

May 24, 2016

Administrative:

Town of Middletown Zoning Board Minutes for May 24, 2016

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

Adoption of Minutes April 27, 2016: Olin Gambrell moves to approve the minutes from the April meeting and Stephen MacGillivray seconds. The minutes are 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.

Continued to 06/28/2016 Awaiting DPR

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.

Continued to 06/28/2016 Awaiting DPR

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.

Continued to 8/23/2016 Awaiting DPR

Petition of: William & Elizabeth Gill & David Lawrence (owners) by their attorney Jeremiah C Lynch, III- for a Variance from Sections

2201(a) 2204(e) & 1208(a) to allow the construction of a 37 unit Senior Independent Living Facility without the inclusion of the required social or recreational facilities and having 30' of frontage on a public road where 50' is required. Also to allow the placement of an off premise sign. Said real estate located at 1 Thelma Lane and further identified as Lots 14, 23 & 23B on Tax Assessor's Plat 111. . Continued to 7/26/2016 Awaiting DPR

Petition of: William & Elizabeth Gill & David Lawrence (owners) by their attorney Jeremiah C Lynch, III- for a Special Use Permit from Sections 1106 & 2202 - to allow the construction of a 37 unit Senior Independent Living Facility in zone 1 of the Water Shed Protection District. Said real estate located. Continued to 7/26/2016 Awaiting DPR

Petition of: Lucky Dog Resort, Inc. (owner) by their attorney Michael Miller, Esq.- for a Special Use Permit from Sections 602, 803(A) & 803(G)- to permit the reconfiguration of a pre-existing, non-conforming, mixed commercial and residential use and structure to allow the expansion of the kennel. Said real estate located at 599 East Main Rd and further identified as Lots 176, 177 & 178 on Tax Assessor's Plat 113. Continued to 7/26/2016 Referred to Planning Board for DPR

Petition of: Lucky Dog Resort, Inc. (owner) by their attorney Michael Miller, Esq.- for a Variance from Sections 603, 701 & 803G- to allow

the expansion of a pre-existing non-conforming use and structures to allow the construction of a 6,406 sq. ft. kennel in conformity with the existing dimensional regulations, except to the extent that it extends over or encumbers upon interior lot lines which will be removed upon approval of this petition.. Said real estate located at 599 East Main Rd and further identified as Lots 176, 177 & 178 on Tax Assessor's Plat 113.

Continued to 7/26/2016 Referred to Planning Board for DPR

Full Hearings:

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. Attorney David Martland explains that elevation of the solar panel installation has been lowered by three feet. As requested by the board, he presents a graphical depiction showing what the installation will look like from various points along the public roadway. Stephen MacGillivray moves to grant the Special Use Permit and Olin Gambrell seconds. The Special use permit is granted by a vote of 5-0.

Petition of: Thomas O'Connor Jr. (owner) for a Special Use Permit from Sections 1212(D)(1)(A) & 1212 (E) (3)- to allow a 24 sq. ft.

freestanding post sign where 6 sq. ft. is allowed and a 0' front yard setback where 5' is required. Said real estate located at 303 Mitchell's Lane and further identified as Lot 6 on Tax Assessor's Plat 123. Petitioner presents a modified petition with a smaller sign and no request for setback variance. Various residents along Mitchells Lane present their objections. Stephen MacGillivray moves for approval and Olin Gambrell seconds. After discussion, the petition is denied by a vote of 0-5.

Petition of: Kevin Clare (owner) for a Variance from Sections 603, 701 & 803G- to construct a 19'-6" X 6' mudroom / deck addition with a left side yard setback of 10.06' where 20' is required resulting in an increase in lot coverage from 30.10% to 34.30% where 20% is allowed. Said real estate located at 150 Kane Ave and further identified as Lot 26A on Tax Assessor's Plat 122. Kevin Clare present his case for a small mudroom addition. There is one objector whose objection is waived once she views the plans presented. Stephen MacGillivray moves for approval and Olin Gambrell seconds. The petition is granted by a vote of 5-0.

.

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. Attorney Robert Silva presents case. He indicates that there will be four living units but the owner does not know at the moment what they will be used for. Engineer Michael Russell testifies regarding regulatory approvals already received for project. Terry Flynn objects. Stephen MacGillivray moves for approval and Olin Gambrell seconds. After discussion wherein it is noted that the building is not constructed as of yet and the design could be modified so that a variance is not required, the petition is denied by a vote of 3-2.

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. The petitioner requests a continuance to provide additional evidence requested by the board. Olin Gambrell moves and Stephen MacGillivray seconds. The request is approved by a vote of 4-1 and the matter is accordingly continued to 6/28/2016.

Petition of: Philip Altman (owner) for a Variance from Sections 603,

701 & 803G- to allow the construction of a 10'x27' three story addition at the rear a 3rd floor over the existing building footprint and a front entry terrace with a left side setback of 1.2'a right side setback of 10.2' where 15' is required a front yard setback of 19' where 25' is required resulting in lot coverage of 29% where 25% is allowed. Also relocate the existing garage 15' in an easterly direction maintaining the existing side yard setback of 1.5' where 15' is required. Said real estate located at 108 Tuckerman Ave and further identified as Lot 140 on Tax Assessor's Plat 116NE.

Continued to 6/28/2016

Petition of: Daniel D Donovan, III (owner) by his attorney Christopher J Behan- for a Variance from Sections 603 & 720- to allow for the subdivision of existing Lot 111 Plat 114 in to two lots each with less than the required minimum width/frontage. Said real estate located at 608 Aquidneck Ave and further identified as Lot 111 on Tax Assessor's Plat 114.

Continued to 6/28/2016

Petition of: Daniel D. Donovan, III (owner) by his attorney Christopher J. Behan- for a Special Use Permit from Sections 1106 & 902- to allow for the construction of a single family residence on a portion of lot 111 on plat 114 which is located in a Watershed Protection District due to the presence of stissing soil. Said real estate located at 608 Aquidneck Ave and further identified as Lot 111 on Tax Assessor's Plat 114.

Continued to 6/28/2016

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.

Continued to 6/28/2016

Petition of: Ken Alves (owner) for a Special Use Permit from Section 602- to allow a modification to the previously granted special use permit to allow overnight boarding not to be exceed 20 dogs. Said real estate located at 741 West Main Rd and further identified as Lot 452 on Tax Assessor's Plat 107NE.

Continued to 6/28/2016

Petition of: Michael Palm (owner) for a Variance from Sections 603, 701, 703B & 803G- to demolish existing shed and construct a 12' X 20' detached garage with a rear yard setback of 1' where 10' is required, a right side yard setback of 0.5' where 15' is required and located 1' from principal structure where 10' is required. Said real estate located at 19 Loring St and further identified as Lot 50 on Tax Assessor's Plat 121 NW.

Continued to 6/28/2016

The meeting is adjourned at approximately 10 PM