

## **MINUTES**

**REGULAR MEETING –August 28, 2018 TIME: 6:00 pm**

**ZONING BOARD OF REVIEW**

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

**Administrative: Roll Call / Adoption of Minutes July 24, 2018**

**Mark Nuytkins, Eric Kirton, Olin Gambrell, Jim Miller, Thomas Heaney, Chris Sousa and Tom Silveira**

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

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

**Amended 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 install fencing and a single row of evergreens instead of two rows of evergreens in the 20 foot buffer strip along both the Southern and Western Boundaries of the subject parcel Said real estate is located at 47 Valley Road and further identified as lot 8802 on tax assessor's plat 107SE.**

**Continued to September 25, 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 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 to September 25, 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 to September 25, 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 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 September 25, 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 September 25, 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 September 25, 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 September 25, 2018 awaiting Development Plan Review**

**Full Hearings:**

**Petition of: Pamela M. Correia (owner) for a Variance from Sections 603, 701 & 803(G) to construct a 25' x 35' two story garage addition with a left side yard setback of 2.3' where 20' is required. Said real estate is located at 74 Oliphant Lane and further identified as lot 38A on tax assessor's plat 111.**

**Letter of support was presented from a direct abutter and neighbor**

**Motion 1- Sousa**

**Motion 2- Heaney**

**Granted 5-0**

**Petition of: Aquidneck Health Properties, LLC (owners) and OceanPointe Christian Church (applicants) by their attorney Craig S. Sampson, Esq. for a Special Use Permit from Article 6, Section 602 to allow OceanPointe Christian Church to operate in an OBA zoning district. Said real estate is located at 66 Valley Road and further identified as lot 19B on tax assessor's plat**

**113.**

**Frank Sampson attorney presented on behalf of the church**

**Church Pastor Jeff Staniker also spoke on behalf of the church**

**Pastor Spaniker indicated there would be no change to the footprint and primary use would be on Sundays with less intense use during the week**

**Jim Houle- Real Estate expert spoke on behalf of the church and recommended the special use permit**

**No opposition**

**Motion 1- Gambrell**

**Motion 2- Sousa**

**Granted 5-0 with the condition that when the pool is removed that the area be set aside for parking.**

**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.**

**Solar manufacturer spoke in conjunction with and in support of the applicant**

**Conservation committee approved**

**Planning board approved**

**Motion 1- Kirton**

**Motion 2- Heaney**

**Granted 5-0**

**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.**

**Motion 1- Kirton**

**Motion 2- Heaney**

**Granted 5-0**

**Petition of: Nicole Nicoletta (owner) for a Variance from Sections 603, 701 & 803(G) to renovate the existing garage and construct a 3'8" x 18'3" addition on the north side with a rear yard setback of 1'2" where**

**15' is required resulting in lot coverage of 27% where 25% is allowed. Said real estate is located at 74 Shore Drive and further identified as lot 41 on tax assessor's plat 116SE.**

**Continued to September 25, 2018 applicant not present**

**Petition of: Clarence I. Boiani, Steven A. Boiani and Lauren A. Baccari (owners) and Sean Napolitano (applicant) by their attorney Sean M. Bouchard, Esq. for a Variance from Sections 603 and 701 to allow the construction of a single family dwelling with a front yard setback of 15.1' on Reservoir Road and 19' on Wolcott Avenue where 25' is required. Said real estate is located at 0 Wolcott Avenue and further identified as lot 70 on tax assessor's plat 121NW.**

**Property located on a corner with 2 front yard setback requirements**

**Motion 1- Gambrell**

**Motion 2- Sousa**

**Granted 5-0 with the condition that the easement be recorded for driveway along easterly property line.**

**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.**