

Middletown Zoning Board of Review Minutes

July 22, 2014

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

Minutes of the June 24, 2014 meeting are moved for adoption and the motion passes by a vote of 5-0.

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. Robert Silva asks for a withdrawal without prejudice. Tom Silveira moves to grant the request and Stephen MacGillivray seconds. The request is approved by a vote of 5-0.

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. Jack Kane indicates that there is a letter in the file from petitioner's attorney requesting a continuance for development review process. The matter is continued to August 26, 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. Jack Kane indicates that there is a letter in the file from petitioner's attorney requesting a continuance for development review process. The matter is continued to August 26, 2014.

Petition of: Trustees U/W of Joseph Corey and Evelyn Corey- 27 Willow Ave, Middletown, RI (owners)- by their attorney Jeremiah C. Lynch, III- for a Variance from Section 603- to permit the subdivision of the subject premises to create a lot with insufficient frontage on a public road (150 ft. required, 50 ft. proposed). Said real estate located at Green End Ave and further identified as Lot 713 on Tax Assessor's Plat 129. Geremia Lynch on behalf of the petitioners requests a continuance to that the project may receive Planning Board review. The matter is continued until August 26, 2014.

Petition of: Paul McKillop- 299 Third Beach Rd- Middletown, RI (owner)- for a Special Use Permit from Article 11- to allow an addition to a single family dwelling in zone 1 of the Watershed Protection District. Said real estate located at 299 Third Beach Rd and further identified as Lot 52 on Tax Assessor's Plat 126. This matter is currently before Planning Board. It is continued until August 26, 2014.

Petition of: Paul McKillop- 299 Third Beach Rd- Middletown, RI (owner)- for a Variance from Sections 603, 701 & 803G- to construct a 10' X 20' one story addition and a deck with a covered porch with a left side yard setback of 14' where 30' is required . Said real estate located at 299 Third Beach Rd and further identified as Lot 52 on Tax Assessor's Plat 126. This matter is currently before Planning Board. It is continued until August 26, 2014.

Full Hearings:

Petition of: Gilbert-Burton Post 4487 VFW- 52 Underwood Lane- Middletown, RI (owner)- for a Special Use Permit from Section 602- to allow a restaurant with alcoholic beverages. Said real estate located at 52 Underwood Lane and further identified as Lots 36 & 37 on Tax Assessor's Plat 107SW.

Richard Hartman, Post Commander, of 400 Bellevue Avenue, Newport testifies. The hours of operation and other plans are discussed as well as the hardship. Charles Vaillancourt moves for approval of the

petition and Jim Miller seconds. Discussion ensues and the motion is granted 5-0 and accordingly the petition is granted.

Petition of: Clive & Gail Youlten- 942 Green End Ave- Middletown, RI (owners)- for a Variance from Sections 603 & 701- to construct a 24' x 24' two stall detached garage with a right side yard setback of 4.1' where 30' is required and a front yard setback of 35.6' where 40' is required. Said real estate located at 942 Green End Ave and further identified as Lot 72A on Tax Assessor's Plat 120. Petitioners testify. The lot is unique and there are no objections from the abutters. Charles Vaillancourt moves and Tom Silveira seconds. Motion passes 5-0 and accordingly the petition is granted.

Petition of: Michael and Mary Ellen Hussey (owners)- by their attorney Matthew H. Leys- 31 America's Cup Ave- Newport, RI- for a Variance from Section 603, 701 & 803G- to demolish the existing non-conforming shed and deck and construct a 190 s.f. covered front porch with a front yard setback of 17'-10", a deck above the existing garage 24'-2" and a deck at the third floor 24'-4" where 25' is required. Also construct a 12' x 24' in ground pool resulting in lot coverage of 26.9% where 25% is allowed. Said real estate located at 174 Tuckerman Ave and further identified as Lot 46 on Tax Assessor's Plat 116SE. Presented by attorney Matthew Leys who proffers evidence from the architect and a real estate expert. Objector 168

Tuckerman, Francis Maloney expresses concern about the possible shading on her house cause by the front porch. Architect Elizabeth Meagher testifies as to the effect of the shadowing and the goals to stay within footprint. Stephen MacGillivray moves for approval and Jim Miller seconds. The motion is granted 5-0 and accordingly the petition is approved.

Petition of: KJ's Pub LLC- by their attorney Jeremiah C. Lynch 97 John Clarke Road Middletown, RI.- for a Special Use Permit from Section 602- to permit the expansion of the existing restaurant with alcohol service by the construction of an addition to the second floor resulting in an increase in capacity of 16 persons. Said real estate located at 59 Aquidneck Ave. and further identified as Lot 169 on Tax Assessor's Plat 115SE. Attorney Geremia Lynch represents that a neighbor has recently come forward with issues and therefore requests a continuance until August 26, 2014 in order to possibly address them.

Petition of: KJ's Pub LLC- by their attorney Jeremiah C. Lynch 97 John Clarke Road Middletown, RI.- for a Special Use Permit from Section 602- to modify the conditions imposed on a Special Use Permit Granted May 7, 2013. Said real estate located at 59 Aquidneck Ave. and further identified as Lot 169 on Tax Assessor's Plat 115SE. Attorney Geremia Lynch represents that a neighbor has recently come forward with issues and therefore requests a continuance until August 26, 2014 in order to possibly address them.

Petition of: KJ's Pub LLC- by their attorney Jeremiah C. Lynch 97 John Clarke Road Middletown, RI.- for a Variance from Section 1304- to allow the expansion of the restaurant to accommodate 16 additional persons with less than the required number of parking spaces. Said real estate located at 59 Aquidneck Ave. and further identified as Lot 169 on Tax Assessor's Plat 115SE. Attorney Geremia Lynch represents that a neighbor has recently come forward with issues and therefore requests a continuance until August 26, 2014 in order to possibly address them.

Meeting is adjourned at 8:09 pm.