

January 29, 2013

The monthly meeting of Middletown Zoning Board of Review was held on January 29, 2013 at 7:00pm. Roll Call: Present at the meeting were Chairman, Peter Van Steeden , Vice Chairman, Thomas Silveira, Stephen MacGillivray (acting secretary), Charles Vaillincourt; Nicholas Pasyanos and Olin Gambrell (alternate).

Administrative: Minutes were from January 8, 2013 were not voted upon.

The following matters were continued or withdrawn:

Petition of: 210 Coddington Realty Trust- c/o Evan S. Leviss Esq.- 15 Old Beach Rd- Newport, RI (applicant)- To appeal the issuance of Sign Permit# S-2011-00000221 under Section 317 of the Middletown Zoning Ordinance issued on June 10, 2011 to reface the existing off premise sign. Said real estate located at the corner of Underwood Lane adjacent to 210 Coddington Highway. Continued to March 26, 2013.

Petition of: Philip John Rondina- 379 Third Beach Rd- Middletown, RI (owner) - by his attorney Robert M. Silva, Esq.- 1100 Aquidneck Ave- Middletown, RI- for a Special Use Permit from Section 1103- to permit the construction of a single family dwelling pursuant to plans filed herewith, located in Zone 1 of the Watershed Protection District. Said

real estate located at Cordeiro Terr. and further identified as Lot 59 on Tax Assessor's Plat 126. Continued to March 26, 2013.

Petition of: Philip John Rondina- 379 Third Beach Rd- Middletown, RI (owner)- by his attorney Robert M. Silva, Esq.- 1100 Aquidneck Ave- Middletown, RI- for a Variance from Section 603 & 701- to permit the construction of a single family residential structure with a side yard setback of 16.1' where 30' is required and with a rear yard setback of 55.3' where 60' is required. Said real estate located at Cordeiro Terr. and further identified as Lot 59 on Tax Assessor's Plat 126. Continued to March 26, 2013.

Petition of: Eugene D. Sullivan, Roberta Costello & Michael S. Chechette (owners) - c/o their attorney Robert M. Silva, Esq.- 1100 Aquidneck Ave- Middletown, RI- Vincent & Laurie Sansone- 325 Oregon Rd- Cheshire, CT (applicants)- for a Variance- from Section 603 & 701- to allow the construction of a single family dwelling with a side yard setback of 5' where 15' is required. Said real estate located at 79 Crest St. and further identified as Lot 141 on Tax Assessor's Plat 116NE. Continued to February 26, 2013.

Petition of: KSL Investments- 1405 Douglas Ave- N. Providence, RI (owner)- Papa Gino's Inc. d/b/a D'Angelo- 600 Providence Highway- Dedham, MA (applicant)- by their attorney Robert M. Silva, Esq.- for a Special Use Permit from Sections 902; 1212(A), 1212(B)(2), and 1212(F)- to permit three (3) wall-mounted signs where two (2)

wall-mounted signs are allowed and to permit three (3) wall-mounted cloud cabinet signs to be internally illuminated. Said real estate located at 401 West Main Rd. and further identified as Lot 150 on Tax Assessor's Plat 107SW. Motion to withdraw without prejudice. Stephen MacGillivray 1st, Charles Vaillincourt 2nd. Granted 5-0.

Petition of: KSL Investments- 1405 Douglas Ave- N. Providence, RI (owner)- Papa Gino's Inc. d/b/a D'Angelo- 600 Providence Highway- Dedham, MA (applicant)- by their attorney Robert M. Silva, Esq.- for a Variance from Section 1304- to allow the use of the existing premises as a restaurant with eleven (11) parking spaces where fourteen (14) spaces are required. Said real estate located at 401 West Main Rd and further identified as Lot 150 on Tax Assessor's Plat 107SW. Motion to withdraw without prejudice. Stephen MacGillivray 1st, Charles Vaillincourt 2nd. Granted 5-0.

Petition of: John R. Gullison & Bonnie Zimble- PO Box 3129- Newport, RI (owners)- KJ's Pub, Inc- 59 Aquidneck Ave- Middletown, RI (applicant)- by their attorney Jeremiah C. Lynch, III- for a Special Use Permit from Section 602- to expand the service area of a standard restaurant serving alcohol, to include seventeen (17) outdoor seats, as shown on the attached plan. Said real estate located at 59 Aquidneck Ave and further identified as Lot 169 on Tax Assessor's Plat 115SE. Continued to February 26, 2013. Final continuance.

