

## **Minutes**

**REGULAR MEETING –June 26, 2018 TIME: 6:00 pm**

### **ZONING BOARD OF REVIEW**

**LOCATION: 350 EAST MAIN ROAD, MIDDLETOWN, RHODE ISLAND**

**Administrative: Call to order, Roll Call**

#### **Continuances/Withdrawals:**

**Petition of: Old Farm, LLC- 736 East Main Road - Middletown, RI  
(owner)- by their attorney**

**Robert M. Silva, Esq. - for a Special Use Permit 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.**

**Continued to September 25, 2018 at the request of the applicant**

**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.**

**Continued to September 25, 2018 awaiting Development Plan Review Petition of: 47 Valley Road LLC (owner)- Christopher Tunnah (applicant) for a Special Use**

**Permit from Section 602-to allow a restaurant including service of alcoholic beverages in a**

**Limited Business (LBA) zone. Said real estate located at 47 Valley Rd and further identified as**

**Lot 88 on Tax Assessor's Plat 107SE. Continued to July 24, 2018 awaiting Development Plan**

**Review**

**Petition of: 47 Valley Road, LLC (owner) and Christopher Tunnah (applicant) by their attorney**

**J. Russell Jackson, Esq. for a Variance from Section 1301(B) to allow the reduction of the**

**required two rows of evergreens within the buffer zone by installing one row of evergreens**

**and fencing along the westerly boundary line. Said real estate is located on 47 Valley Road**

**and further identified as lot 88 on tax assessor's plat 107SE now also known as lot 8802 on tax**

**assessor's plat 107SE.**

**Continued to July 24, 2018 awaiting Development Plan Review**

**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**

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**350 East Main Road – Middletown, Rhode Island 02842**

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**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 September 25, 2018 awaiting 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 September 25, 2018**

**awaiting Development Plan Review**

**Petition of: On the Pond, LLC (owners) and Diego's Middletown, LLC (applicant) by their**

**attorney David P. Martland, Esq. for a Special Use permit from section 602 and 803A to permit**

**the expansion of an existing restaurant with a liquor license by expanding the existing deck**

**and adding a second floor deck to the rear of the structure while reducing the overall**

**capacity. Said real estate located at 116 Aquidneck Avenue and further identified as Lots 135**

**& 136 on Tax Assessor's Plat 115SE.**

**Continued to July 24, 2018 at the request of the applicant**

**Petition of: On the Pond, LLC (owners) and Diego's Middletown, LLC (applicant) by their**

**attorney David P. Martland, Esq. for a Variance from section 603 and 803G to grant a variance**

**from the right side yard setback allowing a deck with a 13.2' setback where 20' is required.**

**Said real estate located at 116 Aquidneck Avenue and further identified as Lots 135 & 136 on**

**Tax Assessor's Plat 115SE.**

**Continued to July 24, 2018 at the request of applicant**

**Petition of: Atlantic Beach Suites II, LLC (owner) by their attorney,  
David P. Martland, Esq. for**

**a Special Use Permit from Section 602, Articles 11 & 14 to permit a 23  
unit hotel in the**

**Limited Business (LB) zone and Zone I of the Watershed Protection  
District. Said real estate is**

**located at 42-44 & 56 Wave Avenue and further identified as lots 4,5 &  
6 on tax assessor's plat**

**116NW.**

**Continued to July 24, 2018 awaiting Development Plan Review**

**Petition of: Atlantic Beach suites II, LLC (owner) by their attorney  
David P. Martland, Esq for a**

**Variance from Section 603 to allow a 4'8" height variance for a portion  
of the proposed**

**building to accommodate an elevator shaft. Said real estate is located  
at 42- 44 & 56 Wave**

**Avenue and further identified as lots 4, 5 & 6 on tax assessor's plat  
116NW. Continued to**

**July 24, 2018 awaiting Development Plan Review**

**Petition of: Robert Peck (owner) for a Variance to construct a second  
floor addition above**

**garage and a two story addition connecting to a covered sunporch  
with a right side yard**

**setback of 5.5' where 20' is required and a rear setback of 45.7' where**

**50' is required. Also to**

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**allow a separate entrance at the front for an accessory family dwelling use. Said real estate**

