located at 1249 Wapping Rd. and further identified as Lot 9 on Tax Assessor's Plat 128.

A motion was made by Steve MacGillivray and second by Greg Schultz to deny the Hook

Petition as Mr. Hook's property is R-40 and has not shown to meet the requirements for the dimensional Variance. He is only looking for financial gain; there is no evidence of a hardship.

Denying the petition were Steve MacGillivray, Greg Schultz and Lucy Levada.

Peter Van Steeden and Tom Newman voted in favor.

Petition denied 3-2

2. Petition of: Genesis Healthcare C/O Raymond Mead- 200 Brickstone Sq. - Andover, MA (owner) for a Variance from Sections 603 & 1301(B)- to construct an addition to the existing nursing home resulting in lot coverage of 20.7% where 20% is allowed and to provide a 10' landscaped off street parking lot buffer zone where 20' is required. Said real estate located at 333 Green End Ave. and further identified as Lot 104 on Tax Assessor's Plat 114.

Petition of: Genesis Healthcare C/O Raymond Mead- 200 Brickstone Sq. - Andover, MA (owner) for a Special Use Permit from Section 602- to allow the expansion of the existing nursing home facility. Said real estate located at 333 Green End Ave. and further identified as Lot 104 on Tax Assessor's Plat 114.

Letter in file from Planning Board with conditions dated April 14, 2009

Conditions from Zoning Board:

- 1. 6' stockade fence for privacy**
- 2. Shields on parking lot lights**
- 3. Sweep machine no earlier than 7:30**
- 4. No trucks idling early in the morning**
- 5. Have our town Engineer check on the water runoff problem.**

A motion was made by Tom Newman and second by Lucy Levada to grant the Special Use petition. Petition granted 5-0.

A motion was made by Peter Van Steeden and second by Steve MacGillivray to grant the Variance petition. Petition granted 5-0

3. Petition of: Michele Lacey-116 Aquidneck Ave.- Middletown, RI (owner)- LACEY, INC. (applicant)- by their attorney Jeremiah C. Lynch, III- 97 John Clarke Rd.- Middletown, RI- for a Variance from Sections 603, 701, 803G & 1304- to construct a 310.36 sq. ft. deck with a right side yard setback of 10' & a left side yard setback of 4.4' where 20' is required resulting in lot coverage of 44% where 25% is allowed and to allow 46 parking spaces where 65 are required . Said real estate located at 116 Aquidneck Ave. and further identified as Lot 136 on Tax Assessor's Plat 115SE.

Petition of: Michele Lacey-116 Aquidneck Ave.- Middletown, RI (owner)- LACEY, INC. (applicant)- by their attorney Jeremiah C. Lynch, III- 97 John Clarke Rd.- Middletown, RI- for a Special Use Permit from Sections 602 & 803A- to permit the expansion of the present use (restaurant serving alcoholic beverages) onto the proposed deck located on the western side of the structure. Said real estate located at 116 Aquidneck Ave. and further identified as Lot 136 on Tax Assessor's Plat 115SE.

A motion was made by Steve MacGillivray and second by Luck Levada to grant the petitions for a Special Use and Variance with the following conditions.

- 1. No meals after 9:00 p.m. and close deck doors at 10:00 p.m.**
- 2. No entertainment**

Petitions granted 5-0

**4. Petition of: Kenneth J. Alves- 644 Thames St.- Newport, RI (owner)-
Regatta Car Wash, Inc- PO Box 1363- Newport, RI (applicant)- by their
attorney Peter Brent Regan, Esq.- 130 Bellevue Ave.- Newport, RI- for
an Extension from Section 1106- to grant an extension for a period of
six (6) months. Said real estate located at 763 and 773 West Main Rd.
and further identified as Lot 17 on Tax Assessor's Plat 107NE.**

**A motion was made by Tom Newman and second by Peter Van
Steeden to grant the petition.**

Petition granted 5-0

Meeting adjourned at 9:30 p.m.

Respectfully Submitted

Lucy Levada

Secretary