Petition of: 957 Plaza Associates, LLC- Polo Center 678 Aquidneck

Ave- Middletown, RI (owner)-Site Enhancement Services/ Patrick Huyge- 6001 Nimitz Parkway- South Bend, IN (applicant)- for a Special Use Permit from Sections 1211(D) 2b & 1211 (F) 4a- Advanced Auto Parts is requesting to construct an internally illuminated cloud cabinet wall sign on a 237 square foot sign panel where 70 square feet is allowed. Said real estate located at 957 West Main Rd and further identified as Lot 117 on Tax Assessor's Plat 106. Continued to February 26, 2013.

Full Hearings:

Petition of: Pierre L. Tiffault- 61 Fayal Ln- Middletown, RI (owner) - Robert L. Arnold- 625 Congdon Hill Rd- Saunderstown, RI (applicant) - for a Variance from Section 603 & 701 - to construct a 32' x 26' detached garage with a left side yard setback of 8' where 30' is required. Said real estate located at 61 Fayal Ln and further identified as Lot 53 on Tax Assessor's Plat 124. Petitioner reduced setback to 15' to satisfy neighbor. Neighbor has withdrawn objection. Thomas Silveira moved to approve the petition as amended, Charles Vaillincourt seconded. The amended petition was granted 5-0.

Petition of: Gay E. Lawton - 102 West Main Rd- Middletown, RI (owner) - April Conley & Rusty Meyer - 102 West Main Rd- Middletown, RI (applicants) - for a Special Use Permit from Section 602- to allow the addition of Tattoo and Therapeutic Massage services to the existing hair salon. Said real estate located at 102 West Main Rd and further identified as Lot 15 on Tax Assessor's Plat 108SW.

April Conley modifies petition to eliminate the request for Special Use Permit related to tattoo services. Charles Vaillincourt moves to approve the petition as amended. Thomas Silveira seconds. The amended petition is granted 5-0.

Petition of: 285 East Main Road Realty, LLC- 285 East Main Rd- Middletown, RI (owner)- Premier Nissan of Newport- 295 East Main Rd- Middletown, RI (applicant) - for a Special Use Permit from Article 12 Sections 1211(a) 1211(b)(2) 1211(b)(4) 1211(d)(1)(a) and 1211(d)(2)(a) - to allow the placement of 2 wall mounted signs where 1 is permitted, containing 83.6 sq. feet. Also to add a third freestanding monument sign of 50 sq. ft. where 32 sq. ft. is allowed with a height of 8'3" where 4' is allowed. Said real estate located at 295 East Main Rd and further identified as Lot 20A on Tax Assessor's Plat 113. Joseph Lahen testifies with respect to the standards for granting a Special Use Permit. There are no objections. Thomas Silveira moves to approve the petition. Stephen MacGillivray seconds. The petition is granted 5-0.

Petition of: Stanley Piszcz- 225 Mile Rd- Coventry, RI (owner)- Karl F. Sauerbrey- 582 Hopkins Hill Rd- West Greenwich, RI (applicant)- for a Variance from Section 603&701- to construct a 487 sq. ft. detached garage with a right side yard setback of 5' where 15' is required and a rear yard setback of 5' where 10' is required. Said real estate located at 43 Boulevard and further identified as Lot 87 on Tax Assessor's Plat 108SW. Karl Sauerbrey, registered architect, testifies to present

the petition. He presents two exhibits, Exhibit 1 is a street photograph, Exhibit 2 is an aerial photograph. Stanley Piszcz testifies and indicates that there are no objections from neighbors. Charles Vaillincourt moves that the petition be approved. Thomas Silveira seconds. The petition is approved 5-0.

Petition of: Jim & Katie Hamilton- 10 Sachuest Dr - Middletown, RI (owners) - for a Variance from Sections 603 & 701- to construct a 19'-11" x 35'-11" L - shaped deck with a side yard setback of 15' where 30' is required. Said real estate located at 10 Sachuest Dr and further identified as Lot 47 on Tax Assessor's Plat 126. Jim Hamilton presents his petition. Mr. Peckham, abutter, does not object but voices concerns related to his active quarry which abuts the property. No other objections. Charles Vaillincourt moves that the petition be approved. Thomas Silveira seconds. The petition is approved 5-0.