**is located on 6 O'Donnell Road and further identified as lot 15 on tax assessor's plat 122.**

**Withdrawn without prejudice**

**Petition of: Catherine Anderson (owner) for a Special Use Permit from Sections 602 & 803(A)**

**to allow an accessory ground mounted solar array of 1820 sq ft in zone I of the watershed**

**protection district. Said real estate is located at 970 Green End Avenue and further identified**

**as lot 72 on tax assessor's plat 120.**

**Continued to July 24, 2018 awaiting Conservation Recommendation**

**Petition of: Catherine Anderson (owner) for a Variance from Sections 603 & 701 to allow an**

**accessory ground mounted solar array of 1820 sq ft with a rear setback of 10' where 15' is**

**required. Said real estate is located at 970 Green End Avenue and further identified as lot 72**

**on tax assessor's plat 12**

**Continued to July 24, 2018**

**Full Hearings:**

**Petition of: Thomas Casey (owner) for a Variance from Sections 603, 701, 703(D) & 704(B) &**

**(C) to allow an accessory detached garage with a front setback of 24.9' where 25' is required,**

**a west side setback of 14.5' where 15' is required and a height of 20' where 15' is allowed.**

**Said real estate is located at 331 Wolcott Avenue and further identified as lot 57 on tax**

**assessor's plat 116NE.**

**Thomas Casey- owner represented himself in the matter**

**The owner and his contractor installed the concrete forms and foundation in 1 ft off, Mr**

**Casey recognized that it was his mistake and requested relief as a result**

**Bruce Burns- Neighbor spoke in favor of Mr Casey but addressed concerns surrounding runoff**

**Granted 5-0 with conditions that a storm water control plan is provided**

**Petition of: Maureen Sullivan (owner) for a Variance from Sections 603, 701 & 803(G) to**

**construct a rear dormer with a 33' rear yard setback where 50' is required, 3 front dormers**

**with a 35' setback where 40' is required, a front entry roof with a 30' setback where 40' is**

**required and a 14'x14' one story sunroom with a 19' rear setback**

**where 50' is required. Said**

**real estate is located at 3 Simmons Terrace and further identified as lot 105 on tax assessor's plat 108SE.**

**Maureen Sullivan represented herself as the owner**

**House is located on a non conforming lot**

**Board agreed that it was the least relief required for full enjoyment of the property**

**Motion 1 Silvera**

**Motion 2 Kirton**

**Granted 5-0**

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**Petition of: St. Lucy's Church Middletown Corp. (owner)- 825 West Main LLC (applicant)- by**

**their attorney Jeremiah C. Lynch, III - for a Special Use Permit from Sections 602, 803(g) &**

**1103- to permit the construction of an addition to the existing non-conforming self-storage**

**facility on lot 15C (22,500 sq. ft. of Lot 11 will be merged with lot 15C by administrative**

**subdivision). Said property is also located within the Zone 1 Watershed Protection District.**

**Said real estate located at 825 West Main Rd. & portion of 911 West**



**Main Rd and further**

**identified as Lots15C & portion of lot 11 on Tax Assessor's Plat 107NE**

**Jeremiah Lynch represented the applicant St Lucy's Church as well as Kenneth Alves owner of the self storage unit**

**Mathew Viana- Engineer with Millstone Engineering testified that the facility and its runoff**

**plan would not adversely effect Baileys Brook**

**James Houle- Real Estate appraiser testified that the proposal met all criteria for a special**

**use permit and that t would not have a negative effect on property value**

**Motion 1 - Kirton**

**Motion 2- Heaney**

**Granted 5-0**

**Petition of: St. Lucy's Church Middletown Corp. (owner)- 825 West Main LLC (applicant)- by**

**their attorney Jeremiah C. Lynch, III- for a Variance from Section 603- to permit the**

**construction of an addition to the existing self-storage facility. Said addition will be in excess**

**of the permitted lot coverage (35% permitted). The proposed addition will result in lot**

**coverage of 49% (current lot coverage is 56%). Said real estate located at 825 West Main Rd.**

**& portion of 911 West Main Rd and further identified as Lots 15C & portion of lot 11 on Tax Assessor's Plat 107NE.**

**See Notes Above**

**Motion 1- Kirton**

**Motion 2- Heaney**

**Granted 5-0**

**Petition of: DOJO LLC (owners) Newport Hotel Group (Applicant) by their attorney David P.**

**Martland Esq. for a Special Use Permit from Section 602 & Article 14 to allow a 13 unit hotel**

**in a Limited Business (LBA) zone. Said real estate located at 38 Purgatory Road and further**

**identified as lot 13 on tax assessor's plat 116NW. Continued to July 24, 2018 at the request**

**of the applicant**

**Petition of: DOJO LLC (owners) Newport Hotel Group (Applicant) by their attorney David P.**

**Martland Esq. for a Variance from section 603 to allow a hotel structure 43'-2" in height to**

**accommodate an elevator penthouse where 40' height is allowed. Said real estate located at**

**38 Purgatory Road and further identified as lot 13 on tax assessor's plat 116NW.**

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**Petition of: Seal Rock, LLC (owners) and Jerry Kirby (applicant) by their attorney David P.**

**Martland, Esq. for a Special Use Permit from Section 602 to allow the construction of a two**

**family dwelling. Said real estate is located at 24 Wolcott Avenue and further identified as lot**

**4 on tax assessor's plat 121NW.**

**Continued August 28, 2018 at the request of the applicant**

**Petition of: Seal Rock, LLC (owners) and Jerry Kirby (applicant) by their attorney David P.**

**Martland, Esq. for a Variance from Section 603 to allow the subdivision of Lot 4 on Plat 121NW**

**into two lots with parcel 1 having 97' of frontage where 120 is required and parcel 2 having**

**12' of frontage where 100' is required. Said real estate is located at 24 Wolcott Avenue and**

**further identified as lot 4 on tax assessor's plat 121NW. Continued August 28, 2018 at the**

**request of the applicant**

**Petition of: UCOLO, LLC (owners), Susan McNally (applicant) for a Variance from Sections 603,**

**701 & 802(B) to allow the demolition of three nonconforming accessory structures and one**

**principal building and construct a 66'x34' one story single family dwelling with a front setback of 21.9' where 40' is required and a 40'x17.5' accessory structure with a northerly side setback of 3' where 20' is required. Said real estate is located at 63 Morrison Avenue and further identified as lot 200 on tax assessor's plat 114. Granted 5-0**