

Town of Middletown

Zoning Board Minutes

October 24, 2017

7:00 PM

Administrative:

Roll Call: Chairman: Jim Miller, Vice Chairman Steve MacGillivray, Olin Gambrell, Secretary Chris Sousa, Tom Heaney, 1st Alternate Eric Kirton, Henry Pine, Mark Nuytkens.

Adoption of Minutes September 26, 2017. Olin, Steve McGillivray

Correspondence: Letter from Brian Bardorf Esq. Re: Newport Beach House

Reporting back in 60 days. Letter submitted into file.

Continuances Withdrawals:

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.

**Town in process of developing a mixed-use ordinance. Continued
January 23, 2018**

Petition of: Sherwin Baghai & Elizabeth Merkel-Baghai (owners)- for a Variance from Sections 603, 701 & 803G- to allow a 2nd floor covered deck over existing front porch with a front yard setback on Allston Ave of 11'-11" where 25' is required and a left side yard setback of 9'-11" where 15' is required and an 8' x 10' covered rear deck entry platform with a front yard setback on Allston Ave of 11'-6" where 25' is required. Said real estate located at 215 Purgatory Rd and further identified as Lot 181A on Tax Assessor's Plat 116NE. Continued November 28th.

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.

Awaiting Planning Board Decision Continued November 28.

Referrals: Petition of: Stanfield Corporation (owners) Benzine Development, LLC (applicant)- by their attorney David P. Martland,

Esq.- for a Special Use Permit from Sections 602, 717 and

Article 11- to permit a gasoline station with convenience store and drive-up window and a vehicle washing establishment located in a Limited Business- Traffic Sensitive Zone (LBA) and in Zone 1 of the Watershed Protection District (WPD). Said real estate located at 533 East Main Rd and 1225 Aquidneck Ave and further identified as Lots 190, 191, 192, 193, 195 & 197 on Tax Assessor's Plat 113.

Awaiting DPR and advisory opinion from conservation commission and watershed protection. Continued 11/28.

Full Hearings

Petition of: Stephen Ponte (owner)- for a Variance from Sections 603, 701 & 803G-to construct a 4' x 10' covered front porch with a front yard setback of 26' where 40' is required. Also, demolish the existing garage and construct a 27' x 31' two car attached garage with a right-side yard setback of 8.2' where 20' is required and a front setback of 30' where 40' is required and a rear yard setback of 38.1' where 50' is required. Said real estate located at 191 Valley Rd and further identified as Lot 114 on Tax Assessor's Plat 108.

Stephen Ponte presents his case. Small rooms in house built in 60's. Minimal relief required. No objectors. Steve MacGillivray approves, Tom Heaney 2nds. Jim Miller approves noting the addition is towards

road not neighbor homes.

5-0

Petition of: Linda Phelan (owner)- for a Special Use Permit from Section 602 and Article 16-to allow a modification of the previously granted Special Use Permit to allow the re-location of the accessory dwelling unit to the second floor of the proposed attached garage. Said real estate located at 222 Mitchell's Ln and further identified as Lot 703 on Tax Assessor's Plat 123.

Meg McCoy-Linda Phelan's daughter.

Meg explains like her Mom she needs and accessory unit and wants to remove basement accessory unit and put it on the 2nd Floor. Board agrees new unit contingent on removal of the existing accessory unit in basement.

Tom Heaney concerned about any additional impact on the wetlands. Applicant explains that DEM will be involved. Steven MacGillivray moves to approve Olin Gambrell seconds.

Approved 5-0

Petition of: John & Leslie Flynn (owners)- for a Variance from Section 603, 701 & 803G- Demolish the detached garage & deck and add a first & second floor addition with a front yard setback of 4' where 25' is required, a rear yard setback of 21.6' where 30' is required, a left side of 2.8' and a right side of 14.9' where 15' is required. Resulting in a decrease in lot coverage from 50.19 to 41% where 25% is allowed. Said real estate located at 57 Tuckerman Ave and further identified as

Lot 110 on Tax Assessor's Plat 116NE.

