

The Middletown Zoning Board of Review

Meeting Minutes of October 26, 2010

The monthly meeting of the Middletown Zoning Board of Review was held on October 26, 2010 at 7:00pm. Present at this meeting were Chairman Tom Silveira, Vice Chairman Peter Van Steeden, Voting Member Tom Newman, Voting Member Steve MacGillivray, Alternates Greg Schultz and Michael Potter. Also present for the Town of Middletown were Zoning Officer Jack Kane, and Town Solicitor Michael Miller. Zoning Board Members absent from this meeting were Secretary Lucy Levada, and Alternate Frank Flanagan.

Roll call was taken and the meeting was called to order at 7:07pm.

Continuances/Withdrawals:

1. Petition of: Luise Strauss – 485 Paradise Ave. Middletown, RI (owner) – by her attorney Richard A. Sherman – 2800 Financial Plaza, Providence, RI – for a Special Use Permit from Section 25A03 (A) – to construct and operate a nominal one megawatt (1 MW) wind turbine. Said real estate located at Reservoir Road and further identified as Lots 14, 17(B) and 23 on Tax Assessor's Plat 121.

Zoning Board Member Steve MacGillivray recused himself from hearing this petition. Luise Strauss, through her attorney Richard A. Sherman, has requested that this petition be withdrawn with

prejudice. A motion was made by Peter Van Steeden to withdrawn this petition with prejudice. Motion to withdraw with prejudice was approved by a vote of 5-0.

2. Petition of: Karmik, LLC – 265 Prospect Ave. – Middletown RI (owner) by their attorney Joseph R. Palumbo Jr. – 294 Valley Rd. – Middletown, RI – for a Variance from Sections 602, 603, 2302 E, 2303, 2304, 2306, 2307,2309, 2310A 2, 2310 B, and 2311 D – to permit the placement of up to 26 mobile homes in the existing legal non-conforming Mobile Home Park. Said real estate located at 265 Prospect Avenue and further identified as Lot 46 on Tax Assessor’s Plat 120.

Zoning Officer Jack Kane noted that the Petitioner has requested this matter be withdrawn. Motion was made by Peter Van Steeden to withdraw this petition without prejudice. Motion to withdraw without prejudice was approved by a vote of 5-0.

Petition of: Karmik, LLC – 265 Prospect Ave. – Middletown RI (owner) by their attorney Joseph R. Palumbo Jr. – 294 Valley Rd. – Middletown, RI – for a Special Use Permit from Section 2301 - to permit the placement of up to 26 mobile homes in the existing legal non-conforming Mobile Home Park. Said real estate located at 265 Prospect Avenue and further identified as Lot 46 on Tax Assessor’s Plat 120.

Zoning Officer Jack Kane noted that the Petitioner has requested this matter be withdrawn. Motion was made by Peter Van Steeden to withdraw this petition without prejudice. Motion to withdraw without prejudice was approved by a vote of 5-0.

3. Petition of: Gerald F. & Linda M. Cerce Trust – 143 Meeting Street – Providence, RI (owners) – by their attorney Robert M. Silva, Esq. – 1100 Aquidneck Avenue – Middletown, RI – for a Variance from Sections 603, 701, & 803G – to allow the expansion of an existing single family dwelling with a rear yard setback of 4’8” where 60’ is required and a front yard setback of 21’5” where 40’ is required. Said real estate located at 611 Indian Avenue and further identified as Lot 72.3 on Tax Assessor’s Plat 129.

Zoning Officer Jack Kane noted that the Petitioner has requested this matter be continued to the next Zoning Board Meeting on November 23, 2010.

4. Petition of: Peter Gallipeau – P.O. Box 4286 – Middletown, RI (owner) – for a Special Use Permit from Article 11 and Section 1103 – to allow the construction of a single family dwelling on proposed subdivision lot #9 located in Zone 1 of the Watershed Protection District. Said real estate located at Bailey Avenue, Sachuest Drive, and Cross Country Lane and further identified as Lot 4 on Tax Assessor’s Plat 126.

Zoning Officer Jack Kane noted that the Board does not have proper quorum for this matter be continued to the next Zoning Board Meeting on November 23, 2010.

Petition of: Peter Gallipeau – P.O. Box 4286 – Middletown, RI (owner) – for a Special Use Permit from Article 11 and Section 1103 – to allow the construction of a single family dwelling on proposed subdivision lot #10 located in Zone 1 of the Watershed Protection District. Said real estate located at Bailey Avenue, Sachuest Drive, and Cross Country Lane and further identified as Lot 4 on Tax Assessor’s Plat 126.

Zoning Officer Jack Kane noted that the Petitioner has requested this matter be continued to the next Zoning Board Meeting on November 23, 2010.

Summary Cases:

1. Petition of: Robert L. & Margaret K. Ceres – 423 Purgatory Rd. – Middletown, RI (owners) – Robert L. Ceres (applicant) – for a Variance from Sections 603, 701, & 803G – to construct a single story two car garage with a front yard setback of 17’ 2” where 40’ is required. Said real estate located at 26 Ashurst Avenue and further identified as Lot 110 on Tax Assessor’s Plat 122.

Motion was made by Tom Newman to approve this petition. Peter Van

Steeden noted that there is no appearance of unreasonable encroachment. Motion to approve this petition was granted by a vote of 5-0.

2. Petition of: Loretta Marchese – 23 Everett Street – Middletown, RI (owner) – for a Variance from Sections 603, 701, & 803G – to construct a 4' x 13' front deck with a front yard setback of 16' 4" where 25' is required. Said real estate located at 23 Everett Street and further identified as Lot 6 on Tax Assessor's Plat 108SE.

Motion was made by Peter Van Steeden to approve this petition, second by Tom Newman. Motion to approve this petition was granted by a vote of 5-0.

New Cases:

1. Petition of: Middletown Methodist Church – C/O Rev Amy Alletzhauser – 24 Jib Ct.- Middletown, RI (owner) – Calvary United Methodist Church (applicant) – for a Special Use Permit from Section 1211 (D) (1) (a) – to allow a 16 square foot freestanding post sign where 6 square feet is allowed for the Methodist Community Garden. Said real estate located at 200 Turner Road and further identified as Lot 30 on Tax Assessor's Plat 119.

Mr. Richard Adams, Ms. Lynn Wood and Rev. Amy Alletzhauser

provided testimony on the construction/design of the proposed sign as well as the operations of the Methodist Community Garden.

Peter Van Steeden noted that although the proposed sign is oversized, it would be constructed in a low-density area. Tom Silveira added that the proposed site supports the dimensions of this sign. Motion was made by Tom Newman to approve this petition, second by Peter Van Steeden. Motion to approve this petition was granted by a vote of 5-0.

This meeting adjourned at approximately 7:35pm.

Respectfully submitted by,

Michael Potter

Second Alternate/Zoning Board of Review