

Zoning Board of Review Minutes

March 25, 2014

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

Adoption of Minutes of Previous Meeting: Minutes to be approved at next meeting on April 22, 2014.

Continuances/Withdrawals:

Petition of: Seaview Inn, LLC (owner)- by their attorney David P. Martland, Esq- 1100 Aquidneck Ave- Middletown, RI- for a Special Use Permit from Sections 602 & 1400 et seq- to construct a hotel facility with 198 units and accessory uses pursuant to plans filed with said petition. Said real estate located at 240 Aquidneck Ave, John Clarke Rd & Valley Rd and further identified as Lots 1X, 5, 53, 54 & 55 on Tax Assessor's Plat 115. David Martland on behalf of Seaview Inn, LLC states that the matter is before the Planning Board. Continued to April 22, 2014.

Petition of: Seaview Inn, LLC (owner)- by their attorney David P. Martland, Esq- 1100 Aquidneck Ave- Middletown, RI- for a Special Use Permit from Section 1106- for permission to construct portions of

hotel facility and related infrastructure improvements in Zone 1 of the Watershed Protection District pursuant to plans filed with said petition. Said real estate located at 240 Aquidneck Ave, John Clarke Rd & Valley Rd and further identified as Lots 1X, 5, 53, 54 & 55 on Tax Assessor's Plat 115. David Martland on behalf of Seaview Inn, LLC states that the matter is before the Conservation. Continued to April 22, 2014.

Petition of: George Warren et als. (owner)- By their attorney Patrick O'N. Hayes, Jr.- PO Box 389- Newport, RI- for a Variance from Section 603- to subdivide the existing lot into two lots each having 37.59 feet of frontage where 200 feet is required, one lot to be 1.38 acres and the other 3.81 acres in the same manner as was previously approved. Said real estate located at 514 Paradise Avenue (Paradise Court) and further identified as Lot 2 on Tax Assessor's Plat 127. Letter in the file states that this petition is to be withdrawn without prejudice. Stephen MacGillivray moves to approve the withdrawal; Thomas Silveira seconds. The matter is allowed to be withdrawn without prejudice by a vote of 5-0.

Petition of: Anthony J. Gonsalves- 15 Rosedale Ave- Middletown, RI (owner)- by his attorney Vernon L. Gorton, Jr.- 181 Chases Rd- Portsmouth, RI- for an Appeal from Section 901- to allow the garage as presently constructed to remain or in the alternative to stay the enforcement of any cease and desist order dated November 5, 2013 pending action on petitioner's request for necessary dimensional

variances. Said real estate located at 15 Rosedale Avenue and further identified as Lot 190 on Tax Assessor's Plat 108NW. Letter in the file states that this petition is to be withdrawn without prejudice. The petitioners are planning to comply with the directions of the Building Official. Jim Miller moves to approve the withdrawal; Thomas Silveira seconds the motion. The matter is allowed to be withdrawn without prejudice by a vote of 5-0.

Full Hearings:

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. David Martland appears on behalf of Philip Rhondina. Philp Rhondina testifies. Mike Russell, Engineer, testifies.

The matter has been pending the approval of a satisfactory ISDS. Exhibits are presented that demonstrate that the proposed shared ISDS has been approved by the state DEM and the Town for installation. The Planning Board also has stated that there are no detrimental environmental effects from the proposed system. Charles Vailincourt moves for approval; James Miller seconds the motion. The matter is approved by a vote of 5-0.

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. Not required to be heard as this aspect of the petition was previously granted.

Petition of: Middletown Associates- c/o Picerne Real Estate Group- 75 Lambert Lind Highway- Warwick, RI (owner)- by their attorney Robert M. Silva, Esq- 1100 Aquidneck Ave- Middletown, RI- for a Special Use Permit from Sections 602 and 1501- to allow the construction of accessory residential garage structures in an existing multifamily project location in a Traffic Sensitive Residential Multifamily Zone (RMA) pursuant to plans submitted herewith. Said real estate located at 969 West Main Rd and further identified as Lot 142 on Tax Assessor's Plat 106. David Martland appears on behalf of the petitioner. Christopher Duhamel, engineer and land surveyor, testifies regarding the structures to be installed and the offsetting removal of the tennis court. DEM and Planning Board have approved. Charles Vaillincourt moves for approval; Thomas Silveira seconds the motion. The petition is approved by a vote of 5-0.

