



TOWN OF MIDDLETOWN
350 East Main Road – Middletown, Rhode Island 02842

Building Inspections and Zoning
Office: (401) 847-5769 – Fax: (401) 845-0414

AGENDA
DATE: APRIL 27, 2021
TIME: 6:00 PM
ZONING BOARD OF REVIEW

Said meeting will be conducted by telephone conference call/webinar on TUESDAY, APRIL 27, 2021 at 6:00 P.M., in accordance with Executive Order 20-46 issued by Governor Raimondo on April 15, 2020, extended on June 12, 2020, which modifies certain provisions of the Open Meetings Act (“OMA”) and the Access to Public Records Act (“APRA”) as part of the State’s emergency response to COVID-19.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87860370783>

(Toll Free) 888-475-4499 or 877-853-5257

If calling by phone pressing *9 raises your hand and *6 will unmute.

Webinar ID: 878 6037 0783

If joining the meeting via the Zoom App – please verify that you are utilizing the most recent version and updates.

Administrative:

Roll call – Adoption of minutes for March 23, 2021

Planning Board of Appeals:

Appeal of: Robert Amado (owner) by his attorney Girard Galvin, Esq. for an Appeal of the Planning Board Decision recorded on December 2, 2020 which approves the application of Horan Building Company for Master Plan approval of the 7-lot subdivision including the proposed new road. Said real estate is located at 208 Howland Avenue and further identified as lot 53 on tax assessor’s plat 129.

Continued from: 02/23/2021, 03/23/2021

Appeal of: Robert M. Silvia (owner) by his attorney Matthew H. Leys, Esq. for an Appeal of the Planning Board Decision recorded on December 2, 2020 which approves the application of Horan Building Company for Master Plan approval of the 7-lot subdivision including the proposed new road. Said real estate is located at 208 Howland Avenue and further identified as lot 53 on tax assessor’s plat 129.

Continued from: 02/23/2021, 03/23/2021

Appeal of: The Vestry of St. Columba’s-The Berkeley Memorial Chapel (owner) by their attorney Stephen MacGillivray, Esq. for an Appeal of the Planning Board Decision recorded on December 2, 2020 which approves the application of Horan Building Company for Master Plan approval of the 7-lot subdivision including the proposed new road. Said real estate is located at 208 Howland Avenue and further identified as lot 53 on tax assessor’s plat 129.

Continued from: 02/23/2021, 03/23/2021



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Zoning Board of Review Continued Cases from March 23, 2021:

Petition of: James L. Paradise (owner) by his attorney Girard A. Galvin, Esq. for a Variance from Sections 903, 1504 & 603 to allow six - two bedroom residential units on 19,452 sq ft where 48,000 sq ft is required and a side yard setback of 17.9' where 25' is required. Said real estate is located at 170 Aquidneck Avenue and further identified as lots 145, 146 & 147 on tax assessor's plat 115SE.

Continued from 2/25/2020, 3/24/2020, 6/23/2020, 7/28/2020, 8/25/2020, 9/22/2020, 11/10/2020, 11/24/2020, 1/26/2021, 2/23/2021, 3/23/2021*Withdrawn without prejudice 04/07/2021

Petition of: James L. Paradise (owner) by his attorney Girard A. Galvin, Esq. for a Special Use Permit and Development Plan Review from Sections 306(B), 602, 902 & 1500, et seq. to convert the existing commercial building into six residential condominium units. Said real estate is located at 170 Aquidneck Avenue and further identified as lots 145, 146 & 147 on tax assessor's plat 115SE.

Continued from: 2/25/2020, 3/24/2020, 6/23/2020, 7/28/2020, 8/25/2020, 9/22/2020, 11/10/2020, 11/24/2020, 1/26/2021, 2/23/2021, 3/23/2021*Withdrawn without prejudice 04/07/2021

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 to construct an 18 room hotel on a lot with 17,533 sq. ft. where 18,000 sq. ft. is required with an elevated 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 Avenue and further identified as Lot 169 on Tax Assessor's Plat 115SE.

Continued from: 1/10/2017, 3/28/2017, 4/25/2017, 7/25/2017, 9/26/2017, 11/28/2017, 3/27/2018, 6/26/2018, 10/23/2018, 11/27/2018, 2/26/2019, 5/28/2019, 8/27/2019, 10/22/2019, 1/28/2020, 3/24/2020, 6/23/2020, 9/22/2020, 11/10/2020, 11/24/2020, 1/26/2021, 2/23/2021, 3/23/2021(Planning Board continued this to their June 9th meeting)

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 Avenue and further identified as Lot 169 on Tax Assessor's Plat 115SE.

Continued from: 1/10/2017, 3/28/2017, 4/25/2017, 7/25/2017, 9/26/2017, 11/28/2017, 3/27/2018, 6/26/2018, 10/23/2018, 11/27/2018, 2/26/2019, 5/28/2019, 8/27/2019, 10/22/2019, 1/28/2020, 3/24/2020, 6/23/2020, 9/22/2020, 11/10/2020, 11/24/2020, 1/26/2021, 2/23/2021, 3/23/2021(Planning Board continued this to their June 9th meeting)

AMENDED PETITION of: John R. Gullison (owner) by his attorney Jeremiah C. Lynch, III for a Special Use Permit from Sections 602 & 1400 to permit the construction and operation of a seventeen (17) room hotel with an accessory restaurant. Said real estate is located at 59 Aquidneck Avenue and further identified as lot 169 on tax assessor's plat 115SE.

Continued from: 1/26/2021, 2/23/2021, 3/23/2021(Planning Board continued this to their June 9th meeting)



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AMENDED PETITION of: John R. Gullison (owner) by his attorney Jeremiah C. Lynch, III for a Variance from Sections 603 & 1406 to permit parking within the southern buffer zone of the premises. Said parking to be located within the side yard setback (10' required, 0' proposed) and buffer zone. Said real estate is located at 59 Aquidneck Avenue and further identified as lot 169 on tax assessor's plat 115SE. Continued from: 1/26/2021, 2/23/2021, 3/23/2021 (Planning Board continued this to their June 9th meeting)

Petition of: John & Pamela Wallace (owners) by their attorneys Chappell & Chappell for a Special Use Permit and for Development Plan Review from Section 305, 602 & 719 to allow the use of a mixed residential and commercial use in a single building and a garage to be used as the owner's art/pottery studio. Said real estate is located at 819 Aquidneck Avenue and further identified as lot 129 on tax assessor's plat 114.

Continued from 9/22/2020, 11/10/2020, 11/24/2020, 1/26/2021, 2/23/2021, 3/23/2021

Petition of: Jacqueline McVicker (owner) for a Variance from Sections 603 & 701 to allow the construction of a single family dwelling with attached garage with a northerly side yard setback of 20.3' and a southerly side yard setback of 20.7' where 30' is required and a front yard setback of 30.2' where 40' is required and to construct a 480 sq ft inground pool with a northerly side yard setback of 29.6' and southerly side yard setback of 20.2 where 30' is required. