

**6. Petition of: George Patrons
Husbandry-----August 23, 2011**

Summary Cases:

1. Petition of : Ben & Kim Hancock- 98 Ellery Ave._ Middletown, R.I. (owner)- for a Variance from Sections 603, & 701- to construct a 8'x10'-6" deck with a left side yard setback of 9' where 15' is required . Said real estate is located at 98 Ellery Road and further identified as Lot 191 on Tax Assessor's Plat 115SE.

A motion was made by Peter Van Steeden and second by Steve MacGillivray, to grant the petition for full enjoyment of their home. Petition Granted 5-0.

Full Hearing:

2. Petition of: Bonnie Zimble- PO Box 3129 Newport R.I.-(owner) K.J.'s Pub Inc.59 Aquidneck Ave. Middletown R.I. (applicant)-by their Attorney Jeremiah C Lynch, 111- for a Special Use Permit from Section 602- to permit additional outside seating where alcohol will be served. Said real estate is located at 59 Aquidneck Ave, and further identified as Lot 169 on Tax Assessor's plat 115SE.

A motion was made by Peter Van Steeden and second by Charles Vaillancourt to deny the petition .Motion carried 5-0 -to approve and adopt Attorney Silva's finding of facts for the Special Use Permit

3. Petition of: Bonnie Zimble- PO Box 3129 Newport, R.I. (owner) K.J.'s Pub Inc. 59 Aquidneck Ave.-Middletown R.I. (applicant) - By their Attorney Jeremiah Lynch 111-for a Variance from Sections 603, 701,803G &1304- to construct a roof over south side entry door with a side yard setback of 8' where 20' is required, increase lot coverage to 29% where 25% is allowed and increase capacity by 32 people requiring 10 additional parking spaces where 0 additional parking

Page 2

spaces are provided. Said real estate is located at 59 Aquidneck Ave, and further identified as Lot 169 on Tax Assessor's Plat 115SE. A motion was made by Peter Van Steeden and second by Charles Vaillancourt to deny the petition for a Variance and to approve and adopt Attorney Robert Silva's Finding of Facts. Motion carried 5-0

4. Petition of: Kenneth J. Alves-PO Box 4360-Middletown, R.I. (owner) by his Attorney David P. Martland, Esq. 1100 Aquidneck Ave. - Middletown, R.I., - for a Variance from section 1304- to allow 131 parking spaces where only 114 spaces are permitted (17 spaces Variance.) Said real estate is located at 52 Valley Road &238 East Main Rd. and further identified as lot 103& 104on Tax Assessor's Plat 107SE.

Town Solicitor Michael Miller had to recuse himself from Mr. Alves

petition Assistant Solicitor

Jackson will be our advisor on this petition.

David Martland states that the site plan has been revised from 131 parking spaces to 130 spaces.

#EXHIBIT 1- Parking lot site plan Minimum parking spaces 114 asking 130 to allow DMV employees parking on main lot.

1. Conditions by Peter van Steeden and Charlie Vaillancourt Merge lot standard with 9 x18

2. Ask chief for a sign on East Main Rd. and ask the opinion of the chief of police if we need a no left turn sign on curb cut on East Main Rd.

Motion carried 5-0

5. Petition of: Linx- 875 Aquidneck Ave. -Middletown, R.I,-(owner) Blowfish Embroidery Inc. c/o Stephanie Desmond-871 Aquidneck Ave,-Middletown, R.I. (applicant)- for a variance from section 1208A-to Allow an off premises sign. Said real estate located at 871 & 875 on Tax Assessor's Plat 114.Aquidneck Ave, and further identified as Lots 136 & 657 on Plat 114.

Olin Gambrell recuse himself from this petition

A motion was made by Lucy Levada and second by Peter Van Steeden to grant the petition. Petition Granted 5-0

6. Petition of: Creative Properties, Inc. 796 Aquidneck Ave. - Middletown, R.I. (owner) Custom House Coffee, LLC (applicant) by their Attorney Mary Jo Carr 47 Long Wharf Mall- Newport, R.I. for a

Special Use Permit from section 602, to include the provision of alcoholic beverages to complement Custom House Coffee's existing restaurant facilities. Said real estate is located at Aquidneck Ave. And further identified as Lot 92A on Tax Assessor's Plat 114

Abutters were sworn in and testified against the petition. Robert Mastin spoke on hours of operation and was against a full liquor license. Wendy Perdy wants a condition that liquor would not be served outside. Angel Pello 803 Aquidneck Ave spoke on a condition of giving the Liquor License back to the town if they no longer need it.

Creative Properties stated that they will only have Coffee related Liquor drinks, and beer and wine.

A motion was made by Peter Van Steeden and second by Charles Vaillancourt to grant the petition 1-4 with Lucy Levada voting in the negative.

Page 3

7. Petition of Louise Von Mayrhauser Struss-485 Paradise Ave. (owner) by her attorney Robert M. Silva -Middletown, R.I. for a Special Use Permit from Section 1106B-

To allow an addition to expand a single family residential structure located in Zone 1 of the Water Shed Protective District. Said real estate is located at 485 Paradise Ave. and identified as Lot 17 on Tax Assessor's Plat 121

Board member Steve MacGillivray recuse himself from this petition and 1ST alternate James Miller will be the voting member on this petition.

Exhibit#1 Attorney Silva presented a 5 page study on the National Resource Assessment of Surface and Ground Water Impact. Letter on file from Town Planner Ron Wolanski dated July 7, 2011 to the Planning Board. Letter to Building Officer Jack Kane from the Conservation Commission case 20133. Letter from Director of Public Works June 6, 2011 approving this petition

Paul Hogan Real Estate Expert stated that he is in favor of this petition and stated that this would be better for the Maidford River with this system.

A motion was made by Peter Van Steeden and second by Charles Vaillancourt to grant the petition with all the recommendation from all the letters from all the Boards and that they meet all the requirements. Petition granted 5-0

Appeal:

8. Petition of: Recycling Association, Inc. (applicant) by their Attorney Richard E. Fleury- 33 College Hill, Rd.-Ste, 20F-Warwick R.I. For an from Article 901- to appeal the Middletown Zoning Officer's order to remove all Recycling Bins owned by Recycling Associates Inc. That is located in the Town of Middletown.

Mr. Roch was sworn in and testified that he collects all the unwanted clothes for a reason and sends the clothes to the 3 world countries. It

also helps keeping clothing out of the land fill.

A motion was made by Peter Van Steeden and second by Charles Vaillancourt to rule to uphold the decision of the Zoning Officer.

Motion granted 5-0

Meeting adjourned 10:00 pm

Respectfully submitted

Lucy R. Levada

Secretary