

Middletown Zoning Board of Review Minutes

April 28, 2015

Administrative: The meeting is called to order at 7:00 PM.

Roll Call: Present to vote: Chairman Tom Silveira, Vice Chairman Jim Miller, Secretary Stephen MacGillivray, Nicholas Pasyanos (voting member), Robert Novick (absent), Olin Gambrell.

Approval of Minutes: The February, 2015 are reviewed and considered. Olin Gambrell moves for approval, Jim Miller seconds. The minutes are approved 5-0.

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.Planning Board has not completed its review and the matter is continued to May 26, 2015.

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.Planning Board has not completed its review and the matter is continued to May 26, 2015.

Petition of: Kempenaar Real Estates, Inc.- for a Special Use Permit from Sections 602 & 605- to allow a 3,270 sq. ft. addition to the existing hotel with restaurant facility by demolishing the existing 2,815 sq. ft. entrance/lobby and replacing it with a new 6,085 sq. ft. addition resulting in a new building footprint of 43,775 sq. ft. Said real estate located at 349-351 West Main Rd and further identified as Lots 19300-19301 on Tax Assessor's Plat 108.Petitioner requests a continuance. Stephen MacGillivray moves to grant the continuance and Jim Miller seconds. The motion passes 5-0 and the matter is continued until May 26, 2015.

Petition of: WM Hotel Group LLC c/o First Bristol Corp (owner)- Cellco

Partnership (applicant) c/o their attorney Daniel D. Klasnick- for a Special Use Permit from Article 25 & Article 6, Section 602 and Article 9, Section 902- to allow the installation of a Building-Mounted Wireless Facility at the property consisting of rooftop mounted panel antennas, a stealth enclosed rooftop mounted equipment shelter and a natural gas backup generator with all necessary utility connections and appurtenances. Said real estate located at 317 West Main Rd and further identified as Lot 131 on Tax Assessor's Plat 108. Petitioner requests a continuance. Stephen MacGillivray moves to grant the request and Olin Gambrell seconds. The motion passes 5-0 and the matter is continued to May 26, 2015

Petition of: WM Hotel Group LLC c/o First Bristol Corp (owner)- Cellco Partnership (applicant) c/o their attorney Daniel D. Klasnick- for a Variance from Article 6, Section 603- to allow the installation of a Building-Mounted Wireless Facility at the property consisting of rooftop mounted panel antennas, a stealth enclosed rooftop mounted equipment shelter and a natural gas backup generator with all necessary utility connections and appurtenances, the stealth enclosed rooftop shelter will be 14'-5" above the roof resulting in an overall building height of 51'-5" where 40' is allowed. Said real estate located at 317 West Main Rd and further identified as Lot 131 on Tax Assessor's Plat 108. Petitioner requests a continuance. Stephen MacGillivray moves to grant the request and Olin Gambrell seconds. The motion passes 5-0 and the matter is continued to May 26, 2015

Petition of: D'Angelo Inc. c/o their attorney Vernon L. Gorton, Esq.- for a Special Use Permit from Sections 717 & 1200- to allow a drive up teller area and also to allow 2 additional building mounted signs for the proposed 2,500 sq. ft. TD Bank facility. Said real estate located at 553 West Main Rd and further identified as Lot 59 on Tax Assessor's Plat 107SE. Petitioner requests a continuance. Stephen MacGillivray moves to grant the request and Olin Gambrell seconds. The motion passes 5-0 and the matter is continued to May 26, 2015.

Petition of: D'Angelo Inc. c/o their attorney Vernon L. Gorton, Esq.- for a Variance from Section 1301B- to allow a 10' landscaped buffer where 20' is required for the off street parking facility for the proposed 2,500 sq. ft. TD Bank facility. Said real estate located at 553 West Main Rd and further identified as Lot 59 on Tax Assessor's Plat 107SE. Petitioner requests a continuance. Stephen MacGillivray moves to grant the request and Olin Gambrell seconds. The motion passes 5-0 and the matter is continued to May 26, 2015.

Petition of: Mello Realty, Inc. (owner) New Cingular Wireless PCS, LLC by AT&T Mobility Corp. (applicant) c/o their attorney Edward D. Pare, Jr., Esq. and Co-Counsel Robert M. Silva, Esq.- for a Special Use Permit from Sections 602, 902(A) Article 25 Sections 2501(C) & 2502(A) and to the extent required, all rights reserved, any other required relief, pursuant to RIGL, Title 45, Ch. 45-24 as well as the Federal Telecommunications Act of 1996. To allow the construction of a Wireless Communication Services Facility consisting of a 125'

monopole tower with an enclosed equipment shelter. Said real estate located at Coddington Highway and further identified as Lot 103 on Tax Assessor's Plat 103. Petitioner requests a continuance. Olin Gambrell moves to grant the request and Stephen MacGillivray seconds. The motion is granted 5-0 and the matter is continued to May 26, 2015.

