

August 27, 2013

Administrative: Roll Call: Chairman, Peter Van Steeden, Vice Chair, Tom Silveira, Secretary, Stephen MacGillivray, Charles Vaillincourt, Jim Miller; Nicholas Pasyonos (1st Alternate), Olin Gambrell (2nd Alternate); Bob Novick (3rd Aternate)

Adoption of Minutes: Charles Vaillincourt moves for approval, James Miller seconds and the motion to approve is carried by a vote of 5-0.

Continuances/Withdrawals:

Petition of: Town of Middletown- 350 East Main Road Middletown RI (owner)- Lawrence Assoc. Architects/Planners PC (applicant)- for a Variance from Section 305 of the Zoning Ordinance and Section 521.2 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land specifically building design and architecture for proposed addition and alterations to the Fire Station. Said real estate located at 239 Wyatt Road and further identified as Lot 13 on Tax Assessor's Plat 119. Withdrawn without prejudice. Charles Vaillincourt moves to have the application withdrawn without prejudice, Thomas Silveira seconds and the motion is granted by a vote of 5-0.

Petition of: Carol Parker- 156 Morrison Ave- Middletown, RI (owner)- for a Special Use Permit from Article 1600 - to allow an accessory family dwelling unit. Said real estate located at 156 Morrison Ave and

further identified as Lot 812 on Tax Assessor's Plat 120. Needs advisory opinions and will be continued until September 24, 2013.

Petition of: Carol Parker- 156 Morrison Ave- Middletown, RI (owner)- for a Special Use Permit from Section 1106 - to allow the construction of a garage addition in Zone 1 of the Watershed Protection District. Said real estate located at 156 Morrison Ave and further identified as Lot 812 on Tax Assessor's Plat 120. Needs advisory opinions and will be continued until September 24, 2013.

Petition of: Carol Parker- 156 Morrison Ave- Middletown, RI (owner)- for a Variance from Article 1600 - to allow an accessory dwelling unit to be occupied by the sister of the owner/ occupant of the dwelling. Said real estate located at 156 Morrison Ave and further identified as Lot 812 on Tax Assessor's Plat 120. Needs advisory opinions and will be continued until September 24, 2013.

Full Hearings:

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).

No petitioner appears; matter is continued until the next hearing.

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.

No petitioner appears; matter is continued until the next hearing.

Petition of: Robert Asher- 6 Cedar Ave- Middletown, RI (owner)- for a Variance from Section 705 (F) (1) - to Maintain a 7' fence where a 6' fence is allowed. Said real estate located at 6 Cedar Ave and further identified as Lot 29 on Tax Assessor's Plat 125.

Testimony: Robert Asher, Jr., his dog was jumping over his 6' fence. No neighbors have complained.

Vote: Thomas Silveira moves to grant petition and Charles Vaillincourt seconds. The petition is granted by a vote of 5-0.

Petition of: Don Palen- 44 Bliss Mine Rd, Unit #1- Middletown, RI (owner)- for a Special Use Permit from Section 803A - to allow the expansion of the existing multifamily dwelling by the addition of a 55+/- sq. ft. addition. Said real estate located at 44 Bliss Mine Road and further identified as Lot 18201 on Tax Assessor's Plat 109NE.

Testimony: Don Palen testifies that he wants to add to his bedroom with a small 55' addition.

Vote: Charles Vaillincourt moves for approval and James Miller seconds. The petition is granted by a vote of 5-0.

Petition of: Edward W. McCarthy Jr.- 18 Keeher Ave- Newport, RI (owner)- Melissa McKinney- 131 Wyndham Hill Road- Middletown, RI (Applicant)- for a Special Use Permit from Section 602- to allow a family daycare home. Said real estate located at 131 Wyndham Hill Rd and further identified as Lot 922 on Tax Assessor's Plat 125.

Testimony: Melissa McKinney discusses the need for childcare. Vern Gorton represents the home owners association

Neighbors:

Christine Kirchner discusses concerns including safety.

Mr. Gleeson, President of the Homeowners Association submits a letter.

Dave and Anne Johnson voice concern including the possibility of increased traffic.

Shawna Gleeson voices similar concerns.

Bob Johnson does not believe that the quality of life will stay the same. Does not think that they are within the CCP.

Vern Gorton identifies restrictive covenants which he states are evidence of the appropriate use.

Vote: Stephen MacGillivray moves for approval; Jim Miller seconds.

Petition is denied by a vote of 0-5.

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.

Testimony: Vincent Mesolella, states that he is the owner of the

property. Brandon Fanaeuf, 24 Kenmore Street, West Warwick testifies that the Zone 1 designation should be changes based on his expertise and testing as a Class IV Soil evaluator.

David Martland – attorney for objectors presents case.

Linda Steer – Applied Biosystems principal. Hired as an independent expert for the town provides testimony.

David Dill, abutter, shares concerns.

Vote: Charles Vaillincourt moves to grant, Stephen MacGillivray seconds. The petition is denied by a vote of 0-5.