

The Middletown Zoning Board of Review Minutes for March 27, 2012

The Monthly Meeting of the Middletown Zoning Board of review was held on March 27,2012 at pm 7:00 p.m. Present at this meeting were Chairman –Tom Silveira, Vice Chairman –Peter Van Steeden, Secretary- Lucy Levada, Steve MacGillivary, Alternates-James Miller, Nicholas Pasyanos , Olin Gambrell Town Solicitor- Turner Scott ,Russell Jackson and Building Official- Jack Kane. Due to the absence of Charles Vaillincourt 1st Alternate James Miller will be a voting member of the board.

A motion was made by Peter Van Steeden and second by Steve McGillivary to accept the Secretary’s minutes of February 28, 2012 motion carried 5-0

Continuances/Withdrawals:

1. Petition of: 210 Coddington Realty Trust-----May 24,2012

FULL HEARING:

1. Petition of: Richard Bowler- 1 Beachview Terr.-Middletown, R.I. (owner)-Dwayne J. Paiva-410A East Main Rd. –Middletown R.I. (applicant)-for a Variance from Sections 603, 701,&703D- to construct a 24’x28’ detached garage with a front yard setback on Beachview Terrace of 20’ where 25’ is required, an easterly side yard setback of 5’ where 15’ is required and a height of 25’ where 15’ is allowed, Said real estate is located at 1 Beach view Terr. and further identified as Lot 18 on Tax Assessor’s Plat 121SW.

A motion was, made by Peter Van Steeden and second by Steve McGillivary to grant the petition with the height to be no greater than 16.5' and 25' from front. Petition granted 5-0

2. Petition of Francis Spillane-33 Arnold Ave.-Newport, R.I(owner) –for a Variance from sections 603,& 701- to construct a 30'x 42' two story single family dwelling with left and right side yard setbacks of 10' where 15' is required. Said real estate is located at Beacon Street and further identified as Lot 194A on Tax Assessor Plat 108NW.

Abutters Manual Mello, Mr. Barrera spoke against this petition on the height and the size of the of the house on a small lot and stated that the applicant knew the size of the lot when he bought it 3 months ago. And did not get with the abutters.

A motion was made by Steve McGillivary and second by Peter VanSteeden to grant the petition with the condition to move 15' To 11'. Petition granted 4-1 with Lucy Levada voting in the negative.

3. Petition of Michael Skelly- 19 J H Dwyer Dr. Middletown, R.I. (owner)- for a Special Use Permit from Article 16-to allow an Accessory family dwelling unit . Said real estate is located at 9 J H Dwyer Dr. and further identified as Lot 426 on Tax. Assessor's Plat 105.

A motion was made by James Miller and second by Peter Van Steeden to grant the petition. Petition granted 5-0.

Town Solicitor Russell Jackson Heard the following Petitions.

4. Petition of. John and Sharon Richardson-28 Ocean View Drive-Middletown, R.I. (Owner)-by their Attorney Patrick O.N. Hayes Jr.- 31 American Cup Avenue-Newport, R.I.-for a Special Use Permit from Sections 602,and 719B- to allow mixed residential and commercial uses within the existing building and allowing the conversion of the second floor space into a dwelling unit . Said real estate is located at 58 Aquidneck Ave and further identified as Lot 1803 on Tax Assessor's Plat 116NW.

Mr. Richardson stated that there is no change it will still remain as one apartment.

Peter Van Steeden recued himself on this petition and Nicholas Pasyanos will be the voting member.

A motion was made by Steve McGillivary and second by Lucy Levada to grant the petition. Petition granted

5. Petition of: M&MRealty Associates LLC-c/o M. Stephan Bucolo-168 Busher Dr. Middletown, R.I. (owner)-Wamm Inc./Anthony's Seafood-963 Aquidneck Ave.-Middletown R.I.(applicant)-for a variance from Sections 603,701,&803G- to allow the construction of a roof over the existing outdoor patio area with a left side yard setback of 8.5' where 20'is required. Said real estate is located at 963 Aquidneck Ave. and further identified as Lot 302 on Tax Assessor's Plat 113.

A motion was made by Steve McGillivary and second by James Miller to grant the petition. Petition granted 5-0

6. Petition of: Mile One, LLC-1100 Aquidneck Ave.-Middletown,

R.I.(owner)-by their Attorney Robert M. Silva, Esq.-for a Special Use Permit from Sections 602&1400-seeking to modify the proposed footprint and floor area of a previously granted special use permit to construct and operate a 92 room hotel. Said real estate is located at 310&348 West Main Rd. and further identified as Lot 163&168 on Tax Assessor's Plat 108NW.

A revised site plan showing the area above the pool will be added for living space to increase size of the rooms. Letter dated March 19, 2012 from the Planning Board approving plans.# exhibit A -1st written decision be incorporated in the decision except the witness testimony and the finding of facts. A butter Many Mello asked question about the water runoff, size of building and parking.

A motion was made by Peter Van Steeden and second by Steve McGillivary to grant the petition with conditions 1. Incorporate previous finding of facts in previous decision and Planning Board letter dated March 7 & 19, 2012 Petition granted 5-0

7. Middletown Self Storage, LLC-1100 Aquidneck Ave. Middletown, R.I.-(owner)-by their Attorney David P. Martland, Esq.-for a Special Use Permit from section 602,&605- to construct an attached addition to the existing self storage facility resulting in a 43,723 sq ft (35,000 sq. ft. permitted) and an additional 3,000sq.ft. and alone building. Said real estate is located at 909 Aquidneck Ave. and further identified as Lot 758 on Tax Assessor's Plat 114.

Paul Hogan Real Estate expert spoke on how Aquidneck Ave. has mixed uses and the addition to the self storage would not change the

area. Hours would be 8:30-7:00pm and Saturday 8:30-1:00p.m.there would be a Lock out at 10:00 p.m. Mr. Gray an abutter stated he can see the building and would like to but in a berm of some kind.

A motion was made by Peter Van Steeden and second by James Miller with condition that no U Haul vehicles including the big mobile box be out in front of building. Petition granted 5-0

Lucy Levada recued herself from the Sandpiper Cottages petition. James Miller will take the minutes of that petition.

Meeting adjourned 10:00 p.m.

Respectfully Submitted

Lucy R. Levada
Secretary