

Zoning Board of Review Minutes

June 24, 2014

Administrative: Roll Call / Adoption of Minutes. Present to vote: Chairman Peter Van Steeden, Vice Chairman Tom Silveira, Charles Vaillancourt, Nicholas Pasyanos, Robert Novick, Olin Gambrell.

Continuances/Withdrawals:

Petition of: Delfine M. & Linda L. Martin (owners)- by their attorney Robert M. Silva, Esq.- for a Special Use Permit from Section 803A- to construct an addition to an existing two family dwelling. Said real estate located at 761 Indian Ave and further identified as Lot 6 on Tax Assessor's Plat 133.

Petition of: Telly& Elizabeth Amarant- 10 Wedgewood Dr., Middletown RI (owners)- by their attorney Christopher J. Behan, Esq.- for a Special Use Permit from Section 602, 902, 1401 & 1402- to allow the expansion of the present transient lodging use with 7 rooms and restaurant to 16 rooms (Hotel Use) with restaurant. Said real estate located at 147 Aquidneck Ave. and further identified as Lot 54 on Tax Assessor's Plat 115SE.vote taken, Application passed 5-0 and continued to July 22, 2014

Petition of: Telly& Elizabeth Amarant- 10 Wedgewood Dr., Middletown, RI (owners)- by their attorney Christopher J. Behan, Esq.- for a Variance from sections 1301, 1304, 1305, 1306, 1307, and

1406- to allow less than the required parking and buffer zones for the proposed hotel expansion. Said real estate located at 147 Aquidneck Ave. and further identified as Lot 54 on Tax Assessor's Plat 115SE.vote taken, Application continued to July 22, 2014

Summary Cases:

Petition of: David B. Bedard- 52 Green Rd., Bolton, MA (owners)- for a Variance from Sections 603, 701 - to construct a 14' X 14' rear deck and roof with a rear yard setback of 28' where 30' is required. Said real estate located at 68 Seascapes Ave. and further identified as Lot 41 on Tax Assessor's Plat 115SE.application discussed and uncontested. Motion to approve, Peter Van Steeden, Seconded Tom Silveira, Application was passed 5-0

Full Hearings:

Petition of: David Houghton & Linda Levine (owners)- for a Variance from Section 603, 701 & 803G - to construct a 16' X 20' two story addition with a side yard setback of 6' where 15' is required resulting in lot coverage of 26% where 25% is allowed. Said real estate located at 40 Tuckerman Ave and further identified as Lot 126 on Tax Assessor's Plat 116NE.Argument and testimony given by Linda Levine, evidence of too close to property line. Motion to decline, Charles Vaillancourt, Seconded by Olin Gambrell. Petition declined 2-3.

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. Alice and James Serpa testified, their neighbor Paul, across the street opposed because of the 2 large doors and the 19' height. Motion to approve, Tom Silveira, seconded by Charles Vaillancourt. Application passed 5-0

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. Alice and James Serpa testified, Their neighbor Paul , across the street opposed because of the 2 large doors and the 19' height. Motion to approve, Tom Silveira, seconded by Peter van Steeden. Application passed 5-0

Petition of: Russell & Filomena Puerini (owners)- for a Variance from Section 603 & 701- to construct 484 sq. ft. two story detached garage with a rear yard setback of 4' where 10 is required and a height of 21'-8" where 15' is allowed. Said real estate located at 55 Beachview Terrace and further identified as Lot 24 on Tax Assessor's Plat

121SW.A motion was made to move on the new petition, which was different than the last one presented. Motion to approve, Charlie Vaillancourt, Seconded by Olin Gambrell. Vote passed 5-0.

Argument and testimony given by Russell and Philomena Puerini. Uncontested. Motion to approve Nick Pasyanos, Seconded by Charlie Vaillancourt. Application passed 5-0.

Petition of: Linda Phelan (owner) - for a Special Use from Article 16- to allow an accessory family dwelling unit. Said real estate located at 222 Mitchell's Lane and further identified as Lot 703 on Tax Assessor's Plat 123. Linda Phelan described her need for the unit. Uncontested. Motion to approve Tom Silveira, Seconded by Charlie Vaillancourt. Application passed 5-0.

Petition of: James G & Mary E Williams- 19 Cliffside Dr., Wallingford, CT (owners)- by their attorney Peter Brent Regan, Esq.- for a Variance from Section 603- to allow construction of a detached garage with a height of 24'1" where 20' is allowed. Said real estate located at 16 Kane Ave and further identified as Lot 71 on Tax Assessor's Plat 122. Argument and testimony given by attorney Peter Regan, explaining the circumstances involved. How the zoning regs had a discrepancy which led to the start of construction of a garage which is too tall. Evidence was presented, Conservation Development Exhibit 1, Plans and Photos, exhibit 2.

Testimony for and against was presented by Jim Williams, the

property owner, Mark Horan, Pres. of housing assoc., Bill Seiple, neighbor, and Jonathan Harley, neighbor.

Motion to approve Tom Silcveira, Seconded Charlie Vaillancourt.

Application was denied vote of 2-3.

Meeting was adjourned 8:50 P.M.