

**MIDDLETOWN ZONING BOARD OF REVIEW
MEETING MINUTES FOR FEBRUARY 23, 2010**

The monthly meeting of Middletown Zoning Board of Review was held on February 23, 2010 at 7:00pm. Roll Call: Present at the meeting were Chairman, Tom Silveira , Vice Chairman, Peter Van Steeden, Tom Newman, Stephen MacGillivray (acting secretary), Frank Flanagan, (1st alternate voting), Michael Potter (2nd alternate voting). Greg Schultz and Secretary Lucy Levada were absent.

The previous month's minutes were unanimously adopted.

Continuances/Withdrawals:

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. Request for continuance due to an expert scheduling conflict. Continued 3/23/10.

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 submitted letter seeking continuance. Continued 3/23/10.

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. Within watershed protection area – no recommendation yet. Continued 3/23/10.

Summary Cases:

Petition Of Christian & Helmute Casagrande- 619 Indian Ave.- Middletown, RI (owners)- Christian Casagrande (applicant)-for a Variance from Sections 603, 701 & 803G - to construct a 24' x 18' two story addition with a front yard setback of 32' where 40' is required. Said real estate located at 619 Indian Ave, and further identified as Lot 72.1 on Tax Assessor's Plat 129.

Peter Van Steeden moved that the petition be granted. Stephen MacGillivray seconded the motion. Granted 5 – 0.

Continued Cases:

Petition of Town of Middletown School Department- 26 Oliphant Lane- Middletown, RI (owner) - 1VletToKS, LLC- 285 Billerica Rd- 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 disguised wireless telecommunications facility located inside the existing flagpole monopole in the Public zoning district and to construct a 20' x 20' fenced equipment compound adjacent to the existing fenced compound. Said real estate located at 1113 Aquidneck Ave, and further identified as Lot 199 on Tax Assessor's Plat 113.

Michael Potter votes on this continued case. Attorney Slaga represents that the flag/flag pole issues has been resolved. Peter Van Steeden moves to grant the petition. Michael Potter seconds. Granted 5 – 0.

New Cases:

Petition of Mile One, LLC- C/O First Bristol Corp.- PO Box 2516- Fall River, MA (owner)- Clare Dodge Chrysler Jeep of Newport (applicant)- by their Attorney Mark Bardorf Esq. -36 Washington Sq.- Newport, RI-for a Special Use Permit under Section 1211 Tables 12-2, 12-3 & 12-4 - to allow a freestanding monument sign with a height of 8' where 4' is allowed and (5) internally illuminated channel letter building mounted signs totaling 125.5 sq, ft. where 60 sq_ ft. and (2) signs are allowed. Said real estate located at 310 West Main Rd. and further identified as Lot 168 on Tax Assessor's Plat 108NW.

Attorney Mark Bardorf represents petitioner. Attorney Bardorf presents argument for hardship. Mr. Kane states that petitioner has worked with his office in order to seek the minimum variance possible. Frank Flanagan moves that the petition be granted upon the condition that translucent signs be made not translucent. Stephen MacGillivray seconds. Under advisement, the board states that the petitioner has satisfied the stated requirements for a variance under the zoning ordinance. Granted 5 – 0 with condition that signs not be translucent.

Petition of Barry Flynn- 22 Rhode Island Ave.- Newport, RI (owner)-Roger & Joanne Boudreau- 49 Ward Ave.- Middletown, RI (applicant)- for a Special Use Permit under Section 602 - to allow an acupuncture practice, Said real estate located at 126 West Main Rd, and further identified as Lot 11B on Tax Assessor's Plat 108SW.

Petitioner represent that the hours of the business will be 8:00 am to 7:00 pm. Frank Flanagan moves that the petition be granted. Stephen MacGillivray seconds. Granted 5 – 0.

Meeting Adjourned 8:10 p.m.

Acting Secretary- Stephen J. MacGillivray