

## **Middletown Zoning Minutes**

**April 25, 2017**

### **Administrative:**

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

**Adoption of Minutes March 28, 2017 Olin Gambrell moves for approval and Jim Miller seconds. The minutes are approved by a vote of 5-0.**

### **Continuances/Withdrawals:**

**Petition of: John R. Gullison & Bonnie F. Zimble (owners) by their attorney Jeremiah C. Lynch, III - for a Variance from Sections 603, 1301(b), 1301(d), 1304, 1404 & 1406- Construct an 18 room hotel on a lot with 17,533 sq. ft. where 18,000 sq. ft. is required with an elevated parking structure with less than the required landscape buffer area on the south, east and west property lines resulting in lot coverage of 53% where 35% is allowed and increasing the number of spaces to 40 where 35 are allowed. Provide a loading space and service drive on the north side with less than the required landscape buffer. Said real estate located at 59 Aquidneck Ave and further identified as Lot 169**

**on Tax Assessor's Plat 115SE. Attorney David Martland requests a meeting for May 11, 2017 at 7 PM. The request is granted.**

**Petition of: John R. Gullison & Bonnie F. Zimble (owners) by their attorney Jeremiah C. Lynch, III - for a Special Use Permit from Sections 602 & 1400- to allow the construction of a hotel (18 rooms), with an accessory restaurant. Said real estate located at 59 Aquidneck Ave and further identified as Lot 169 on Tax Assessor's Plat 115SE. David Martland requests a meeting for May 11, 2017 at 7 PM. The request is granted.**

**Petition of: Middletown Self Storage LLC by their attorney David P. Martland Esq. for a Special Use Permit from section 602 to allow the construction of an additional building on Lot 657 to be used in connection with the existing self-storage facility. Said real estate located at 875 Aquidneck Ave. and further identified as lots 657, 758 and 757 on Tax Assessor's Plat 114. David Martland requests a meeting for May 11, 2017 at 7 PM. The request is granted.**

**Petition of: Gary Lapidus (owner) by his attorney Jeremiah C Lynch, III- for a Variance from Section 603- to subdivide Lot 6 and create a conforming undeveloped lot (Lot B) and a non-conforming lot (Lot A), which has 9,396 sq. ft. of land, 10,000 sq. ft. required with lot coverage of 28% where 25% allowed. Said real estate located at 107 Briarwood Ave and further identified as Lot 6 on Tax Assessor's Plat 116NE. Jeremiah Lynch requests a continuance to May 23, 2017 and**

**the continuance is granted.**

**Petition of: Old Farm, LLC- 736 East Main Road - Middletown, RI (owner)- by their attorney Michael A. Kelly- 128 Dorrance Street- Providence, RI Ste. 300 - for Special Use Permits from Sections 602, 605 & 1800 et seq – to allow a shopping center, with building footprints exceeding 35,000 square feet in the GB Zone. The development will consist of approximately 471,000 square feet of space located in 5 buildings with 3 of the buildings exceeding the 35,000 square foot threshold. Said real estate located at West Main Rd. and further identified as Lot 55 on Tax Assessor’s Plat 106. David Martland requests another three-month continuance while the mixed-used ordinance continues to be worked on by the town. Continued to July 25, 2017.**

**Petition of: Alexander & Patricia Simmons (owners) - for a Special Use Permit from Section 602- to allow Farm Promotion Accessory Uses at Simmons Farm including but not limited to Farm to Table Dinners, Pig Roasts, Weddings and the like. Said real estate located at 1942 West Main Rd. & Greene Ln. and further identified as Lot 3 & 4 on Tax Assessor’s Plat 104. Applicant requests a continuance until May 23, 2017 and the request is granted.**

**Petition of: Michael & Heidi Taylor (owners) - for a Variance from sections 603, 701 & 803G- to construct a 242 sq. ft. addition to existing garage with a left side yard setback of 13’ where 20’ is**

required and a rear yard setback of 37.6' where 50' is required. Said real estate located at 10 Smithfield Dr. and further identified as Lot 122 on Tax Assessor's Plat 108. Applicant requests a continuance until May 23, 2017 and the request is granted.

