

Middletown Zoning Board Minutes

September 26, 2017

Administrative: Roll Call/ Adoption of Minutes August 22, 2017

Roll Call: Chairman Jim Miller (present), Vice Chair Stephen MacGillivray (present), Olin Gambrell (present) Secretary Chris Sousa (present), Thomas Heaney (present), Eric Kirton (1st Alternate Absent), Henry Pine (2nd Alternate-present), Mark Nuytkens (3rd Alternate-present).

Adoption of Minutes August 22, 2017

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.

Continued to 11/28/17 awaiting Planning Board recommendation and development plan review

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.

Continued to 11/28/17 awaiting Planning Board recommendation and development plan review

Petition of: Ronald G Corriveau (owner)- c/o his attorney David P Martland, Esq.- for a Variance from Sections 603 & 701- to allow a two-lot subdivision having an accessory structure on proposed lot 'B' with a side yard setback of .3' where 20' is required and frontage on proposed lot 'A' of 15' where 120' is required. Said real estate located at 566 East Main Rd and further identified as Lot 160A on Tax Assessor's Plat 113.

Continued to 10/24/17 awaiting Planning Board approval

Full Hearings:

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.

Member Stephen MacGillivray recuses himself as a neighboring property owner. Henry Pine will be voting.

Robert Silva introduces Elizabeth and William Harvey (son), and begins to present the petition. Silva first explains that the Special Use permit is necessary because the proposed garage is on a property located in a Zone 1 Watershed district.

Silva presents exhibit 1 (Photos of the house, garage, and neighboring houses) and explains that the variance is necessary in order for the owner to enjoy a garage that has the bare minimum size to fully enjoy the use of a 2 car garage. He explains that the dimensional variance is actually less relief requested than on the original application. Applicant is requesting 11.3 side setback for a 24'X20' garage, application reflects 7.5 feet.

Silva then calls Thomas Principe, Engineer. Principe explains the stormwater system that will control the runoff on the property.

Silva then calls Spencer MaComb, Architect. MaComb presents exhibit 2 (architectural plans for the garage). He explains that his opinion is the garage and roofline have been kept to the smallest practical size to still have full enjoyment of a 2 car garage on a house this size.

Silva then calls real estate expert Nathan Godfrey. Godfrey explains that the garage is located in the only plausible place given the restrictions of the lot. He also stresses that the garage is modest and

appropriate given the neighborhood and size of the house.

Godfrey is questioned by board member Nuytkens as to the possibility of neighborhood property values being diminished by the garage. Godfrey's opinion is that the garage will have no negative effect on the neighboring property values.

The board then reviews paperwork detailing a positive recommendation from the planning board and conservation commission.

Silva closes his case.

Neighborhood abutters are asked to speak.

Counsel (Rachel Green) for neighbor Pexino explains that certain allowances have been negotiated.

Neighbor Carl Shirley voices concern about a potential future 2nd story on the garage, and is assured by board President Jim Miller that such an addition would need a variance.

The petition is concluded. Board members Heaney and Gambrell stress that the applicant has gone the extra mile planning the construction of the garage. Gambrell moves to support the application. Heaney 2nds.

Granted 5-0 incorporating the conditions recommended by the Planning Board and Conservation Commission.

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. Gambrell moves to support the application. Heaney seconds. Granted 5-0 incorporating the conditions recommended by the Planning Board and Conservation Commission.

Petition of: Stephen Slavin & Janice Asong (owners)- for a Variance from Sections 603, 701 & 803G-to construct a 5' X 9' front porch with a front yard setback of 12'where 25' is required and a right-side yard setback of 12.25' where 15' is required. Said real estate located at 79 Orchard Ave and further identified as Lot 240 on Tax Assessor's Plat 115SE.

Owner Janice Asong presents her application. Asong explains that she would like to enjoy her porch and have a safer way to exit her property. She presents a drawing of the proposed porch and then closes her petition. The board discusses and agrees that the addition is a simple non-conforming expansion of the entry of the house. Olin Gambrell moves to approve the application. Steve MacGillivray seconds.

Granted 5-0

Petition of: Horan Building Company Inc. (owner)- for a Special Use Permit from Sections 602- to allow an Exercise Center located in an Office Park (OP) zone. Said real estate located at 60 Hammarlund Way and further identified as Lot 3700 on Tax Assessor's Plat 115.

Exercise Center owner Kathy Martin explains that she needs a special use permit for her exercise studio. Martins' husband explains that

she is an instructor and that classes will be done in group format, and this is not a conventional gym situation. Member Olin Gambrell questions her and is satisfied that parking requirements will be met. Gambrell moves to support the application. Heaney seconds.

Granted 5-0

Meeting Adjourned 8:15 p.m.