Petition of: Middletown Associates - c/o Picerne Real Estate Group-

75 Lambert Lind Highway- Warwick, RI (owner)- by their attorney Robert M. Silva, Esq- 1100 Aquidneck Ave- Middletown, RI- for a Variance from Sections 903 and 1505- to allow a 10.70 acres of open space where 13.65 acres is required under the ordinance (10.8 acres existing). Said real estate located at 969 West Main Rd and further identified as Lot 142 on Tax Assessor's Plat 106. Charles Vaillincourt moves for approval; Thomas Silveira seconds the motion. The petition is approved by a vote of 5-0.

Petition of: Michael & Terri Flynn- 34 Warren Ave- Middletown, RI (owners)- for a Variance from Sections 603, 701 & 803G- to construct a 708 sq. ft. two story addition with a front yard setback of 7'- 5 1/2" where 25'is required. Said real estate located at 34 + 38 Warren Ave and further identified as Lot 163 on Tax Assessor's Plat 115SE. Michael Flynn testifies. Glenn Gardner, architect, testifies. Charles Vaillincourt moves for approval; Thomas Silveira seconds the motion. The petition is approved by a vote of 5-0.

Petition of: Michael & Terri Flynn- 34 Warren Ave- Middletown, RI (owners)- for a Special Use Permit from Section 803A- to allow an expansion of a legal non- conforming use by constructing an addition to one of the existing dwellings. Said real estate located at 34 + 38 Warren Ave and further identified as Lot 163 on Tax Assessor's Plat 115SE. Charles Vaillincourt moves for approval; Thomas Silveira seconds the motion. The petition is approved by a vote of 5-0.

Petition of: Andrew Nicoletta- 216 Gray Craig Road- Middletown, RI (owner)- Sean Napolitano- 18 J H Dwyer Drive- Middletown, RI (applicant)- by their attorney David P. Martland, Esq.- for a Variance from Sections 603 & 701- to construct a 28' X 49' single family dwelling with attached garage with a left side yard setback of 20' and a right side yard setback of 19.3' where 30' is required. Said real estate located at Miller Street and further identified as Lot 90 on Tax Assessor's Plat 120. Olin Gambrell recuses. David Martland presents on behalf of the petitioner. He states that as a condition of approval the property would be subject to a maintenance agreement with Lot 89. Charles Vaillincourt moves for approval; Stephen MacGillivray seconds the motion. The petition is approved by a vote of 5-0.

Petition of: Jeffrey O'Regan & Patricia Lang- 664 Third Beach Rd- Middletown, RI (owners)- for a Special Use from Article 1600- to allow an accessory family dwelling unit. Said real estate located at 664 Third Beach Rd and further identified as Lot 18 on Tax Assessor's Plat 130. Patricia Lang and Sandra Lang testify. Charles Vaillincourt moves for approval; Thomas Silveira seconds the motion. The petition is approved by a vote of 5-0.

Petition of: Noelle Shiland- 174 Center Ave- Middletown, RI (owner)- for a Variance from Sections 603, 701 & 803G- to construct a 12'-4" X 35' one story garage and pool house/ storage addition with a right side yard setback of 3' where 15' is required, a rear yard setback of 25'-5" where 30' is required and lot coverage of 29.5% where 25% is

allowed. Said real estate located at 174 Center Ave and further identified as Lot 264 on Tax Assessor's Plat 115SE. Noelle Shiland, Spencer McComber, architect, testifies as to the need and use of the proposed garage. No objectors are present. Stephen MacGillivray moves for approval of the petition; Charles Vaillincourt seconds the motion. The petition is approved by a vote of 5-0.

Meeting is adjourned 8:31 pm.