

## **Middletown Zoning Board Minutes**

**July 26, 2016**

### **Administrative:**

**Roll Call: Chairman Tom Silveira (absent); Vice Chair Jim Miller, Secretary Stephen MacGillivray, Olin Gambrell; Chris Sousa; Henry Pine; Eric Kirton (First Alternate), and Thomas Heaney (Second Alternate).**

**Adoption of Minutes June 28, 2016: Stephen MacGillivray moved for approval of the minutes and Olin Gambrell seconded. 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. Olin Gambrell moved to have the hearing set down for a Special Meeting on August 9, 2016 and Stephen MacGillivray seconded. The motion was granted by a vote of 5-0.**

**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. Olin Gambrell moved to have the hearing set down for a Special Meeting on August 9, 2016 and Stephen MacGillivray seconded. The motion was granted by a vote of 5-0.**

**Petition of: The Narragansett Electric Company d/b/a National Grid (owner) by their attorney Peter V. Lacouture, Robinson+Cole 1 Financial Plaza Ste. 1430 Providence, RI. - for a Variance from Sections 603, 701, 705(F)1 & 705(G) to allow the construction of an Electric Power Sub-Station and High Voltage Electric Transmission Line Towers with sub-station and transmission line structures that**

**exceed the 35' height restriction. Also to allow fencing and walls that exceed the maximum 6' height allowance and to allow barbed wire fencing in a residential zone. Said real estate located at Jepson Lane and further identified as Lots 49, 52, & 53 on Tax Assessor's Plat 111. Continued to regular meeting on August 23, 2016.**

**Petition of: The Narragansett Electric Company d/b/a National Grid (owner) by their attorney Peter V. Lacouture, Robinson+Cole 1 Financial Plaza Ste. 1430 Providence, RI. - for a Special Use Permit from Sections 602 to allow the construction of an Electric Power Sub-Station and High Voltage Electric Transmission Line Towers. Said real estate located at Jepson Lane and further identified as Lots 49, 52, & 53 on Tax Assessor's Plat 111. Continued to regular meeting on August 23, 2016.**

**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 until August 23, 2016.**

**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 until August 23, 2016.**

**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 until August 23, 2016.**

**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 until August 23, 2016.**

**Request for Development Plan Review:**

**Application of K & R Properties LLC 790 Aquidneck Ave. for development plan review for the proposed second floor addition to the property located at 790 Aquidneck Ave. and further identified as Lot 93-C on Tax Assessors Plat 114. Stephen MacGillivray moved to grant the request and Olin Gambrell seconded the motion. The motion was granted by a vote of 5-0.**

### **Summary Cases:**

**Petition of: Peter H & Linda R Sherman (owners)- for a Variance from Sections 603, 701& 803G- to construct a 10' X 20' deck addition with a rear yard setback of 15.4' where 30' is required. Said real estate located at 6 Roy Ave and further identified as Lot 64 on Tax Assessor's Plat 105. Stephen MacGillivray moved to grant the petition and Chris Sousa seconded. The motion was granted by a vote of 5-0.**

### **Full Hearings:**

**Petition of: Joseph W Peters Jr. Life Estate (owner)- for a Variance from Sections 603, 701& 803G to construct a covered front porch, a second floor dormer, 2 additions and connect the principal structure to the existing accessory garage with a westerly setback of 3.9' and a northerly setback of 2' where 20' is required resulting in lot coverage**

**of 25% where 20% is allowed. Said real estate located at 137 Kane Ave and further identified as Lot 84 on Tax Assessor's Plat 122. Stephen MacGillivray moved to grant the request and Olin Gambrell seconded the motion. The motion was granted by a vote of 5-0.**

**Petition of: Elizabeth F & George H Oestreich III (owners)- for a Variance from Sections 603, 701& 803G- to remove existing deck and construct an 8' X 21' - 3 story addition with decks at the second and third floors with a southerly side yard setback of 15' where 20' is required. Said real estate located at 65 Green End Avenue and further identified as Lot 16105 on Tax Assessor's Plat 109NE. Continued to 8/23/16.**

**Petition of: Elizabeth F & George H Oestreich III (owners)- for a Special Use Permit from Section 803(A) - to allow the expansion of a non-conforming use. Said real estate located at 65 Green End Avenue and further identified as Lot 16105 on Tax Assessor's Plat 109NE. Continued to 8/23/16.**

**Petition of: 957 Plaza Associates, LLC (owner)- for a Special Use Permit from Section 602- to allow therapeutic massage services in addition to the existing spa service. Said real estate located at 957 West Main Rd and further identified as Lot 117 on Tax Assessor's Plat 106. Olin Gambrell moved to grant the petition with the proviso that proper licensing be provided to the building official; Chris Sousa**

**seconded. The motion was granted by a vote of 5-0.**

**Petition of: Leicester Associates, LLC (owner)- by his attorney David P. Martland Esq.- for a Special Use Permit from Section 602- to operate a Self-Storage Facility at the existing structure located on the property. Said real estate located at 875 Aquidneck Ave and further identified as Lot 657 on Tax Assessor's Plat 114. Jonna Read testifies that she has not had complaints. Nathan Godfrey, Certified Appraiser, testifies that it meets the standards for a Special Use. Olin Gambrell moved to grant the petition and Chris Sousa seconded. The motion was granted by a vote of 5-0.**

**Petition of: Michael Sturgess (owner)- by his attorney David P. Martland Esq.- for a Variance from Sections 603&701- to allow the construction of a 676 square foot addition with a right side yard setback of 4' where 20' is required. Allow the conversion of the single family to a two family dwelling with 85.93' of frontage where 120' is required. Said real estate located at 5 Chestnut Hill Rd and further identified as Lot 76 on Tax Assessor's Plat 107SE. . David Martland presents the case and asks for a continuance. The matter is continued to the August 23, 2016 meeting.**

**Petition of: Michael Sturgess (owner)- by his attorney David P. Martland Esq.- for a Special Use Permit from Section 602- to allow a two family dwelling. Said real estate located at 5 Chestnut Hill Rd and**

**further identified as Lot 76 on Tax Assessor's Plat 107SE. David Martland presents the case and asks for a continuance. The matter is continued to the August 23, 2016 meeting.**

**Adjourned 8:14 PM.**