

Middletown Zoning Board of Review October 27, 2009

The Middletown Zoning Board of Review was held on October 27, 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 McGillvary - 2nd Alternate- Greg Schultz. Town Solicitor- Michael Miller and Zoning Officer -Jack Kane.

Absent at this meeting- 1st. Alternate- Frank Flanagan and 3rd Alternate Michael Potter.

A motion was made by Peter Van Steeden and second by Tom Newman to accept the secretary's minutes of September 22, 2009. Motion carried 5-0

Continuances/Withdrawals:

1. A motion was made by Peter Van Steeden and second by Steve MacGillvary to with draw without prejudice the Petition of Bay Ridge Development Corp. Motion Granted 5-0

2. A motion was made by Tom Newman and second by Peter Van Steeden to withdraw without prejudice the Petition of Wendy and Catherine Cotta without prejudice. Motion granted 5-0

Summary Cases:

1. Petition of: John Ceglarski- 316 Compton View Dr. - Middletown,

R.I. (Owner)- for a Variance from section 603, & 701- to construct a 17'x26' one story garage with a right side yard setback of 19' where 30' is required. Said real estate is located at 316 Compton View Dr. And further identified as Lot 855 on Tax Assessor's Plat 120

A motion was made by Tom Newman and second by Steve McGillvary to grant the petition. Petition granted 5-0

2. Petition of: Christopher Bouzaid- 747 Aquidneck Ave,-Middletown, R.I.(owner)-Cox TMI Wireless, LLC-by their Attorney Ricardo M. Sousa, Esq.-PrinceLobel Glovsky & Tye, LLP-100 Cambridge St. Suite 2200- Boston, Ma.(applicant)-for a Special Use Permit from Article 25-toallow a disguised wireless telecommunication facility on an existing roof top in the L BA zoning district. Said real estate is located at 747 Aquidneck Ave. And further identified as Lot 511 on Tax Assessor's Plat 114

Mr. Scott Lacey presented to the board a site plan with elevation and details. Seeking to install and operate a wireless communications facility consisting of up to (3) wireless telecommunications antennas to be located within (2) two faux chimneys mounted on the roof of the building and to install cables and appurtenant radio equipment. All of the applicant's base station will be located on the lower rooftop of the building and the color will be silver.

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

3. Petition of: WM Hotel Group-c/o First Bristol Corp. -P O Box 2516-fall river, Mass. (Owner)- C ox TMI Wireless, LLC- by their attorney Ricardo M. Sousa, Esq.- Prince Lobel Glovsky & Tye. LLP-100 Cambridge St. Suite 2200- Boston, Ma. (Applicant)- for a special use

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permit from Article 25- to allow a disguised wireless telecommunication facility on an existing rooftop in the GBA zoning district. Said real estate is located at 317 West Main Rd. And further identified as Lot 131 on Tax Assessor's Plat 108

There are 2 carriers now on the roof and this would be the 3rd. Tower in rear meets the property is located in a GBA Zoning District pursuant to Article 2500 & 602 of the Zoning. Ordinance. The applicant's proposal satisfies the requirements for a grant of a Special Use Permit pursuant to Article 9 section 902.A letter dated September 9, 2009 from the Planning Board approving this petition is on file.

A motion was made by Peter Van Steeden t and second by Steve McGillvary to grant the petition. Petition Granted 5-0

4. Petition of: Jeffrey Buckley-1632 Kingston Rd.- Wakefield R.I.-(owner) - Buckley Heating & Cooling. 741 East Main Rd. -Middletown. R.I. (Applicant)- for a Variance from Section 603,- to construct an 8'x16' shed with a right side yard setback of 2' where 5' is required. Said real estate is located at 741 East Main Rd. and

further identified as lot 164 On Tax Assessor's Plat 113.

A motion was made by Lucy Levada and second by Tom Newman to grant the petition and move the shed 2-3 feet from boundary line.

Petition granted 5-0

5. Petition of: Susan Phinney- 44 Bliss Mine Rd. -Middletown, R.I.-(owner)-for a Special Use Permit from section 803A- to construct a 220 sq. ft. Roof deck over the existing flat roof for use by units 4-7 thereby expanding a non-conforming use. Said real estate is located at 44 Bliss Mine Rd and further identified as Lot 18207 on Tax Assessor's Plat 109ne.

Ms. Phinney is asking for a Modification of a previously granted petition that was approved May 26, 2008.

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

Meeting Adjourned – 7:45 p.m.

Respectfully Submitted

Lucy R. Levada

Secretary