#### **Full Hearings:**

**Petition of: Douglas Chabot (owner)- for a Variance from Sections 603, 701 & 802 B- to allow the demolition of the existing detached garage and construct a 28' X 24' two story detached garage to include a home office with a left side setback of 4.3' where 20' is required and a height of 32' where 20' is allowed. Said real estate located at 550 East Main Rd. and further identified as Lot 159A on Tax Assessor's Plat 113. Douglas Chabot testifies that the garage will be on the same footprint. Stephen MacGillivray moves and Jim Miller seconds with the condition that applicant provide plumbing plans to the sewer association. The motion passes by a vote of 5-0 and the petition is granted.**

**Petition of: Kimberly Botelho (owner) - for a Variance from 603, 701 & 803G- to allow a deck with an above ground pool with a rear yard setback of 10' where 30' is required and resulting in lot coverage of 33% where 25% is allowed. Said real estate located at 22 Willow Ave and further identified as Lot 333 on Tax Assessor's Plat 108NW. After testimony by the applicant, Jim Miller moves for approval and Olin Gambrell seconds. The motion passes by a vote of 5-0 and the**

**petition is granted.**

**Petition of: Peter & Meaghan Corr (owners) - for a Variance from Sections 603, 701, 802B & 803G- to allow the demolition of the existing nonconforming attached garage and construct a 12'-1" x 27' one story addition with a left side yard setback of 12.2' where 15' is required and a front yard setback of 13'-8" where 25' is required and construct a 22.5' x 4.' covered front porch with a front yard setback of 8'-6" where 25' is required resulting in lot coverage of 28% where 25% is allowed. Said real estate located at 3 Sherwood Rd. and further identified as Lot 93 on Tax Assessor's Plat 109NE. After testimony from the applicant indicating that they are trying to create additional space, Olin Gambrell moves for approval and Jim Miller seconds. The motion passes by a vote of 5-0 and the petition is granted.**

**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. The**

**applicant asks to withdraw the petition without prejudice. Stephen MacGillivray moves to grant the request to withdraw without prejudice and Jim Miller seconds. The motion is granted by a vote of 5-0 and the petition is accordingly withdrawn without prejudice.**

**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 at 1 Thelma Lane and further identified as Lots 14, 23 & 23B on Tax Assessor's Plat 111. The applicant asks for a continuance to present additional testimony after a partial hearing. Jim Miller moves to grant the request and Olin Gambrell seconds. The motion passes by a vote of 5-0 and hearing on the petition is therefore continued to May 23, 2017.**

**Petition of: William & Elizabeth Gill & David Lawrence (owners) Kreg LLC (Applicant) 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 to be located on lot #12. Said real estate located at 1 Thelma Lane and further identified as Lots 12, 14, 23 & 23A on Tax Assessor's Plat 111. (Amended Petition) The applicant asks for a continuance to present additional testimony after a partial hearing.**

**Jim Miller moves to grant the request and Olin Gambrell seconds. The motion passes by a vote of 5-0 and hearing on the petition is therefore continued to May 23, 2017.**

**Petition of: Daniel G. Kamin BJ's Middletown LLC (owner)- American Promotional Events dba TNT Fireworks for a Special Use Permit from Article 18- to allow the expansion of the Shopping Center by the addition of a 20' X 40' tent for the temporary sale and storage of Fireworks not to exceed 30 days. Said real estate located at 173 East Main Road and further identified as Lot 107 on Tax Assessor's Plat 107SE. Representative from American Promotions Events testifies that the Fire Marshall will have signed off on the sale of fireworks at this location. Stephen MacGillivray moves to grant the petition and Jim Miller seconds. The motion is passed by a vote of 5-0 and accordingly, the petition is granted.**