

## **Middletown Zoning Board Minutes**

**February 23, 2016**

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

**Adoption of Minutes: The Minutes of the January 5, 2016, January 23, 2016 meetings were reviewed and Olin Gambrell moved for their acceptance and Jim Miller seconded. The minutes were approved by a vote of 5-0 with the provision that board member Chris Sousa's last name be changed from "Souza" to "Sousa."**

### **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. The matter is awaiting Conservation Commission and Planning Board approval and recommendations. Accordingly, it is continued to March 22, 2016**

**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. The matter is awaiting Conservation Commission and Planning Board approval and recommendations. Accordingly, it is continued to March 22, 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. The matter is awaiting Conservation Commission and Planning Board approval and recommendations. Accordingly, it is continued to March 22, 2016.**

**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. The matter is awaiting Conservation Commission and Planning Board approval and recommendations. Accordingly, it is continued to March 22, 2016.**

**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. The matter is awaiting Conservation Commission and Planning Board approval and recommendations. Accordingly, it is continued until May, 24, 2016.**

**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. The matter is awaiting Conservation Commission and Planning Board approval and recommendations. Accordingly, it is continued to March 22, 2016.

**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. Before Planning board and Conservation Commission therefore continued to 3/22**

#### **Full Hearings:**

**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. J. Palumbo represents the petitioners. Stephen MacGillivray moves for approval and Jim Miller seconds. The matter**

**is approved by a vote of 5-0.**

**Petition of: Dwight & Mary Jameson (owners) for a Special Use Permit from Section 602- to allow the expansion of an existing two family dwelling by the addition of two dormers to create habitable space on the 3rd floor. Said real estate located at 48 Vernon Ave and further identified as Lot 183 on Tax Assessor's Plat 108SW. Jim Miller moves for approval and Olin Gambrell seconds. The petition is approved by a vote of, 5-0**

**Petition of: Dwight & Mary Jameson (owners) for a Variance from Sections 603, 701 & 803G- construct two shed dormers with a left side yard setback of 7' and a right side yard setback of 12' where 20' is required, a front setback of 3.5' where 25' required and a rear yard setback of 15' where 30' required. Said real estate located at 48 Vernon Ave and further identified as Lot 183 on Tax Assessor's Plat 108SW. Jim Miller moves for approval and Olin Gambrell seconds. The petition is granted by a vote of 5-0.**

**Petition of: Amy H. Rose- for a Variance from Sections 603, 701, 703B & 803G- to construct a 14' X 14' three season room with a rear yard setback of 40.2' where 50' is required and a left side setback of 18' where 20' is required and located 5' from the accessory detached garage where 10' is required.. Said real estate located at 418 Wolcott Ave and further identified as Lot 5 on Tax Assessor's Plat 122. Petitioner seeks to construct a porch on the back and make a three**

season room. Olin Gambrell moves to approve and Jim Miller seconds. The petition is granted by a vote of 5-0.

Petition of: Kenneth J. Alves (owner) for a Special Use from Section 602- to allow a day spa / bodyworks to include massage, facial and waxing. Said real estate located at 238 East Main Rd and further identified as Lot 104 on Tax Assessor's Plat 107SE. Owner of Star Nails wants to expand into new space to create day spa. Olin Gambrell moves to approve with the condition that all necessary licenses and approvals are obtained from the state and/or the town; Jim Miller seconds. The petition is granted by a vote of 5-0.

Petition of: Margaret A McCormick (owner) requesting that the zoning board amend the conditions imposed on a previously granted decision dated on October 2, 1997 that the In-Law apartment use be terminated upon transfer of title. Said real estate located at 38 Hilltop Ave and further identified as Lot 44 on Tax Assessor's Plat 108SW. Margaret McCormick presents her case and presents testimony relative to Special Use Permit and Variance. Jim Miller moves for approval and Stephen MacGillivray seconds. The petition is approved 5-0.

The meeting is adjourned at 8:53 PM.