

The Middletown Zoning Board of Review Minutes of January 26, 2010

The monthly meeting of the Middletown Zoning Board of Review was held on January 26, 2010 at 7:00 p.m. Present at this meeting were Chairman - Tom Silveira.- Vice chairman- Peter Van Steeden,- Secretary- Lucy Levada-Voting Members- Tom Newman , and Steve McGillvary- Alternates- Greg Schultz, and Michael Potter. Zoning Enforcement Officer Celeste Logothets and Town Solicitor Michael Miller.

Absent: Frank Flanagan. Building Officer -Jack Kane

A Motion was made by Peter Van Steeden and second by Tom Newman to accept the Secretary's minutes of October 13, 2009, October 27, 2009 and November 24, 2009. Motion carried 5-0

Summary cases:

1. Petition of: Joanne McDonough- 12 Wilson Rd.- Middletown, R.I.(owner)- Albert w. Jiacovelli- 26 Tobin Ln.- Bristol. R.I. (Applicant)- for a Variance from Sections 603, 701, & 803G- to construct a 21'x12' deck with a rear yard setback of 31.22' where 50' is required. Said real estate is located at 12 Wilson Rd. And further identified as Lot 132 on Tax Assessor's Plat 106

A Motion was made by Tom Newman and second by Peter Van Steeden to grant the Petition Granted 5-0

2. Petition of: Matthew T. Marcello, 111- 443 Purgatory Rd,- Middletown, R.I.(owner)- by his Attorney Robert M. Silva, Esq.-1100 Aquidneck Ave.-Middletown, R.I.- for a Variance from Sections 603,701,&803G- to allow the existing deck to be replaced with a stone terrace with a rear yard setback of 31' where 50' is required. Said real estate is located at 443 Purgatory Rd. and further identified as Lot 114 on Tax Assessor's Plat 122.

A Motion was made by Steve McGillvary and second by Peter Van Steeden that the east side work being done extends only on the terrace. Petition granted 5-0

3. Petition of: Patrick D. Murphy- 7 Loring St.- Middletown, R.I.(owner) for a Variance from Sections 603, 701,&803G- to construct a 20'x26' second floor addition with a front yard setback of 22' where 25' is required and a left & right side yard setback of 12'where 15'is required. Said real estate located at 7 Loring St and further identified as Lot 51a on Tax Assessor's Plat 121nw

A Motion was made by Tom Newman and second by Steve McGillvary to grant the petition as the petitioner is staying in the envelope of the building. Petition granted 5-0

4. Petition of: Town of Middletown School Department- 26 Oliphant Lane- Middletown, R.I.(owner) MetroPCS, LLC- 285 Billerica Rd- Chelmsford. Mass.(Applicant)- by their Attorney Jackie Slaga, Esq.-95 Indian Trail- Saunderstown, R.I- for a Special Use Permit from Article 25-to allow a disguised wireless telecommunications facility located

inside the existing flagpole monopole in the Public Zoning district and to construct a 20'x20'fenced equipment compound adjacent to the existing fence compound. Said real estate located at 1113 Aquidneck Ave and further identified as Lot 199 on Tax Assessor's Plat 113.

Page 2

Attorney Jackie Slaga stated that Sprint is now on the pole and Metro will be the second company. They will check for repairs 2 times a month. There will be only 1 or 2 more carries that can go on the pole. Mr. Collins from the School Department stated that no effect from existing noise # Exhibit A- Letter in file from Planning Board dated January 20, 2010 approving this application. Board member Tom Newman questioned the size of the American flag that is now flying on the disguised flag pole and stating that it is too small and should have the appropriate flag size. A condition was made to have Mr. Collins get back to the companies and negotiate a larger size flag that would be permitted for that size pole and to continue back to the February 23, 2010 meeting.

5. Petition of: Ari Ellis & Sabrina Holkar-Ellis-C/O their attorney Mathew H. Leys-31 America's Cup Ave.-Newport, R.I. - for a Special Use permit -Section 803A- to allow the alteration of a non-conforming use (multi-family residential) by enclosing and reconfiguring a

covered porch resulting in a 91 sq. ft. Increase for unit #8. Said real estate is located at 575 Tuckerman Ave. And further identified as Lot 12700 on Tax Assessor's Plat 122

A motion was made by Lucy Levada and second by Peter Van Steeden to grant the petition as they meet all the requirements of a Special Use Permit. Petition Granted 5-0

6. Petition of: WMR Group, LLC-c/o Office Depot 33D 6600 N. Military Trail-Boca Raton, Fl. (Owner) -West Marine Products, Inc.-500 Westridge Dr. Waterville, CA.(applicant)-by their Attorney Robert M. Silva Esq. -for a Special Use Permit from Article 12 Section 1211C Table 12-4 to allow the placement of a 238-54 sq ft wall -mounted sign on the front of an existing retail structure where 70 sq. ft. is allowed. Said real estate is located at 370 West Main Rd. And further identified as Lot 130 on Tax Assessor's Plat 108

Exhibit A- West Main Rd, sign 160 sq. ft.- Exhibit B- Paul Hogan Real Estate expert was sworn in and testified that they were allowed 140 sq. ft. By right and the building is 180 ft. wide and is set back from the road.

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

7. Petition of: Gudwhite Corporation Place,LLC- 8 Bartlett Rd.-Middletown, R.I. (Owner)-Cox TMI Wireless.LLC-By their attorney Ricardo M. Sousa Esq.-Prince Lobel Glovsky & Tye, LLP-100 Cambridge .St. Suite 2200- Boston, Mass.(Applicant)- for a Special

Use Permit from Article 25- to allow a disguised wireless telecommunications facility on an existing roof top in the OBA Zoning district. Said real estate is located at 1 Corporate Park Pl. and further identified as Lot 170 on Tax Assessor's Plat 106.

A motion was made by Steve McGillvary and second by Tom Newman to grant the petition with the letter from the Planning Board dated January 20, 2010. Petition granted 5-0

Page 3

8. Petition of: Kenneth J. Alve-24 BayView Ave- Portsmouth R.I. (Owner -Kenneth Alves Jr.194 Thames St. -Newport R.I. Apt #2-(applicant)- for a Special Use Permit from Section 602, Table 6-1-to allow an indoor rollerblade and skateboard facility in the existing 12,480 sq.ft. Building. Said real estate is located at 825 West Main Rd. and further identified as Lot 15C on Tax Assessor's Plat 107 NE.

A Motion was made by Steve McGillvary and second by Peter Van Steeden to grant the petition with the following conditions;

- 1. No loitering outside of the building**
- 2. Stripe parking lot.**

Petition Granted 5-0

Meeting adjourned 9:50 P.M.

Respectfully Submitted

Lucy R. Levada

Secretary