Petition of: Mello Realty, Inc. (owner) New Cingular Wireless PCS, LLC by AT&T Mobility Corp. (applicant) c/o their attorney Edward D. Pare, Jr., Esq. and Co-Counsel Robert M. Silva, Esq.- for a Variance from Sections 2504(B), 2504(G) & 2504(I)(1) and to the extent required, all rights reserved, any other required relief, pursuant to RIGL, Title 45, Ch. 45-24 as well as the Federal Telecommunications Act of 1996 including, to the extent required all rights reserved, a Federal Preemptive Variance. To allow the construction of a Wireless Communication Services Facility consisting of a 125' monopole tower with a rear yard setback 93' and a side yard setback of 105' where 157' is required and closer than the required 10' from the compound fencing. Also to allow the equipment shelter with a height of 10.5' where 8' is allowed. Said real estate located at Coddington Highway and further identified as Lot 103 on Tax Assessor's Plat 103. Petitioner requests a continuance. Olin Gambrell moves to grant the request and Stephen MacGillivray seconds. The motion is granted 5-0 and the matter is continued to May 26, 2015.

Petition of: Mary R. Navarro- for a Variance from Sections 603 & 701-

to allow the addition of a 20' x 30' one story addition and covered porch with a right side setback of 4' where 15' is required. Said real estate located at 19 Murphy Circle and further identified as Lot 10 on Tax Assessor's Plat 106. Continued to May 26, 2015.

Summary:

Petition of: John Sirois- for a Variance from Sections 603, 701 & 803G- to allow the construction of a roof over the existing 12' x 26' deck with a right side yard setback of 10' where 20' is required. Said real estate located at 479 Aquidneck Ave. and further identified as Lot 44 on Tax Assessor's Plat 120. Petitioner presents his case. Jim Miller moves to grant the petition and Nicholas Pasyanos seconds. The petition is granted 5-0.

Full Hearings:

Petition of: Lost Beech Realty Trust, LLC (owner)- Bucks & Dough Enterprises, dba Domino's Pizza (applicant) for a Special Use Permit from Section 602- to allow the addition of 24 seats to the existing fast food restaurant. Said real estate located at 19 West Main Rd and further identified as Lot 136 on Tax Assessor's Plat 108SW. Mark DesJardins presents his case. Sprint has moved out of the adjoining space and he wants to expand to have tables. A neighbor Paul Donovan objects based on the expansion of an alleged nuisance. Stephen MacGillivray moves to grant the petition with the conditions that as of and after 2 AM: i) the sign lights be turned off; ii) the

restaurant be free of customers; and, iii) all parking and all activity of the employees take place in the back of the building. Jim Miller seconds. The petition is granted 5-0 with the condition as stated.

Petition of: Donald F & Patricia A Hafer- for a Special Use Permit from Section 602 - to allow the expansion of a non conforming multi-family dwelling by allowing 3 decks with an enclosed storage area below. Said real estate located at 249 Tuckerman Ave and further identified as Lots 1900, 1904, 1905 on Tax Assessor's Plat 116SE. Donald F. Hafer presents his case. Olin Gambrell moves to grant the petition and Nicholas Pasyanos seconds. The petition is granted 5-0.

Petition of: Donald F & Patricia A Hafer- for a Variance from Sections 603, 701 & 803G- to replace first and second floor decks with two 12' X 14' decks and a third floor deck with an 8' X 14' deck and a spiral stair (fire escape) with a right side yard setback of 4.9' where 10' is required and a rear yard setback of 29.2' where 30' is required. Said real estate located at 249 Tuckerman Ave and further identified as Lots 1900, 1904, 1905 on Tax Assessor's Plat 116SE. Olin Gambrell moves to grant the petition and Nicholas Pasyanos seconds. The petition is granted 5-0.

Petition of: Lisa B Arbues- for a Variance from Sections 603, 701 & 803G- to construct a deck and outdoor shower with a left side yard setback of 13.5' where 15' is required and a right side yard setback of 8.1' where 15' is required. Said real estate located at 200 Center Ave

and further identified as Lot 262A on Tax Assessor's Plat 115SE. Lisa Arbues testifies stating that she wants to have a more usable deck. Nicholas Pasyanos moves to grant the petition and Jim Miller seconds. Petition is granted 5-0.

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. Jeremiah Lynch attorney for the petitioner presents the case; Gary Ducet, Territory Manager, and Kevin DeMers, PE, also testify. Neighbor, Paul Donovan, testifies and suggests some conditions. Olin Gambrell moves that the petition be granted with the following conditions: i) that all operations take place inside at all times; ii) that deliveries/pickups do not take place between 10 PM and 7 AM; and, iii) that no containers or large trucks or receptacles be stored on the property. Nicholas Pasyanos seconds and the Petition is granted 5-0.

Meeting is adjourned at 8:32 PM.