

## **Middletown Zoning Board Minutes**

**January 5, 2016**

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

**Adoption of Minutes: The Minutes of the November 24, 2015 minutes were reviewed. Olin Gambrell moved for their approval and Stephen MacGillivray seconded. The minutes were unanimously approved.**

### **Continuances/Withdrawals:**

**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. Petitioner submitted a letter requesting continuance to March 22, 2016 and the matter was continued accordingly.**

**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. Mr. Kane reported that the develop plan review was still ongoing and the matter was conitnued to January 26, 2016.**

### **Summary Cases:**

**Petition of: Columbus O'Donnell (owner) for a Variance from Sections 603, 701 & 803G- construct a second floor dormer with a front yard setback on Bartlett Road of 23.8' where 40' is required. Said real estate located at 1312 Wapping Rd and further identified as Lot 4 on Tax Assessor's Plat 129. No objections, Stephen MacGillivray moved for approval and Chris Souza seconds. The vote is 5-0 and accordingly, the petition is granted.**

### **Full Hearings:**

**Petition of: Nancy Nixon (owner) for a Variance from Sections 603, 701 & 803G- construct an exterior stair for roof deck access with a right side yard setback of 11' where 15' is required and a front entry roof with a front yard setback of 13.67' where 25' is required. Said real estate located at 417 Wolcott Ave and further identified as Lot 191 on**

**Tax Assessor's Plat 116NE. Tyler Zagayn, designer presented the case. Stephen MacGillivray moved for approval, Olin Gambrell seconded the motion. The vote was 5-0 and accordingly, the petition was granted.**

**Petition of: Paul & Collen Alabiso (owners) for a Variance from Sections 603, 701 & 803G- construct a 24'x32.50'- 2 story addition to include a covered porch with a left side yard setback of 7.38' where 30' is required. Said real estate located at 82 Third Beach Rd and further identified as Lot 95 on Tax Assessor's Plat 125. Mr. Alabiso presents his matter. Olin Gambrell moved for approval and John Peixheino seconded. The vote was 5-0 and accordingly, the petition is granted.**

**Petition of: Douglas C Shear (owner) for a Variance from Sections 603, 701 & 803G- construct a 26' X 36' second floor addition and an 8' X 12.5' one story addition with a left side yard setback of 8.5' where 15' is required, a front yard setback of 15.1' where 25' is required, a rear yard setback of 29' where 30' is required also, construct a 12' X 22' deck with a rear yard setback of 25.5' where 30' is required resulting in lot coverage of 28% where 25% is allowed. Said real estate located at 46 Perry Ave and further identified as Lot 89 on Tax Assessor's Plat 121NW. Doug Sheer presented his application. An abutted, Mary Ann Poulen, expressed objections regarding the size of the house. Stephen MacGillivray moved for approval, Chris Souza seconded. The vote was 5-0 and accordingly, the petition was**

approved.

**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. Jeff Gladstone, attorney, presented the case. Members and experts testified regarding the 140-year old club and its contribution to the community as well its need for the addition. An appraiser and engineer also testified.**

**Robert Corey, 316 Wyatt Road, a joint owner of the abutting property expressed concerns regarding noise at the outdoor range. He agreed that the expansion may go forward provided that the club hire a sound engineer in the future. Stephen MacGillivray moved to approve the application provided that the club hire a sound engineer within 24 months of the completion of construction to explore means for limiting the sound from the outdoor range. Olin Gambrell seconded. The vote was 5-0 and accordingly the petition was approved.**

**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. Stephan MacGillivray**

**moved for approval with the limitations noted above and Olin Gambrell seconded. The vote was 5-0 and this portion of the petition was approved.**

**Adjourn at 9:10 PM.**