

The Middletown Zoning Board of Review

Meeting Minutes of January 11, 2011

The Middletown Zoning Board of Review held a meeting on January 11, 2011 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, Michael Potter and Frank Flanagan. Also present for the Town of Middletown were Building Officer Jack Kane, and Town Solicitor Turner Scott. Secretary Lucy Levada was absent from this meeting.

Roll call was taken and the meeting was called to order at 7:10pm.

Adoption of the Zoning Board Meeting minutes of November 23, 2010 was approved by a vote of 5-0.

Continuances/Withdrawals:

1. 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.

David Martland, attorney for the Petitioner, requested that this case be continued to the next Zoning Board Meeting scheduled for January 25, 2011.

2. 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.

David Martland, attorney for the Petitioner, requested that this case be continued to the next Zoning Board Meeting scheduled for January 25, 2011.

3. 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.

David Martland, attorney for the Petitioner, requested that this case be continued to the next Zoning Board Meeting scheduled for

January 25, 2011.

4. 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.

Robert Silva, attorney for the Petitioner, requested that this case be continued to the Zoning Board Meeting scheduled for February 23, 2011.

5. Petition of: 1235 WMR, LLC and Avenir Realty, LLC – PO Box 4559 – Middletown, RI (owners) – by their attorney Patrick O’N Hayes, Jr. – 31 America’s Cup Ave. – Newport, RI – for a Special Use Permit from Sections 602 & 1800-1811 – to allow a shopping center in a General Business Traffic Sensitive (GBA) zone. Said real estate located at 1235 West Main Rd. and further identified as Lot 87 on Tax Assessor’s Plat 106.

Building Officer Jack Kane noted that this petition is presently under review by the Middletown Planning Board.

6. Petition of: Paradise Realty, LLC – 470 Old Baptist Rd. – North Kingstown, RI (owner) – by their attorney Stephen M. Litwin, Esq. – 1 Ship St.- Providence, RI – for a Special Use Permit from Article 11 – to construct a single family dwelling in Zone 1 of the Watershed Protection District. Said real estate located at Bailey Ave. and further identified as Lot 916 on Tax Assessor’s Plat 120.

Building Officer Jack Kane indicated that the Petitioner has requested a continuance to the Zoning Board Meeting scheduled for January 25, 2011.

Summary Cases:

1. Petition of: James J. O’Connell, III – 93 Shore Dr. – Middletown, RI (owner) – by his attorney Robert M. Silva, Esq. – 1100 Aquidneck Ave. – Middletown, RI – for a Variance from Sections 603 & 701 – to construct a rear deck with a rear yard setback of 23’ where 30’ is required. Said real estate located at 93 Shore Drive and further identified as Lot 14 on Tax Assessor’s Plat 116 SE.

Attorney Robert Silva presented the Petitioner’s case. Tom Newman made a motion to grant the petition, second by Peter Van Steedan. Motion to approve this petition was granted with a vote of 5-0.

Continued Cases:

1. Petition of: Middletown Acquisition Group, LLC – 287 Third Beach Rd. – Middletown, RI (owner) – Reining Hope Therapeutic Riding (applicant) – by their attorney Vernon L. Gorton, Esq. – for a Variance from Sections 312, 903 & 802A – To allow the replacement of a 16' x 66' single story structure which, prior to destruction, was a pre-existing structure dimensionally nonconforming to setbacks, for use as tack room, bathroom, office and meeting space. Said real estate located at 287 Third Beach Rd. and further identified as Lot 51 on Tax Assessor's Plat 126.

Attorney Vernon Gorton presented the Petitioner's case. Peter Van Steedan made a motion to grant the petition, second by Greg Schultz. Motion to approve this petition was granted with a vote of 5-0.

New Cases:

1. Petition of: Michael J. & Patricia Graham Nunes – 25B Wayside Ave. – Middletown, RI (owners) – by their attorney David P. Martland, Esq. – 1100 Aquidneck Ave. – Middletown, RI – for a Variance from Sections 603 – to allow the creation of a lot with 24' of frontage where 100' is required. Said real estate located at 25 & 25B Wayside Ave. and further identified as Lot 102 & 102A on Tax Assessor's Plat 121 NW.

Zoning Board Chairman Tom Silveira recused himself from hearing this petition. Attorney David Martland presented the Petitioner's case and Michael Nunes provided testimony in support of this petition. Tom Newman made a motion that this petition be granted subject to the condition that Lot 102A not be further subdivided, second by Steve MacGillivray. Motion to approve this petition with the condition was granted by a vote of 5-0.

This meeting adjourned at approximately 8:00pm.

Respectfully submitted by,

Michael Potter

Second Alternate/Middletown Zoning Board of Review