

# **Middletown Zoning Minutes**

**May 23, 2017**

## **Administrative:**

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

## **Adoption of Minutes:**

## **Continuances/Withdrawals:**

**Petition of: Horan Building Co. Inc. (owner) - for a Special Use Permit from section 602- to allow the use of a linen press, a business service not otherwise classified in the zoning ordinance in the Office Park zone. Said real estate located at 60 Hammarlund Way and further identified as Lots 3701 & 3700 on Tax Assessor's Plat 115. Letter requesting that the petition be withdrawn. Olin Gambrell moves to accept the request for withdrawal and Stephen MacGillivray seconds. The request is approved by a vote of 5-0.**

**Petition of: Elizabeth Harvey (owner) - for a Special Use Permit from section 602- to allow the construction of a two car attached garage in**

**Zone 1 of the Watershed Protection District. Said real estate located at 194 Third Beach Rd and further identified as Lot 126 on Tax Assessor's Plat 125. This matter was referred to the Planning Board and Conservation Commission. Accordingly it was continued to June 27, 2017.**

**Petition of: Elizabeth Harvey (owner)- for a Variance from sections 603, 701 & 803G- to allow the addition of an 18' X 24' one story attached two car garage with a left side yard setback of 7.5' where 30' is required. Said real estate located at 194 Third Beach Rd and further identified as Lot 126 on Tax Assessor's Plat 125. This matter was referred to the Planning Board and Conservation Commission. Accordingly it was continued to June 27, 2017.**

**Petition of: Lawrence B Connell (owner)- for a Variance from sections 603 & 701- to allow the construction of a 1,784 sq. ft. single family dwelling and garage and 874 square feet of deck and porch area, with a front yard setback of 11.48' where 25' is required. Said real estate located at Shore Dr. and further identified as Lot 2 on Tax Assessor's Plat 116SE. This matter was continued to June 27, 2017.**

**Petition of: Gary Lapidis (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. This matter was continued to June 27, 2017.**

**Summary Cases:**

**Petition of: Alberto J Bucci (owner)- for a Variance from sections 603 and 701- to construct a 564 sq. ft. deck addition with a rear yard setback of 51.8' where 60' is required. Said real estate located at 80 Peckham Ln and further identified as Lot 942 on Tax Assessor's Plat 125. Olin Gambrell moved for approval and Stephen MacGillivray seconded the motion. The motion was granted by a vote of 5-0.**

**Full Hearings:**

**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.**

**Keven Demers testifies under oath regarding water treatment processes. Christopher Duhamel also testifies regarding storm water runoff issues. Thomas Houle testifies and presents his report. Members of the public present their objections. Stephen MacGillivray moved for approval and Olin Gambrell seconded. The motion passed by a vote of 5-0 and the special use permit was granted.**

**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) Keven Demers testifies under oath regarding water treatment processes. Christopher Duhamel also testifies regarding storm water runoff issues. Thomas Houle testifies and presents his report. Members of the public present their objections. Prior to the vote, the applicants withdrew their request for a variance from the requirement for recreational facilities. Stephen MacGillivray moved for approval and Olin Gambrell seconded. The motion passed by a vote of 5-0 and the remaining variances were granted.**

**All additional matters continued until next meeting including the following:**

**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.**

**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.**

**Petition of: Scott & Diana Davis (owners) - for a Variance from sections 603, 701 & 802 B- to demolish the existing detached garage and shed and construct a new 505 sq. ft. detached garage with a right side yard setback of 5.3' where 15' is required. Said real estate located at 68 Oak St and further identified as Lot 295 on Tax Assessor's Plat 108NW.**

**Petition of: David E Rushlow (owner) - for a Special Use Permit from section 602- to allow the expansion of a non- conforming use by the addition of an 18' x 20' detached garage. Said real estate located at 30-36 Ellery Ave and further identified as Lot 24A on Tax Assessor's Plat 116NW.**

**Petition of: Georgiana Smith (owner)- for a Variance from sections 603, 701 & 803G- to construct a 480 sq. ft. 2nd story addition with a**

**left side yard setback of 8.8' and a right side yard setback of 13.7' where 15' is required and 50 sq. ft. balcony with a rear yard setback of 24.6' where 30' is required. Said real estate located at 39 Renfrew Ave and further identified as Lot 241 on Tax Assessor's Plat 115SE.**

**Adjourned at 10:05 PM.**