John Flynn, Dan Herchenroether present to board. John explains 3 year Vacant property, house in disrepair. Tom Heaney asks about storm water impacts. Dan explains water flows toward neighbor and they will improve the drainage. Neighbors seem favorable to the application. Steve McGillivray moves to approve based on (antiquated house/unique lot) Tom Heaney seconds. Board Approves 5-0

Petition of: Paul W. Gallahue (owner)- for a Variance from Sections 603, 701 & 803G-to construct a 2nd floor addition with a front yard setback of 10.76' on (Wolcott Ave) and 5.50'on (Reservoir Ave) where 25' is required. Said real estate located at 92 Wolcott Ave and further identified as Lot 18 on Tax Assessor's Plat 121NW.

Paul Presents his case. Purchased property 6 months ago. New building will be over the existing footprint and applicant is adding rooms for is his children.

Board agrees variance is a minimal request. Jim Miller approves. Chris Sousa seconds.

Board approves 5-0

Petition of: Brenda L. Boyd (owner)- for a Variance from Section 603-to construct a 16' X 40' detached garage with a rear yard setback of 5' where 15' is required and a left side yard setback of 20' where 30' is required. Said real estate located at 795 Mitchell's Lane and

further identified as Lot 201 on Tax Assessor's Plat 124. Amended 5-0.

Chris Sousa recuses himself from the application as he is an abutting neighbor.

Brenda's son presents his case to the board. He wants to construct the shed for storage and to help clean out his mother's garage so that she can safely use the garage. He also says there will not be living space inside, and no plumbing. Board questions the size and location of the structure. Boyd explains the he is utilizing a location that won't interfere with his mother's septic system. Boyd's abutting neighbor objects to the side setback as the storage shed would be too close to his house. Boyd agrees to move the location to adhere to the 30' side setback.

Board approves rear setback variance 5-0

Petition of: Scott C. Voss & Carolina Gonzalez (owners)- by their attorney Sean M. Bouchard, Esq.- for a Variance from Sections 603, 701, 802B & 803G -To reconstruct the existing outdoor rear deck and patio with a right-side yard setback of 13'- 1" where 15' is required. Construct a second floor addition and a covered front entry with a front yard setback of 17'- 11.5" where 25' is required. Said real estate located at 2 Tuckerman Terr and further identified as Lot 23 on Tax Assessor's Plat 116SE.

Shawn Bouchard speaks on behalf of the owner. Footprint of the structure not changing.

Updated plans-Exhibit A

Jason Grosvenor- Architect-Cordtsen Design Architecture-Existing 1000 Square Ft/300 on 2nd floor. Existing lot coverage. Adding a small amount of lot coverage in the form of a

small deck. Members discuss how this is a reasonable renovation with minimal impact and how CRMC and DEM will have to weigh in on septic and impact on coastline.

Chris Sousa moves to approve, Olin Gambrell seconds.

5-0

Petition of: RK Middletown Village LLC (owner)- The Paper Store (applicant)- for a Special Use Permit from Sections 1212(d) (2) (b)-to allow a 100 sq. ft. wall mounted sign where 50 sq. ft. is allowed. Said real estate located at 1313 West Main Rd and further identified as Lot 707 on Tax Assessor's Plat 112.

Donald McCarthy-Director of events promotional marketing

John Andersen-Owner LLC

McCarthy presents exhibit A which shows the current paper store sign. McCarthy questions how legible the sign is nearly 280 feet from West Main Rd., and reasons that in order for the store to have a healthy chance at success its customers must be able to locate the signage to find the store. Steve McGillivray weighs in first complementing the simple black lettering and font. Jim Miller also agrees the sign is pleasing. Gambrell, Sousa and Heaney also agree that the business would be better served with a larger sign mainly

due to its far left location in the plaza, and also because the sign is not overdone and flashy.

MacGillivray moves to approve, Gambrell seconds.

Special use Permit Approved 5-0

8:13 p.m. Meeting Adjourned