

MIDDLETOWN ZONING BOARD OF REVIEW

August 25, 2009

The Middletown Zoning Board of Review was held on August 25, 2009. Present at the meeting were Vice Chairman, Peter Van Steeden, Tom Newman, Steve MacGillivray, Frank Flanagan, Greg Schultz and Michael Potter. Due to the absence of Chairman Tom Silveira and Secretary Lucy Levada, Alternatives Frank Flanagan and Greg Schultz would be the 4th and 5th voting board members; Town Solicitor Turner Scott and Zoning Officer Jack Kane and Zoning enforcement Officer Celeste Logothets were also present.

The first matter considered was the Petition of Thomas A. and Anne M. Frank, 40 Swan Drive, Middletown, RI (owners) for a Variance from Section 1910 Table 19-1 & 704C, to construct a 2 story accessory structure with a height of 24' where 15' is allowed and with right side yard setback of 20' where 24' is required. Said real estate located at 40 Swan Drive and further identified as Lot 306 on Tax Assessor's Plat 111. The petitioners moved to withdraw their petition. Mr. Newman made a motion to accept the request to withdraw the petition. Mr. MacGillivray seconded and the request. Granted 5-0.

Continuances/Withdrawals:

Petition of: Christopher Boouzaid -----September 22, 2009

Petition of: Bancroft Partners, LLC -----September 22, 2009

Petition of: 2 Corporate Place Associates, L.P. -----September 22, 2009

Continued Cases:

Petition of: Duncan & Barbara Chapman, 556 Paradise Avenue, Middletown, RI (owners), by their attorney David P. Martland, Esq., 1100 Aquidneck Avenue, Middletown, RI, for a Variance from Sections 603, 701 & 803G, to construct an addition to a single family residential structure with a left side yard setback of 10' where 20' is required, pursuant to certain plans filed herewith and to amend a previously granted variance by increasing the front yard setback from 20 ft to 38 ft where 40 ft is required. Said real estate located at 566 Paradise Avenue, and further identified as Lot 3-C on Tax Assessor's Plat 127. Petitioners requested to continue this matter to September 22, 2009 to allow the various interested parties to discuss possible compromise. Mr. MacGillivray moved to accept the request. Mr. Schultz seconded. Granted 5-0.

Petition of: Gudwhite Corp, 8 Bartlett Road, Middletown, RI (owner), PetroPCS, LLC, 285 Billerica Road, Chelmsford, MA (applicant), by their attorney Jackie Slaga, Esq., 95 Indian Trail, Saunderstown, RI, for a Special Use Permit from Article 25, to allow a second disguised wireless telecommunications facility on an existing roof-top in the

OBA zoning district. Said real estate located at 1 Corporate Place and further identified as Lot 170 on Tax Assessor's Plat 106. Jackie Slaga appeared as attorney for the petitioner. She relied on the petition previously submitted and the materials contained therein. Mr. Newman moved to grant the petition. Mr. Schultz seconded. Granted 5-0. Attorney Slaga was to prepare a decision for review by the Town Solicitor.

New Cases:

Petition of: Estate of Joseph A. Perry, 630 Green End Avenue, Middletown, RI (owner), Florence L. Perry (applicant), for a Variance from Section 603, 701, 803G and 703B, to construct a 10' x 12' one story addition with side yard setback of 20'-6" where 30' is required and located 8' – 8" from existing detached garage where 10' is required. Said real estate located at 630 Green End Avenue, and further identified as Lot 20 on Tax Assessor's Plat 120.

Exhibit A was a letter from an interested party. Mr. Newman moved to grant the petition. Mr. Schultz seconded. Granted 5-0.

Petition of: Enterprise Center Properties, Inc., 25 Enterprise Center, Middletown, RI (owner), Enterprise Center Properties, Inc. (applicant) by their attorney Robert M. Silva, Esq., for a Variance from Section 1304, to allow construction of 80 additional off-street parking spaces for a total of 204 spaces, 102 spaces allowed. Said real estate located

at 110 Enterprise Center and further identified as Lot 15 on Tax Assessor's Plat 113.

Attorney Bob Silva represented the petitioner. The petitioner AFS testified through its Vice President and Corporate Secretary, Diana Row, that it was adding to its employment base at the rate of 10 to 20 employees per month. Petitioner presented Exhibit A - a notice of the planning board recommendation dated August 18, 2009. Ms Row further testified that additional parking is necessary and that the organization is short approximately 147 spaces.

Sara Glenn of 23 Buck Road appeared as an objector. She noted that the lighting has been an issue in the past.

Mr. Newman moved to grant the petition. Mr. Potter seconded. Granted. 5-0.

Petition of: Gordon W. Lewis, Jr., 2 Rachel Road, Boylston, Massachusetts (owner), for a Variance from Sections 603, 701 and 803G, to allow an administrative subdivision of Lot 214 & 215 resulting in a side yard setback of 5' on 53 Ellery Avenue and 14' on 63 Briarwood Avenue where 15' is required. Said real estate located at 63 Briarwood Avenue and 53 Ellery Avenue and further identified as Lot 214 & 215 on Tax Assessor's Plat 116N.

Gordon Lewis testified that the variance was needed to correct the lot lines so that improvements did not straddle separate lots.

Mr. MacGillivray moved to grant the petition. Mr. Schultz seconded. Granted 5-0.

Petition of: Albert L. Strunk, 18 Bartlett Road, Middletown, RI (owner), Mark C. Fontaine (applicant), for a Variance from Sections 603, 701 & 803G, to construct a 22' X 35' one story addition with a left side yard setback of 26.4' where 30' is required and a rear yard setback of 58.3' where 60' is required. Said real estate located at 18 Bartlett Road and further identified as Lot 94 on Tax Assessor's Plat 129.

Albert Strunk testifies that the house is rotated slightly, thereby necessitating the requested variance. Mr. MacGillivray moved to grant the petition. Mr. Schultz seconds. Granted 5-0.

Meeting adjourned at 8:45 p.m.

**Steve Mac Gillivray
Acting Secretary**