

Middletown Zoning Board Minutes

November 24, 2015

Administrative: Roll Call: Chairman Tom Silveira; Vice Chair Jim Miller, Secretary Stephen MacGillivray, Olin Gambrell; Chris Souza; Henry Pine (absent); John Peixheino (acting First Alternate); Eric Kirton (acting Second Alternate)

Adoption of Minutes: The minutes of the October 27, 2015 meeting were reviewed. Olin Gambrell moved for approval and Jim Miller seconded. The minutes were approved by a vote of 5-0.

Zoning Board 2016 Schedule: Zoning Board's proposed meeting schedule for 2016 was reviewed. Olin Gambrell moved for its approval and Stephen MacGillivray seconded. The meeting schedule was approved by a vote of 5-0. Stephen MacGillivray moved to have the December 22, 2015 meeting moved to January 5, 2016 and Jim Miller seconded. This change was approved by a vote of 5-0.

Continuances/Withdrawals:

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. David Martland representing the petitioner stated that the matter remains before Planning Board and the Technical Review Committee. Accordingly, the matter was continued to January 26, 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. David Martland representing the petitioner stated that the matter remains before Planning Board and the Technical Review Committee. Accordingly, the matter was continued to January 26, 2015

Petition of: Old Farm, LLC- 736 East Main Road - Middletown, RI (owner)- by their attorney Michael A. Kelly- 128 Dorrance Street- Providence, RI Ste. 300 - for Special Use Permits from Sections 602, 605 & 1800 et seq – to allow a shopping center, with building footprints exceeding 35,000 square feet in the GB Zone. The development will consist of approximately 471,000 square feet of space located in 5 buildings with 3 of the buildings exceeding the 35,000 square foot threshold. Said real estate located at West Main Rd. and further identified as Lot 55 on Tax Assessor’s Plat 106. The Building Official indicated that there was a letter in file requesting a continuance to the January 5, 2016. The matter was continued to January 5, 2016.

Petition of: Newport Rifle Club (owner) for a Variance from Section 603, 701 & 803G - to construct a 24.5’ X 60’ second floor addition to existing building with a left side yard setback of 17’ and a right side yard setback of 22’ where 50’ is required. Said real estate located at 360 Wyatt Rd and further identified as Lot 9 on Tax Assessor’s Plat 119. This matter was continued to January 5, 2016 so that a related petition could be referred to the Technical Review Committee and the Planning Board.

Referrals:

Petition of: Newport Rifle Club (owner) for a Special Use Permit from Section 803A- to construct a 24.5’ X 60’ second floor addition to existing building. Said real estate located at 360 Wyatt Rd and further

identified as Lot 9 on Tax Assessor's Plat 119. This matter was referred to Technical Review Committee and the Planning Board and therefor it was continued to January 5, 2016.

Petition of: Windmill Partners LLC (owner) for a Special Use Permit from Section 1103- to allow the construction of a 1780 square foot one story office/business building to be located in Zone 1 Watershed Protection District. Said real estate located at 132 East Main Rd and further identified as Lot 200 on Tax Assessor's Plat 107SE. This matter was referred for Development Plan Review and was continued to January 5, 2016.

Summary Cases:

Petition of: Michael Saccardi (owner) for a Variance from Sections 603 & 701- to allow the construction of a 12' X 22' detached garage with a left side yard setback of 10.5' where 15' is required. Said real estate located at 64 Fenner Ave and further identified as Lot 11 on Tax Assessor's Plat 109NE. There were no objections to the petition. Jim Miller moved for granting and Stephen MacGillivray seconded. The petition was granted by a vote of 5-0.

Full Hearings:

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. David Martland appeared on behalf of the petitioner. Engineer Ron Cataldo was presented to testify regarding the need for the additional spaces and their design and impact on the site. Jim Miller moved to for approval while incorporating the Planning Board's recommendations and Olin G seconded. The petition was granted by a vote of 5-0.

Petition of: Cameron and Nichole Appleton (owners) for a Variance from Sections 603 & 803G- to construct a mudroom and pantry addition with landing/steps resulting in an increase in lot coverage from 32.2% to 34.2% where 25% is allowed. Said real estate located at 395 Wolcott Ave and further identified as Lot 188 on Tax Assessor's Plat 116NE. Architect Chris Arner presents the petition on behalf of the petitioners who are absent. Stephen MacGillivray moved for approval and Olin Gambrell seconded. The petition was approved by a vote of 5-0.

Petition of: 114 West Main Rd Inc (owner) for a Special Use Permit from Section 602- to allow the continuation of an auto repair service. Said real estate located at 114 West Main Rd and further identified as Lot 11 on Tax Assessor's Plat 108SW. The petitioner presented its case and after consideration of the testimony, Olin Gambrell moved for approval and Jim Miller seconded. The petition was approved by a vote of 5-0.

Petition of: 333 Valley Road LLC (owner) for a Special Use Permit

from Section 602- to allow a skincare salon and therapeutic massage service. Said real estate located at 333 Valley Road and further identified as Lot 650 on Tax Assessor's Plat 114. Sarah Ross presented her case. After consideration of the testimony, Stephen MacGillivray moved for approval and Jim Miller seconded. The petition was granted 5-0.

Petition of: Laszlo B. Korbl (owner) for a Variance from Sections 603, 701 & 803G- remove the existing 36' X 54' first floor & construct a two story single family dwelling on the existing foundation with a front yard setback of 17' where 25' is required, a rear yard setback of 29.7' where 30' is required, a left side yard setback of 12.4' and a right side yard setback 16.2' where 15' is required. Said real estate located at 25 Perry Ave and further identified as Lot 3 on Tax Assessor's Plat 121SW. Laszlo Korbl presented his case indicating that he has owned the property for 10 years. Stephen MacGillivray moved for approval and Chris Souza seconded. The petition was granted by a vote of 5-0.

Petition of: Wayne Theriault (owner) for a Special Use Permit from Section 602- to allow the existing patio consisting of a 14'-10" X 10'-8" area with a pergola roof to be enclosed creating a greenhouse room. Said real estate located at 249 Tuckerman Ave, Unit 6 and further identified as Lot 1906 on Tax Assessor's Plat 116SE. Case continued to January 26, 2016 so that the petitioner can obtain the required vote of the association.

Jim Miller moved for adjournment and Olin Gambrell seconded. After a vote of 5-0 in favor, the Meeting was adjourned at 8:19 PM.