

Middletown Zoning Board of Review Minutes of October 25, 2011

The Monthly Meeting of The Middletown Zoning Board was held on October 25, 2011 at 7:00. Present at this meeting were Chairman-Tom Silveira-Vice Chairman- Peter Van Steeden-Secretary-Lucy Levada-Board members- Steve MacGillivray, Charles Vaillancourt, 1st Alternante-James Miller, 2nd Alternate-Nicholas Pasyanos -3rdAlternante-Olin Gambrell, Town Solicitor Turner Scott and Zoning Official Jack Kane.

A motion was made by Peter Van Steeden and second by Charles Vaillancourt to accept the Secretary's minutes of September 27, 2011. Motion carried 5-0

CONTINUANCES/WITHDRAWALS:

- 1. Coddington Reality Trust-----January 24, 2012**

PETITIONS HEARD:

- 1. Petition of: Charles M. Collins- 213 Fisher Circle-Portsmouth, R.I.- (owner) -for a Variance from Section 1209- to allow 12 sq. ft. address sign where 1.5 sq. ft. is allowed and with a height of 8'6" where 4 ft is allowed. Said real estate is located at 939 West Main Road and further identified as Lot 118 on Tax Assessor's Plat 106.**

This petition was continued from the September meeting. The 5 Voting members on this petition are Tom Silveira, Peter Van Steeden, Charles Vaillancourt, Nick Pasyanos and Olin Gambrell.

A motion was made by Peter Van Steeded and second by Charles Vaillincourt to accept testimony from the September meeting and vote on this at the October 25, 2011 meeting.

A motion was made to grant the petition by Olin Gambrell and second by Charles Vaillincourt to grant the petition. Petition granted 5-0

On the Sweetberry Farm petition Charles Vailliancourt, Steve MacGillivary, Tom Silveira have recluse themselves from this petition and the voting members are Vice-Chairman Peter Van Steeden, Lucy Levada, Nick Pasyanos, James Miller and Olin Gambrell.

2. Petition of ; Sweet Berry Farm, Inc. 913 Mitchell's Lane- Middletown, R.I. (Owner)- by their Attorney Patrick O'N Hayes Jr.- 31 Americas Cup Ave. -Newport, R.I.- for a Special Use Permit from Sections 602, & 722- to modify the existing Special Use permit for a Farm promotion accessory use with a majority of products raised on the premises, to allow the inclusion of arts and crafts and to allow the farm promotion accessory kitchen to do catering, sandwiches and other food stuffs for consumption on and off the premises and allow events in the barn and outside. Said real estate is located at 915 Mitchell's Lane and further identified as Lot 1 on Tax Accessory's Plat 125

3. Petition of: Sweet Berry Farm, Inc. 913 Mitchell's Lane- Middletown, R.I. (owner)- by their Attorney Patrick O'N Hayes, Jr. -31 American Cup Ave. Newport, R.I.- for a Variance from Page 2

Section 400 & 722 for a Farm Promotion Accessory Use , with a majority of products raised on the premises to allow the inclusion of arts and crafts, with a farm promotion accessory kitchen to do catering , sandwiches and other food stuffs for consumption on and off the premises and allow events in the barn and outside . Said real estate is located at 915 Mitchell's Lane and further identified as Lot 1 on Tax Assessor's Plat 125.

Attorney Patrick Hayes stated that Mr.Eckhart in 1984 came to the Zoning Board to build a stand sell trees and Straw berries and again in 1996 for a special use to farm full time and go from a goat shed to sell his produce. He later came back in 2004 for a new stand, from a goat stand he is now asking for a cabin type store to sell and add more products to sell inside. In 2010 Mr. Eckart is now asking for an expansion to his barn for farm storage and again the Board approved this. Now 2011 he is asking for a Special Use and a Variance.

Mr. & Mrs. Legion abutters spoke against this petition stating that Mr. Eckart is already doing what he is asking for in this petition. The only things that he is growing on his land are different kinds of berries. By

allowing the barn to have an accessory kitchen will now be a restaurant and catering service. There are 3 different businesses going on there in a R-30 district. This farm has grown into a huge business. Tractor trailer trucks are coming in with items that they have ordered to sell in their store from different vendors. This is causing a traffic problem on Wyatt Road. And also the concerts that they hold. This property is Zoned Residential-30.

A Motion was made by James Miller and second by Olin Grinell to grant the Special Use and Variance with conditions that the driveway going to Mitchell's Lane be paved before the end of 2011. That all trucks and farm equipment exit on Third Beach Road. The concert hours will be determined by the Town Council.

Petition Granted 1-4 with Lucy Levada voting in the negative and stating that this has grown into a huge paying business not a farm and is not a hardship. This would create a nuisance in the Residential Area.

Meeting Adjourned 9:30

Respectfully Submitted

Lucy R. Levada

Secretary