

Middletown Zoning Board of Review Minutes

March 24, 2015

Called to Order 7:00 pm by Chairman Van Steeden

Administrative: Roll Call / Adoption of Minutes

Roll Call: Present to vote: Chairman Peter Van Steeden, Vice Chairman Tom Silveira, Stephen MacGillivray (absent), Secretary, Olin Gambrel, Jim Miller, Nicholas Pasyanos, Robert Novick (absent)

Approval of Minutes: February 24, 2015 and March 17, 2015

Motion: Olin Gambrel

Second: Nicholas Pasyanos

Vote: 5 to 0

Continuances/Withdrawals:

Petition of: VSH Realty Inc & Cumberland Farms, Inc.- by their attorney Robert M Silva, Esq.- for a Variance from Sections 603, 701 & Article 13- to allow the expansion and renovation of the existing convenience store and gasoline dispensing facility with a south side yard setback of 4.9' where 20' is required; a front yard setback of 8.3' where 10' is required; a rear yard setback of 25.8' where 50' is required; 8 parking spaces where 14 parking spaces are required, and from the landscaping requirements set forth in the Middletown

Planning Board's Rules and Regulations regarding the Subdivision and Development of Land, pursuant to plans filed herewith and prepared by Vanasse, Hangen, Brustlin, Inc. Said real estate located at 94 and 106 Aquidneck Ave and further identified as Lot 132, 133 & 134 on Tax Assessor's Plat 115SE.

Continued to April 28th

Petition of: VSH Realty Inc & Cumberland Farms, Inc.- by their attorney Robert M Silva, Esq.- for a Special Use Permit from Sections 602 and Article 11- to allow the expansion and renovation of the existing convenience store and gasoline dispensing facility as presently located in a Traffic Sensitive Limited Business Zone (LBA) and in Zone 1 of the Watershed Protection District (WPD). Said real estate located at 94 and 106 Aquidneck Ave and further identified as Lot 132, 133 & 134 on Tax Assessor's Plat 115SE.

Full Hearings:

Petition of: William F Flowers for a Variance from Section 603- to allow the subdivision of lots 175 & 183 resulting in a reduction in area of lot 175 to 19,677.50 sq. ft. where 30,000 sq. ft. is required. Said real estate located at 619 East Main Rd & 60 Wyatt Rd and further identified as Lots 175 & 183 on Tax Assessor's Plat 113. Mr. Flowers presented his case to move his boundary.

Discussion: Mr. Kane noted that the planning board submitted a positive endorsement.

Motion: Tom Silveira

Second: Nicholas Pasyanos

Vote: 5 to 0 approved

Petition of: Middletown Square, LLC by their attorney Jeremiah C. Lynch, III for a Special Use from Section 602- to permit the operation of a donation center (Miscellaneous Business Service Not Otherwise Classified) on the premises. Said real estate located at 7 West Main Rd and further identified as Lot 148 on Tax Assessor's Plat 108SW. Attorney Lynch presents his client's case. Mr. Lynch's request a continuance as his expert witness is not available to be interviewed. Continued to April 28, 2015

Petition of: William B. Nimmo by his attorney Matthew H. Leys for a Variance from Section 602- to allow a single family residential use in a General Business Zone. Said real estate located at 28 West Main Rd and further identified as Lot 23 on Tax Assessor's Plat 108SW. Attorney Matthew H. Leys presents his client's case. Steve Kirby, real estate broker, testifies on behalf of the applicant's petition. Mr. Kirby visited the site and testified that the majority of the building resides in Newport where a GB zoning is not allowed. The space allotted to GB is too small.

Exhibit A – Kirby Resume

Exhibit B – Lot Plan

Exhibit C – Floor Plan

Exhibit D – Kirby Report

Discussion: Positive endorsement from neighbor to have it

Motion: Tom Silveira

Second: James Miller

Vote: 5 - 0

Adjourn 38 minutes