

MINUTES

REGULAR MEETING -SEPTEMBER 24, 2019 6:00 PM

ZONING BOARD OF REVIEW

LOCATION: 350 EAST MAIN ROAD, MIDDLETOWN, RHODE ISLAND

Administrative: Roll Call, Adoption of Minutes August 27, 2019.

(1) Roll called at 6 pm EST, the following board members were in attendance: Tom Silveria, Chris Souza, Tom Heaney (acting secretary), Jim Miller (Chair), Dave Huntoon, and Andy Bacon. Two board members were absent: Olin Gambrell (vice-chairman) and Eric Kirton (secretary).

(2) The minutes of the August 27, 2019 meeting were voted on, Chris Souza made the motion and Andy Bacon seconds. The board voted 5-0 to accept the minutes without comment/correction.

Summary Cases:

Petition of: Mary M. Vadala (owner) for a **Variance** from Sections 603, 701 & 803(G) to construct a 7' x 41' deck addition with a left side yard setback of 8' where 15' is required. Said real estate is located at 120 Seascapes Avenue and further identified as lot 78 on tax assessor's plat 115SE.

Continued to 10/22/2019 at the request of the applicant and heard as a full hearing.

Petition of: Matthew T. Marcello & Paula C. Marcello (owners) by their attorney Sean M Bouchard, Esq. for a **Variance** from Section 603, 701 & 803(G) to allow the enlargement of an existing non-conforming residential structure by the construction of a 200 sq ft second floor addition with a rear yard setback of 27' where 50' is required. Said real estate is located at 443 Purgatory Road and further identified as lot 114 on tax assessor's plat 122.

Chris Souza made the motion to approve the variance; Tom Heaney second. The board voted 5-0 to grant the variance.

Full Hearings:

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 from 4/24/2018, 5/22/2018, 8/28/2018, 9/29/2018, 11/27/2018, 2/12/2019, 2/26/2019, 3/26/2019, 4/23/2019, 5/28/2019, 6/25/2019, 7/23/2019, 8/27/2019, 9/24/2019

Continued to 10/22/2019

Petition of: Atlantic Beach Suites, LLC (owners) by their attorney Sean M. Bouchard, Esq. for a **Special Use Permit** from Sections 603 and 1400 et seq to allow the construction of a one story addition above the existing pool area pursuant to plans filed herewith. Said real estate is located at 28 Aquidneck Avenue and further identified as lot 59 on tax assessor's plat 116NW.

Continued from: 9/25/2018, 10/23/2018, 11/27/2018, 1/29/2019, 2/26/2019, 3/26/2019, 4/23/2019, 7/23/2019, 9/24/2019.

Continued to 10/22/2019 at the request of the applicant

Petition of: 86 West Main LLC (owners) and Casey Smith (applicant) for a **Special use Permit** from Sections 602 to allow a Cryotherapy Services business and Physical Therapy Practice. Said real estate is located at 102 West Main Road and further identified as lot 15 on tax assessor's plat 108SW.

Continued from: 6/25/2019, 7/23/2019, 8/27/2019, 9/24/2019

Continued to 10/22/2019 at the request of the applicant

Petition of: Aquidneck Avenue Equities, LLC (owner) and Carpionato Group, LLC (applicant) by their attorney David P. Martland, Esq. for a **Special Use Permit** from Sections 1212(D)(1)(a) and 1212(F) to allow the placement of an internally illuminated monument sign 17'-4" in height where a 4' is permitted and 31 sq ft in size where 24 sq ft is allowed. Said real estate is located on 850 Aquidneck Avenue and further

identified as lot 92C on tax assessor's plat 114.

Continued from 7/23/2019, 8/27/2019, 9/24/2019

Continued to 10/22/2019 at the request of the applicant

Petition of: Maureen Donovan (owner) and Brian & Anna Donovan (applicants) by their attorney David P. Martland, Esq. for a **Variance** from Sections 603 & 701 to construct a three story single family dwelling with a left side setback of 5' where 15' is required, a front setback of 15' where 25' is required and lot coverage of 29.9% where 25' is allowed. Said real estate is located on 0 Tuckerman Avenue and further identified as lot 107 on tax assessor's plat 116NE.

Continued from 8/27/2019

Tom Heaney made a motion for the record to attest the updated petition by the Donovan's was materially different from previous petitions the Donovan's submitted regarding the construction of a home at 0 Tuckerman Avenue. The motion was second by Tom Silveria and granted 5-0. An additional motion, to accept the new petition for a variance, was made by Tom Silveria and second by Andy Beacon. The principle differences for the new petition were a reduction in the size of the home (square feet), removal of a first story deck; reduction in size of 2^d and 3rd story decks; reduction in the roof overhang; relocation of the home further in the lot; reduction in overall lot coverage, and one less request for a dimensional variance. The board granted the new petition for variance 5-0.

Petition of: William J. Flynn (owner) for a Variance from Sections 603 & 701 to construct a 481 sq ft addition with a right side yard setback of 11.2' where 30' is required. Said real estate located at 6 Howland Ave. and further identified as lot 905 on tax assessor's plat 125.

