

Zoning Board of Review Minutes

May 27, 2014

Administrative: Roll Call: Chairman, Peter Van Steeden, Vice Chairman, Tom Silveira, Secretary, Stephen MacGillivray, Charles Vaillancourt, Jim Miller (absent); Nicholas Pasyanos, Bob Novick (Alternate)

Election of Officers: Tom Silveira nominates Peter VanSteeden to continue as Chair. No other nominations are made. Charles Vaillancourt seconds. The motion passes 5-0.

Peter Van Steeden nominates Tom Silveira as Vice Chair. No other nominations are made. Charles Vaillancourt seconds. The motion passes 5-0.

Peter Van Steeden nominates Stephen MacGillivray as Secretary. No other nominations are made. Tom Silveira seconds. The motion passes 5-0.

Adoption of Minutes of Previous Meeting: The minutes of the June 29, 2014 Charles Vaillancourt moves for approval and Tom Silveira seconds. The minutes are approved 5-0.

Continuances/Withdrawals:

Petition of: Alice L Serpa- 20 Orchard Ave- Middletown, RI (owner)- James Serpa- 18 Orchard Ave- Middletown, RI (applicant)- for a Variance from Section 603 & 704B- to construct a 30' X 32' one story detached accessory garage with a height of 19' where 15' is required. Said real estate located at 18 & 20 Orchard Ave and further identified as Lot 310 on Tax Assessor's Plat 115SE. Due to solicitor's recusal, this matter is continued to June 24, 2014.

Petition of: Alice L Serpa- 20 Orchard Ave- Middletown, RI (owner)- James Serpa- 18 Orchard Ave- Middletown, RI (applicant)- for a Special Use Permit from Section 602- to allow the construction of a 30' X 32' accessory building. Said real estate located at 18 & 20 Orchard Ave and further identified as Lot 310 on Tax Assessor's Plat 115SE. Due to solicitor's recusal, this matter is continued to June 24, 2014.

Summary Cases:

Petition of: Mary & Steven Nebiolo- 43 Ward Ave- Middletown, RI (owners)- for a Variance from Section 603 & 701- to install a 16' X 40' in ground pool with a left side yard setback of 12' where 20' is required. Said real estate located at 43 Ward Ave and further identified as Lot 239 on Tax Assessor's Plat 113. Tom Silveira moves for approval and Charles Vaillancourt seconds. The motion is approved 5-0 and the petition is granted.

Full Hearings:

Petition of: Antonio G & Maria L Souto, Life Estate & Antonio G. Souto Trust- 1036 Wapping Road, Middletown, RI (owner)- Sergio Do Souto- c/o their attorney Robert M. Silva, Esq.- 1100 Aquidneck Ave, Middletown, RI - for a Variance from Section 603- to allow lot width/ frontage of 40 feet where a minimum of 150 feet is required. Said real estate located at 1036 Wapping Rd and further identified as Lot 19 on Tax Assessor's Plat 128. Robert Silva presents case indicating that the variance will allow for a family compound. Todd Chaplin of Mount Hope Engineering testifies. Based on the evidence presented, Tom Silveira moves to grant the petition and Charles Vaillancourt seconds. The motion passes 5-0 and the application is granted.

Petition of: Inland Southeast Middletown LLC- c/o DDR- 3300 Enterprise Parkway, Beachwood, OH (owner)- American Promotional Events DBA TNT Fireworks- 93 Chanbrook Rd- Stratford, 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 Rd and further identified as Lot 707 on Tax Assessor's Plat 112. After presentation by a representative of the applicant who testified that the operation will be the same as that which was previously granted last year, Charles Vaillancourt moves for approval and Nicholas Pasyanos seconds. The motion is granted 5-0 and the application is granted.

Petition of: Jennifer Allan- 21 Willow Ave- Middletown, RI (owner)- for a Variance from Section 603, 701 & 803G- to construct a 20' X 30' one story addition with a left side yard setback of 9.8' where 15' is required and a rear yard setback of 22' where 30' is required and resulting in lot coverage of 27% where 25% is allowed. Said real estate located at 21 Willow Ave and further identified as Lot 314 on Tax Assessor's Plat 108NW. Jennifer Allan and Tony Bettencourt, who also is a resident, testifies that due to the size of their family a variance is necessary. Charles Vaillancourt moves for approval of the application and Tom Silveira seconds. The motion is granted 5-0 and the application is granted.

Petition of: David E Rushlow- 242 North Worcester St- Norton, MA (owner)- for a Special Use Permit from Section 803A- to allow the expansion of the non-conforming use by the addition of two decks and a 2nd floor addition over garage and a 3rd floor dormer. Said real estate located at 30-36 Ellery Ave and further identified as Lot 24A on Tax Assessor's Plat 116NW. David Rushlow testifies that he seeks a variance in order to turn one of the units into his permanent year-round residence. Abutter, Paul Lally objects complaining that the non-conforming use will be intensified and, as a result, will negatively affect the value and enjoyment of his property. Charles Vaillancourt moves for approval of the application and Nicholas Pasyanos seconds. The motion passes 5-0 and the application is granted.

Petition of: Michael Eudenbach & Jessica Pisano- 3 Porter Rd- Middletown, RI (owners)- for a Variance from Section 603 & 701- to construct a 24' X 30' detached accessory building with a right side yard setback of 15' where 30' is required and a rear yard setback of 10' where 15' is required. Said real estate located at 3 Porter Rd and further identified as Lot 105 on Tax Assessor's Plat 129. Michael Eudenbach and Jessica Pisano present their application testifying that they would like to create a small artist's studio. Charles Vaillancourt moves for approval and Tom Silveira seconds. The motion is granted 5-0 and the application is approved.

Petition of: Diana Harrison- 25 Little Creek Ln- Middletown, RI (owner)- Natasha Harrison- 24 Almy St- Newport, RI (applicant)- for a Variance from Section 602- to allow the conversion of the dwelling to a two family use. Said real estate located at 25 little Creek Lane and further identified as Lot 31 on Tax Assessor's Plat 129. Natasha Harrison presents her case and testifies that her mother, the property owner, is severely infirmed and needs an in-law apartment so that she can receive care from someone living on site. Stephen MacGillivray moves that the application be approved with the condition that the property revert to a single-family use upon Diana Harrison ceasing to occupy the property for a year and Charles Vaillancourt seconds. The motion is granted 5-0 and the application is approved.

The meeting is adjourned at 8:30 pm.