

Minutes for June 25, 2013

Administrative: Roll Call / Present to vote: Chairman, Peter Van Steeden, Vice Chairman, Tom Silveira, Charles Vaillincourt, Nicholas Pasyanos, and Olin Gambrell.

Continuances/Withdrawals:

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 Jan 28, 2014.

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 Jan. 28, 2014

Petition of: Gertrude Realty LLC- PO Box 119 - Newport, RI (owner)- Gertrude Realty LLC C/O Ted Platz- 1038 Aquidneck Ave- Middletown, RI (applicant) - for a Special Use Permit from Section 602- to convert

existing property into a small scale shopping center. Said real estate located at 1038 Aquidneck Ave and further identified as Lot 106 on Tax Assessor's Plat 113. Continued to Jul 23, 2013

Referrals:

Petition of: CVDD II LLC- 235 Promenade Street- Providence, RI (owner)- for a Special Use Permit from Sections 1102(B), 1103, 1106 & 1107- Removal of Zone 1 of the Watershed Protection District overlay zoning on the grounds that soils under the area shown to be WPD Zone-1 on the Town of Middletown Zoning map are not hydric soils and do not qualify under section 1102. Said real estate located at 1747 West Main Rd and further identified as Lot 8 on Tax Assessor's Plat 111. Continued to future

Full Hearings:

Petition of: Inland Southeast Middletown LLC c/o Developers Diversified Realty- 3300 Enterprise Pkwy- Beachwood, OH (owner)- American Promotional Events dba TNT Fireworks- 56 Prospect Ave- West Haven, CT (applicant)- for a Special Use Permit from Article 18- to allow the expansion of a shopping center by erecting a temporary tent for the sale of fireworks for a period not to exceed 30 days. Said real estate located at 1313 West Main Road and further identified as Lot 707 on Tax Assessor's Plat 112.

Argument and testimony given by Ann Kearney Motion to approve ,Olin Gambrell Seconded Nicholas Pasyanos The application was approved 5-0.

Petition of: Jonna L. Chewning- (owner)- John Peixinho (applicant) c/o David P Martland, Esq. 1100 Aquidneck Ave- Middletown, RI. For a Variance from Section 603- to allow a reduction in street frontage/width of 10.38' resulting in 118.23' on lot #73 where 300' is required. Said real estate located at 195 & 207 Third Beach Rd and further identified as Lots 72 & 73 on Tax Assessor's Plat 125.

Argument and testimony was given by attorney, David P. Martland Motion to approve, Charlie Vaillancourt, Seconded by Tom Silveira The application was approved 5-0.

Petition of: Valley Partners of Newport LLC- 88 Valley Rd- Middletown, RI (owner)- Cheryl Szczepaniak- 145 Stonegate Dr- Portsmouth, RI (applicant)- by their attorney Vernon L. Gorton, Esq.- 181 Chase Rd- Portsmouth, RI- for a Special Use Permit from Sections 602, 719 & 902- to allow a mixed residential/commercial use with beauty salon on lower level and single family residence on upper level. Said real estate located at 88 Valley rd and further identified as Lot 116 on Tax Assessor's Plat 113.

Argument and testimony given by attorney Vernon L. Gordon. Presented Exhibit 1, photos of existing conditions, demonstrating hardship, Exhibit 2, Report from Robert appraisal, and Exhibit 3, qualification for Roberts Appraisals. Motion to approve, Charlie Vaillancourt, Seconded by Tom Silveira The application was approved 5-0.

Petition of: Valley Partners of Newport LLC- 88 Valley Rd-

**Middletown, RI (owner)- Cheryl Szczepaniak- 145 Stonegate Dr-
Portsmouth, RI (applicant)- by their attorney Vernon L. Gorton, Esq.-
181 Chase Rd- Portsmouth, RI- for a Variance from Sections 603 &
903- to construct a 20' x 20' addition with a right side yard setback of
7.7' where 35' is required. Said real estate located at 88 Valley Rd and
further identified as Lot 116 on Tax Assessor's Plat 113.**

**Argument and testimony given by attorney Vernon L. Gordon. Motion
to approve, Tom Silveira Seconded by Charlie Vaillancourt The
application was approved 5-0.**

**Petition of: Middletown Plaza LLC- PO Box 6187- Warwick, RI (owner)-
National Sign By: Heather Dudko- 2 Phoebe Way- Worcester, MA
(applicant)- for a Special Use Permit from Section 1212- to allow an
internally illuminated wall mounted box cabinet sign (Aldi's) and a
second wall sign (Food Market) where one per tenant is allowed. Said
real estate located at 872+ West Main Road (dba #890) and further
identified as Lot 55 on Tax Assessor's Plat 107NW. Argument and
testimony given by attorney, Robert Silva Testimony also presented
by Heather Dudko, Motion to approve, Charlie Vaillancourt, Seconded
by Tom Silveira. The application was approved 5-0.**

**Petition of: Daniel G Kamin BJ's of Middletown, LLC- 490 South
Highland Ave. - Pittsburg, PA (owner)- BJ's Wholesale Club, Inc- 25
Research Dr.- PO Box 5230- Westborough, MA (applicant)- for a
Special Use Permit from Section 602(B) & 1106- to allow the
construction of a propane dispensing facility in a (GBA) General**

Business/Traffic Sensitive zoning district and Zone 2 of the Watershed Protection District consisting of two 1,000 gallon above ground LPG tanks and related appurtenances. Said real estate located at 173 East Main Road and further identified as Lot 107 on Tax Assessor's Plat 107SE (corrected). Argument and Testimony was given by Steve Powers, engineer, representing BJ's.

Petition of: Daniel G Kamin BJ's of Middletown, LLC- 490 South Highland Ave. - Pittsburg, PA (owner)- BJ's Wholesale Club, Inc- 25 Research Dr.- PO Box 5230- Westborough, MA (applicant)- for a Variance from Section 1304- to allow 345 off-street parking spaces where 355 parking spaces are required. Said real estate located at 173 East Main Road and further identified as Lot 107 on Tax Assessor's Plat 107SE. Argument and Testimony was given by Steve Powers, engineer, representing BJ's. Peter Van Steeden expressed concern regarding parking and visibility. Charlie Vaillancourt suggested a report from an expert in propane safety. Peter Van Steeden suggested a continuance so that applicant can address concens. Steve Powers agreed to continue to Jul 23rd.

Meeting was adjourned at 8: 45 p.m.