

Middletown Zoning Board Minutes

January 26, 2016

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

Adoption of Minutes: The Minutes of the January 5, 2016 meeting will be reviewed at the next hearing.

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. These two matters were before the Planning Board and awaiting CRMC and DEM approval. They were therefore continued to February 23, 2016 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 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. These two matters are before the Planning Board and awaiting CRMC and DEM approval. They were continued to February 23, 2016 meeting.

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. The hearing was opened at last meeting and there was a request that it be continued to March 22, 2016. The request was granted.

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 forwarded last month to Planning Board and Conservation Commission. That process was not complete and therefor the matter was continued to February 23, 2016 meeting.

Petition of: Susan A & Alfred Grindell (owners) Lewis S & Natalie Silvia (owners) by their attorney Joseph R. Palumbo - for a Variance from Section 603 & 701- to allow the relocation of the existing side lot line resulting in an accessory structure on lot #151 with a setback of 5' where 20' is required. Said real estate located at 160 & 170 Green End Ave and further identified as Lots 151 & 111 on Tax Assessor's Plat 108SE. Attorney had submitted a letter requesting a continuance to February 23, 2016 and this request was granted.

Referrals:

Petition of: Seaview Inn, LLC (owners) - by their attorney David P. Martland, Esq.- for a Special Use Permit from Sections 602, 725 & 1106- to allow the installation of a ground-mounted solar photovoltaic facility in Zone 1 of the Watershed Protection District. Said real estate located at 240 Aquidneck Ave, John Clarke Rd & Valley Rd and further identified as Lots 54 on Tax Assessor's Plat 115. Stephen MacGillivray moved to refer the matter and Olin Gambrell seconded. The motion was granted by a 5-0 vote.

Petition of: Prescott Point Investors, LLC (owner)- by their attorney Jeremiah C. Lynch III- for a Special Use Permit from Section 602 & Article 15 - to construct a 20 unit multifamily condominium project with a 2,500 sq. ft. clubhouse, and a residential care/assisted living facility (48 rooms) on premises. Said real estate located at West Main Rd and further identified as Lot 7 on Tax Assessor's Plat 104. Olin Gambrell moved to continue this matter at the request of the petitioner and John Peixinho seconded. By a vote of 5-0 the motion was granted and the matter was continued to February 23, 2016 meeting.

Petition of: Konstantios & Eleni Moisades (owners)- by their attorney Robert M. Silva, Esq.- for a Variance from Sections 603, 1301(B)(D) and (G) and 1304 to 1307- to permit the construction of mixed residential and commercial use structure containing 4 residential, two bedroom units and a retail area of 2,960 sq. ft. with less than the required off-street parking spaces, side yard, rear yard and front yard setbacks, landscaping buffers and loading areas. Said real estate located at 74 Aquidneck Avenue & 62 Wave Avenue and further identified as Lots 2A, 2 & 3 on Tax Assessor's Plat 116NW. There was a request to continue these two matters to the February 23, 2016 meeting. Olin Gambrell so moved and Henry Pine seconded. The motion was granted by a vote of 5-0.

Petition of: Konstantios & Eleni Moisades (owners)- by their attorney

Robert M. Silva, Esq.- for a Special Use Permit from Sections 602, 1100 & 1108- to permit the construction of mixed residential and commercial use structure located in Watershed Protection Area (Zone1) pursuant to plans files herewith. Said real estate located at 74 Aquidneck Avenue & 62 Wave Avenue and further identified as Lots 2A, 2 & 3 on Tax Assessor's Plat 116NW. 62 Wave Avenue and further identified as Lots 2A, 2 & 3 on Tax Assessor's Plat 116NW. There was a request to continue these two matters to the February 23, 2016 meeting. Olin Gambrell so moved and Henry Pine seconded. The motion was granted by a vote of 5-0.

Full Hearings:

Petition of: Mark & Kimberly Pachico (owners) for a Special Use Permit from Section 602- to allow a 256 sq. ft. expansion of the residential area in a mixed residential and commercial use. Said real estate located at 496 East Main Rd and further identified as Lot 157A on Tax Assessor's Plat 113. Mark and Kim Pachico testified that they wanted to enclosed a back porch and use it as a den. Stephen MacGillivray moved for approval and Olin Gambrell seconded. The motion passed by a vote of 5-0 and the petition we therefore granted.

Petition of: Kenneth J Alves (owner) for a Special Use Permit from Section 602 and Article 18- to allow the expansion of a shopping center by the addition of a 20' X 30' temporary tent for the sale and storage of fireworks to be erected on an annual basis through 2021

for a period not to exceed 30 days annually. Said real estate located at 999 West Main Rd and further identified as Lot 114 on Tax Assessor's Plat 106. Amy Hodge and Kenneth J. Alves, spoke for the property owner. John Peixinho moved for approval and Stephen MacGillivray seconded. The motion was granted by vote of 5-0 and the petition was granted.

Adjourn 7:20.