

The Middletown Zoning Board of Review

Meeting Minutes of March 23, 2010

The monthly meeting of the Middletown Zoning Board of Review was held on March 23, 2010 at 7:00pm. Present at this meeting were Chairman Tom Silveira, Vice Chairman Peter Van Steeden, Voting Member Tom Newman, Alternates Greg Schultz and Michael Potter. Also present for the Town of Middletown were Building Officer Jack Kane, Town Solicitor Turner Scott, and Zoning Officer Celeste Logothets. Absent from this meeting were Secretary Lucy Levada, Voting Member Steve McGillvary, and Alternate Frank Flanagan.

Continuances/Withdrawals:

1. Petition of: Peter Gallipeau- PO Box 4286- Middletown, RI (owner)-for a Special Use Permit under Article 11 Section 1103 – to allow the construction of 1 single family dwelling on each of the proposed subdivision lots 2,8,9,10 & 11 Zone 1 of the Watershed Protection District. Said real estate located at Bailey Ave., Sachuest Dr. & Cross Country Ln. and further identified as Lots 4, 217, 218 & 219 on Tax Assessor's Plat 126.

Alternate Zoning Board Member Greg Schultz recused himself from hearing this petition. As a result, there was no quorum available to decide this matter. This petition was continued until the next Zoning

Board Meeting of April 27, 2010.

Continued Cases:

**2. Petition of: Enterprise Center Properties, Inc.- C/O Ms. Deanna Roy
25 Enterprise Center- Middletown, RI (owner)- Embrace Home Loans,
Inc. (applicant)- by their attorney Robert M. Silva, Esq.- 1100
Aquidneck Ave.- Middletown, RI- for a Special Use Permit under
Section 1211E – Table 12-5 to allow the placement of one 32 sq. ft.
wall-mounted internally illuminated channel letter sign on the front
(south) side of an existing office building. Said real estate located at
25 Enterprise Center and further identified as Lot 15B on Tax
Assessor's Plat 113.**

**Attorney Robert Silva offered argument in favor of granting this
petition and called witnesses Raymond Dion and Paul Hogan to
provide testimony. Mr. Raymond Dion of Dion Signs, 491 Providence
Heights, North Smithfield RI, offered testimony regarding the
proposed signage. Mr. Paul Hogan, Real Estate Consultant, 294 Valley
Road, Middletown RI, offered testimony in favor of this petition. No
testimony was offered to oppose this petition.**

**A Motion to grant this petition was made by Peter Van Steeden,
second by Greg Schultz. This petition was approved by a vote of 5-0.**

3. Petition of: Seguin Realty, LLC- 285 East Main Rd.- Middletown, RI

(owner)- Imported Car Company of R.I., Inc. (applicant)- by their attorney Robert M. Silva, Esq.- 1100 Aquidneck Ave.- Middletown, RI- for an Extension from Sections 1203A2, 1203B1, 1204F1, 1204M3, 1205C3- to allow an additional one year extension of the relief originally granted on April 25, 2007. Said real estate located at 285-295 East Main Rd. and further identified as Lot 20A on Tax Assessor's Plat 113.

Attorney Robert Silva offered argument in favor of granting this petition. No testimony was offered to oppose this petition.

A Motion to grant this petition was made by Tom Newman, second by Peter Van Steeden. This petition was approved by a vote of 5-0.

New Cases:

4. Petition of: Black Point Development Corp.- 913 Mitchell's Ln- Middletown, RI (owner)- Sweet Berry Farm, Inc. (applicant)- by their attorney Patrick O'N. Hayes, Jr.- 31 America's Cup Ave- Newport, RI- for a Special Use Permit from Section 602, 722(b) & 902 - to allow an expansion of the existing farm promotion accessory use. Said real estate located at 913 Mitchell's Ln. and further identified as Lot 1 on Tax Assessor's Plat 125.

Attorney Patrick Hayes Jr. offered argument in favor of granting this

petition and called witness Jan Eckhart to provide testimony. Jan Eckhart, Proprietor of Sweet Berry Farm, offered testimony in favor of this petition. No testimony was offered to oppose this petition.

A Motion to grant this petition was made by Peter Van Steeden, second by Greg Schultz. This petition was approved by a vote of 5-0.

5. Petition of: Sandra Malone- 122 Ridgewood Rd.- Middletown, RI (owner)- John N Malone Jr. & Jennifer LeMay- 8B Constellation Ave.- Middletown, RI (applicant)-for a Variance from Section 603,701, 803G & 1601B- to construct a 53'-6" x 24'-5" second floor addition with a right side yard setback of 11.9' and a left side yard setback of 9.6' where 15' is required. The proposed addition is to be utilized as an Accessory Family Dwelling with a floor area of 43% where 35% is allowed. Said real estate located at 122 Ridgewood Rd. and further identified as Lot 4 on Tax Assessor's Plat 107SE.

Applicants John Malone Jr. and Jennifer LeMay offered testimony in support of this petition. No testimony was offered to oppose this petition.

A Motion to grant this petition was made by Peter Van Steeden, second by Greg Schultz. This petition was approved by a vote of 5-0.

6. Petition of: Sandra Malone- 122 Ridgewood Rd.- Middletown, RI

(owner)- John N Malone Jr. & Jennifer LeMay- 8B Constellation Ave.- Middletown, RI (applicant)-for a Special Use Permit from Article 16 & Section 902- to allow the construction of an Accessory Family Dwelling. Said real estate located at 122 Ridgewood Rd. and further identified as Lot 4 on Tax Assessor's Plat 107SE.

Applicants John Malone Jr. and Jennifer LeMay offered testimony in support of this petition. No testimony was offered to oppose this petition.

A Motion to grant this petition was made by Tom Newman, second by Peter Van Steeden. This petition was approved by a vote of 5-0.

7. Petition of: City of Newport Water Department- 43 Broadway- Newport, RI (owner)- Cox 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 Permit under Article 25 & Section 902 - to allow a wireless communications facility on the top of the existing water tank. Said real estate located at 219 Reservoir Rd. and further identified as Lot 73 on Tax Assessor's Plat 121NW.

Attorney Joseph Giammarco offered argument in favor of granting this petition. No testimony was offered to oppose this petition.

A Motion to grant this petition was made by Greg Schultz, second by Tom Newman. This petition was approved by a vote of 5-0.

8. Petition of: 741 West Main LLC c/o Kenneth J Alves- PO Box 4360- Middletown, RI (owner)- Maia Chrupcala- 40 Callender Ave- Newport, RI (applicant)-for a Special Use Permit from Section 602- to allow a Dog Day Care. Said real estate located at 741 West Main Rd. and further identified as Lot 452 on Tax Assessor's Plat 107NE.

Applicant Maia Chrupcala offered testimony in support of this petition. Mr. Kenneth Alves, 24 Bay View Ave, Portsmouth RI, offered testimony in support of this petition. No testimony was offered to oppose this petition.

A Motion to grant this petition was made by Peter Van Steeden, second by Greg Schultz. This petition was approved by a vote of 5-0 with the following conditions; no overnight boarding, a copy of both the rabies certificate and dog license must be kept on file on the premises.

This meeting adjourned at approximately 9:30pm.

Respectfully submitted by,

Michael Potter

Third Alternate/Zoning Board of Review