

MINUTES

REGULAR MEETING –July 24, 2018 TIME: 6:00 pm

ZONING BOARD OF REVIEW

LOCATION: 350 EAST MAIN ROAD, MIDDLETOWN, RHODE ISLAND

Administrative: Roll Call / Adoption of Minutes May 22, 2018 & June 26, 2018

Continuances/Withdrawals:

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 August 28, 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 August 28, 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 August 28, 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 August 28, 2018 at the request of the 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 August 28, 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 August 28, 2018 awaiting Development Plan Review

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 August 28, 2018 awaiting Planning Board and Conservation opinions

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 120.

Continued to August 28, 2018 awaiting Planning Board and Conservation opinions

Summary Cases:

Petition of: Anabelle & Gordon Henderson (owners) for a Variance

from Sections 603 & 701 to allow the construction of a 2 story addition to create an Accessory Family Dwelling with a left side yard setback of 17' where 30' is required. Said real estate is located at 400 Third Beach Road and further identified as lot 3A on tax assessor's plat 130.

Motion 1-Kirton

Motion 2 – Sousa

Granted 5-0

Petition of: Brady Sullivan (owner) for a Variance from Sections 603, 701 and 803G to construct a roof over the front entry stairs with a front yard setback of 12.5' where 25' is required. Said real estate is located at 12 Beacon Terrace and further identified as lot 174 on tax assessor's plat 108NW.

Motion 1-Kirton

Motion 2 – Sousa

Granted 5-0

Full Hearings:

Petition of: Jeanne Tang, Daniel S. Markowitz and Michael D. Tang (owners) by their attorney Robert M. Silva, Esq. for a Variance from Sections 603, 701 & 802(B) to allow the demolition of the nonconforming single family dwelling and to construct a single family dwelling with a northerly side yard setback of 9.3' and a southerly side yard setback of 6.2' where 15' is required and a front yard setback of 12' where 25' is required. Said real estate is located on 47

Center Avenue and further identified as lot 45 on tax assessor's plat 116NE.

Attorney Bouchard representing the owner

-represented that the current house and its foundation were in extreme disrepair

-represented that the house was currently nonconforming and that there would be minimal impact to lot coverage and minimal changes to current setbacks

Mike Fonseca – Building for the owner

-represented that he had a structural engineer visit the project and that the structural engineer sited several issues with the current foundation and that rehabbing would be more than a mere inconvenience

Cathleen Silvera – Neighbor did not have an issue with this project but did state she was concerned with the amount of growth in Easton's Point

Motion 1 – Sousa

Motion 2 – Kirton

Granted 4-1

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.

David Martland – attorney represented the owner

Lynn Small – North East Engineering

Spencer McComb – Architect

James Houle – Real Estate expert witness

Michael Flynn – objected based on traffic concerns and a desire to see different types of businesses in the limited business zone

Motion 1 – Gambrell

Motion 2 - Sousa

Granted 4-1 with conditions

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.

Withdrawn without prejudice 5-0

All items on this agenda may be considered, discussed and voted upon. This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 401-847-0009 not less than 48 hours before this meeting.