

# **Town of Middletown Zoning Board of Review Minutes**

**August 23, 2016**

**Roll Call: Chairman Tom Silveira (present), Vice Chair Jim Miller (absent), Secretary Stephen MacGillvray (absent), Olin Gambrell (present), Chris Sousa, Acting Secretary (present), Henry Pine (present), Eric Kirton (1st alternative-present and voting), Thomas Heaney (2nd alternative-absent)**

## **Continuances/Withdrawals:**

**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 9/27/2016 awaiting DPR**

**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 9/27/2016 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 10/25/2016 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 1 Thelma Lane and further identified as Lots 14, 23 & 23B on Tax Assessor's Plat 111. Continued to 10/25/2016 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. Withdrawn W/O Prejudice at the request of the applicant**

**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.**

**Withdrawn W/O Prejudice at the request of the applicant**

**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 10/25/2016 awaiting DPR**

**Petition of: Seal Rock, LLC (owners) - by their attorney David P. Martland Esq.- for a Special Use Permit from Sections 603, 803 & 903- to allow the reconstruction and reconfiguration of a single family residence and 2- two-family residential structures. Said real estate located at 193 & 205 Aquidneck Ave & 201 Seascap Ave and further identified as Lots 20, 21 & 46 on Tax Assessor's Plat 115SE. Continued to 9/27/2016 awaiting DPR**

**Petition of: Seal Rock, LLC (owners)- by their attorney David P. Martland Esq.- for a Variance from Sections 603, 701 & 803G - to allow the reconstruction and reconfiguration of a two-family dwelling and a single family dwelling with less than the required setback. Said real estate located at 193 & 205 Aquidneck Ave & 201 Seascap Ave and further identified as Lots 20, 21 & 46 on Tax Assessor's Plat 115SE. Continued to 9/27/2016 awaiting DPR**

**Petition of: Gary Hooks (owner)- by his attorney David P. Martand, Esq.- for a Variance from Section 603- to allow a two lot subdivision with Parcel A having 38,161.14 sq. ft. of land and Parcel B having 38,160.96 sq. ft. of land area where 40,000 sq. feet is required. Said real estate located at 1249 Wapping Rd and further identified as Lot 9 on Tax Assessor's Plat 128.**

**Continued to 9/27/2016 at the request of the applicant**

**Petition of: East Island Reserve, LLC (owners)- by their attorney**

**Jeremiah C. Lynch- for a Special Use Permit from Sections 803A & 902- to allow the enlargement of the non-conforming use by merging Lots 20 & 21 (by Administrative Subdivision) and modify the Special Use Permit approved by the Board on March 27, 2012 by making the following alterations to the previously approved plans on file in the Town of Middletown Building Inspector's Office. Said real estate located at 969 & 985 East Main Rd and further identified as Lots 20 & 21 on Tax Assessor's Plat 118. Continued to 9/27/2016 awaiting DPR**

**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.**

**Withdrawn W/O Prejudice at the request of the applicant**

**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.**

**Withdrawn W/O Prejudice at the request of the applicant**

**Request for Development Plan Review:**

**Application of Samuels Realty Co. Inc. 672, 678, 680, 688 & 692 Aquidneck Ave. for development plan review for the proposed additions to the existing buildings and off street parking facility further identified as Lots 107 C, D & E on Tax Assessors Plat 114 Referred to the Planning Board for Development Plan Review. There are no variances or special use permits required.**

**Full Hearings:**

**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 9/27/2016 the applicant failed to appear at the last 2 scheduled meetings. The board voted 5-0 to dismiss the case should the applicant fail to appear on 9/27.**

**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 9/27/2016 the applicant failed to appear at the last 2 scheduled meetings. The board voted 5-0 to dismiss the case should the applicant fail to appear on 9/27.**

**Petition of: Michael Sturgess (owner)- by his attorney David P. Martland Esq.- for a Special Use Permit from Article 1600- to allow a an accessory family dwelling unit. Said real estate located at 5 Chestnut Hill Rd and further identified as Lot 76 on Tax Assessor's Plat 107SE. Attorney David Martland presents the petition for the applicant. Board members agree the petition meets criteria for a special use permit. No neighbors come to speak about the application. Olin Gambrell moves to grant the request. Chris Sousa seconds the motion.**

**Granted 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 540 sq. ft. addition with a right side yard setback of 5.1' where 15' is required. Said real estate located at 5 Chestnut Hill Rd and further identified as Lot 76 on Tax Assessor's Plat 107SE. Attorney David Martland presents the petition for the applicant. Board members agree the petition meets criteria for a variance. No neighbors come to speak about the application. Olin Gambrell moves to grant the request. Chris Sousa seconds the motion.**

**Granted 5-0**

**Petition of: Patrick Cibotti (owner) - for a Special Use Permit from Section 602 - to allow an addition of an 18' X 20' deck. Said real estate located at 152 Tuckerman Ave Unit M-1 and further identified as Lot 2024 on Tax Assessor's Plat 116NE. Olin Gambrell motions to**

**continue the application 9/27/2016 an objector was not able to attend the hearing and requested that the board continue the matter to the next regularly scheduled meeting. Chris Sousa seconds.**

**Petition of: Leeza & Telly Amarant (owners)- for a Variance from Sections 603, 701 & 803G- to construct a 110 sq. ft. addition and covered porch with a front yard setback of 14.5' where 25' is required and a side yard setback of 13' where 15' is required. Said real estate located at 26 Newport Ave and further identified as Lot 53 on Tax Assessor's Plat 115SE.**

**The applicant presents their Petition. Neighbor, Mrs. Pinksa voices concern about covered porch being compatible with the neighborhood. Board members agree the petition meets criteria for a variance. Olin Gambrell moves to grant the request. Chris Sousa seconds the motion.**

**Granted 5-0**