Chris Souza made the motion to grant the variance; Andy Bacon seconds the motion. The board voted 5-0 to grant the petition.

Petition of: John & Marianne Emanuel (owners) for a Variance from Sections 603, 701 & 803(G) to allow a 28.5' x 13.5' shed addition at the rear of the dwelling with a right side setback of 7' where 15' is required and a rear setback of 5' where 30' is required resulting in lot coverage of 27.5% where 25% is allowed. Said real estate is located at 68 Crest Street and further identified as lot 159A on tax assessor's plat 116NE.

Tom Heaney made the motion to grant the variance; Chris Souza seconds the motion. The board granted the petition 4-1. Dave Huntoon was the lone opposing vote.

Petition of: Brian T. Holland & Kerri Holland (owners) by their attorney Girard A. Galvin, Esq. for a **Variance** from Section 603, 701, 703, & 802(B) to allow a shed with side yard setbacks of 0.6' where 15' is required and a rear yard setback of 2.9' where 10' is required resulting in lot coverage of 33.8% where 25% is allowed. Said real estate is located at 8 Tuckerman Avenue and further identified as lot 125 on tax assessor's plat 116NE.

Continued to 10/22/2019 at the request of the applicant

Petition of: Francine Newth (owner) for a Variance from Sections 603, 701 & 803(G) to construct a 13' x 17' one story addition with a front yard setback of 8' where 25' is required. Said real estate is located at 39 Continental Drive and further identified as lot 48A on tax assessor's plat 114.

Chris Souza made the motion to grant the variance; Dave Huntoon seconds the motion. The board voted 5-0 to grant the petition.

Petition of: Thomas McGrath (owner) for a Variance from Sections 603, 701 & 803(G) to allow a 26' x 48' one story addition and a 16' x 26' deck with a left side setback of 4' where 20' is required and lot coverage of 24% where 20% is allowed. Said real estate is located at 299 Oliphant Lane and further identified as lot 32 on tax assessor's plat 112.

Chris Souza made the motion to grant the variance; Andy Bacon seconds the motion. The board voted 5-0 to grant the petition.

Petition of: Thomas McGrath (owner) for a Special Use Permit from Sections 803(A) to allow the expansion of a nonconforming mixed residential and commercial use by constructing an addition on the residential structure. Said real estate is located at 299 Oliphant Lane and further identified as lot 32 on tax assessor's plat 112.

Chris Souza made the motion to grant the special use permit; Tom Heaney seconds the motion. The board voted 5-0 to grant the petition.

Petition of: JOJF, LLC (owner) by their attorney David P. Martland, Esq. for a **Variance** from Section 603 to allow the subdivision of lot 242 into 2 lots with one lot having lot frontage/width of 46.6' of frontage where 120' is required. Said real estate is located at 527 Aquidneck Avenue and further identified as lot 242 on tax assessor's plat 114.

Chris Souza made the motion to grant the variance; Andy Bacon seconds the motion. The motion was subject to a list of 6 contingencies placed on the subdivision by the planning board. The board voted 5-0 to grant the petition if these 6 contingencies were addressed.

Petition of: Samuels Realty Co. Inc (Owners) and Southcoast Health System, Inc. (Applicant) by their attorney Girard A. Galvin, Esq. for a **Special Use Permit** from Sections 1212(B)(2) & 1212(F) to allow signage with reverse channel halo-lit letters and allow two signs where one is allowed. Said real estate is located at 678 Aquidneck Avenue and further identified as lot 107E on tax assessor's plat 114.

Continued to 10/22/2019 at the request of the applicant

Petition of: Exit Strategy, LLC (owner) for a Special Use Permit and Development Plan Review under Sections 305, 602, 902, 1105 & 1106 to construct a gasoline service center with a convenience store, vehicle washing and dog washing facility. Said real estate is located at 991 & 995 West Main Road and further identified as lots 115 & 116 on tax assessor's plat 106.

Continued to 10/22/2019 for Development Plan Review and Conservation Commission

Petition of: Exit Strategy, LLC (owner) for a Variance from Sections 1301(B) to allow a 10' buffer where 20' is required along the northerly and southerly property lines for the construction of a Gasoline Service Center with a convenience store, vehicle washing and dog washing facility. Said real estate is located on 991 & 995 West Main Road and further identified as lots 115 & 116 on tax assessor's plat 106.

Continued to 10/22/2019 for Development Plan Review

Petition of: William J. & Elizabeth Gill (owners) by their attorney David P. Martland, Esq. for a **Variance** from Section 603 to allow the subdivision of lot 13 into 2 lots with proposed Parcel A having 92.49' of frontage where 120' is required and Parcel B having 20.09' of frontage where 120' is required. Said real estate is located at 1669 West Main Road and further identified as lot 13 on tax assessor's plat 111.

Chris Souza made the motion to grant the variance for the subdivision; Andy Bacon seconds the motion. The board voted 5-0 to grant the petition.

AJORNED 8:25 pm

Submitted by Thomas Heaney, Acting Secretary