

## **Middletown Zoning Board Minutes**

**October 27, 2015**

**Administrative: Roll Call: Chairman Tom Silveira; ViceChair Jim Miller., Secretary Stephen MacGillivray, Olin Gambrell; Chris Souza; Henry Pine; (First Alternate); John Peixheino (Second Alternate); Eric Kirton (Third Alternate)**

**Minutes Adopted: Olin Gambrell moves for the approval of the September 22, 2015 minutes and Stephen MacGillivray seconds. The minutes are approved by a vote of 5-0.**

### **Continuances/Withdrawals:**

**Petition of: Aquidneck Avenue Equities, LLC- for a Variance from Section 1304- to allow 298 parking spaces where 198 spaces are permitted. Said real estate located at 850 Aquidneck Ave and further identified as Lot 92C on Tax Assessor's Plat 114. Attorney Robert Silva requests that the matter be continued to the next meeting due to the fact that it is still before the Technical Review Committee. The matter was continued until November 24, 2015. Meeting.**

**Petition of: Cumberland Farms, Inc. & VSH Realty Inc. & John J. Moitoza Revocable Trust (owners) First Hartford Realty Corporation (applicant)- 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. Attorney Robert Silva requests that the matter be continued to the next meeting due to the fact that it is still before the Technical Review Committee. The matter was continued until November 24, 2015.**

**Petition of: Cumberland Farms, Inc. & VSH Realty Inc. & John J. Moitoza Revocable Trust (owners) First Hartford Realty Corporation (applicant) - 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. Attorney Robert Silva requests that the matter be continued to the next meeting due to the fact that it is still before the Technical Review**

**Committee. The matter was continued until November 24, 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. Attorney Robert Silva requests that the matter be withdrawn without prejudice. Stephen MacGillivray moves to grant the request and Jim Miller seconds. The request to withdraw without prejudice is granted by a vote of 5-0.**

**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. Attorney Robert Silva requests that the matter be withdrawn without prejudice. Stephen MacGillivray moves to grant the request and Jim Miller seconds. The request to withdraw without prejudice is granted by a vote of 5-0.

#### **Full Hearings:**

**Petition of: Michael J & Sara R Pimental (owners) for a Variance from Sections 603, 701 and 803G- to construct a second story addition with a left side yard setback of 27.6' where 30' is required and a rear yard setback of 45.3' where 60' is required. Said real estate located at 81 Beagle Drive and further identified as Lot 718 on Tax Assessor's Plat 120. Attorney Andrew Teitz represents the petitioner and Michael Pimental testifies that he has lived there four years. He wants to expand and add second floor for additional living space for children. Nathan Godfrey also testifies regarding the elements for a dimensional variance. Jim Miller moves for approval and Chris Sousa seconds. The petition is granted by a vote of 5-0.**

**Petition of: Aquidneck Health, LLC (owner) for a Special Use Permit from Sections 602- to allow a Physical Therapy Center in an Office Business- Traffic Sensitive (OBA) zone. Said real estate located at 66 Valley Rd and further identified as Lot 19B on Tax Assessor's Plat 113. William Buck testifies regarding the planned use. Stephen MacGillivray moves for approval and Jim Miller seconds. The petition is granted by a vote of 5-0.**

**Petition of: Vincent F & Mary Ann Botti (owner) by their attorney Robert M. Silva, Esq.- for a Variance from Sections 603, 701 and 803G- to allow the expansion of a single family, residential structure with a right side yard setback of 9'-1" and a left side yard setback of 6'-10" for a new roof line where 15' is required, resulting in an increase of lot coverage to 32.7% where 25% is required. Said real estate located at 169 Tuckerman Ave and further identified as Lot 25 on Tax Assessor's Plat 116SE. Attorney Robert M. Silva represents the petitioner and Brian Shull architect testifies as does Vincent Botti who states that he has lived in the location for 30 years and wants to have a first floor bedroom. Jim Miller moves for approval and Olin Gambrell seconds. The petition is granted by a vote of 5-0.**

**Adjourned 7:41 PM.**