Petition of: H. Henry & Tiina M Liiv- 6 Buena Vista Ave- Middletown, RI (owners) - by their attorney Robert M. Silva, Esq.- 1100 Aquidneck Ave- Middletown, RI- for a Variance from Sections 603, 701 & 803G- to allow the construction of a 21' x 22' addition to existing single family residence (indoor therapy pool) with a side yard setback of 3.4' where 30' is required and a rear yard setback of 33.5' where 60' is required. Said real estate located at 6 Buena Vista Ave and further identified as Lot 129 on Tax Assessor's Plat 72.4. Attorney Robert Silva presents the petition and presents Exhibit A, an elevation. There are no comments or objections. Thomas Silveira moves that the petition be

approved. Charles Vaillincourt seconds. The petition is approved 5-0.

Petition of: Michael Remillard- 31 Miller St- Middletown, RI (owner) - for a Variance from Section 603, 701 & 803G- to construct a 13' x14' deck on the first floor with a second floor deck above with a left side yard setback of 19' where 30' is required and a rear yard setback of 50' where 60' is required resulting in lot coverage of 16.1% where 15% is allowed. Said real estate located at 31 Miller St and further identified as Lot 85 on Tax Assessor's Plat 120. Michael Remillard presents the petition. Thomas Silveira moves that the petition be approved. Stephen MacGillivray seconds. The petition is approved 5-0.

Petition of: Deborah Gold- 10A Barton Ln. - Middletown, RI (owner) - David Fraser- 2 Bristol Rd Unit B- Middletown, RI (applicant) - for a Special Use Permit from Section 602 - to allow the expansion of the existing two family dwelling by the addition of a 34' x 46' attached garage. Said real estate located at 10 Barton Ln. and further identified as Lot 69 on Tax Assessor's Plat 111. Continued to February 26, 2012 to address neighbors' concerns.

Petition of: Deborah Gold- 10A Barton Ln. - Middletown, RI (owner)- David Fraser- 2 Bristol Rd Unit B- Middletown, RI (applicant)- for a Variance from Sections 603, 701 & 803G- to construct a 34' x 46' two story garage addition with a left side yard setback of 14.7' where 30' is required and a front yard setback of 20.6' where 40' is required.

Said real estate located at 10 Barton Ln. and further identified as Lot 69 on Tax Assessor's Plat 111. Continued to February 26, 2012 to address neighbors' concerns.

Petition of: Nicole Nicoletta- 74 Shore Dr- Middletown, RI (owner)- for a Variance from Section 603, 701 & 803G- to construct a 2nd floor addition with a front yard setback of 20.8' where 25' is required, a left side yard setback of 8' where 15' is required and a rear yard setback of 8' where 30' is required. Said real estate located at 74 Shore Drive and further identified as Lot 41 on Tax Assessor's Plat 116SE. Architect Paul Burke testifies. Paul Frechette comments. Thomas Silveira moves to approve the petition. Nicholas Pasyanos seconds. Stephen MacGillivray then moves to amend the motion to condition approval upon the height being limited to 27'. Thomas Silveira seconds the motion to amend. The motion to amend passes 5-0. The petition is approved as amended 5-0.

Petition of: Kiwi Industries Inc. - 7 Almy Ct. - Newport, RI (owner)- South Coast EMS - 360 Faunce Corner Rd- Dartmouth, MA (applicant) - for a Special Use Permit from Section 602 - to allow an ambulance transport service. Said real estate located at 855 Aquidneck Ave Unit #7 and further identified as Lot 13307 on Tax Assessor's Plat 114. Andres Pappas presents the petition. Kevin Behan, abutter, voices concerns about the 24-hour operation and resulting noise. Charles Vaillincourt moves to approve. Nick Pasyanos seconds. The petition is approved 4-1 (Thomas Silveira dissenting.)

Petition of: Jacqueline Naspo- 119 Purgatory Rd- Middletown, RI (owner)- for a Variance from Section 603, 701 & 803G- to construct a 77 sq. ft. breezeway connecting dwelling to garage and an additions to the west side and second floor with a front yard setback of 11.3' on Tuckerman Ave and 5.4' on Esplanade where 25' is required and resulting in an increase in lot coverage from 28% to 29% where 25% is allowed. Said real estate located at 119 Purgatory Rd and further identified as Lot 54 on Tax Assessor's Plat 116NW. Jacqueline Naspo presents the petition. Kevin O'Halloran comments that he is support of the petition, but has some concerns about construction activity. Thomas Silveira moves to approve the petition. Charles Vaillincourt seconds. The petition is granted 5-0.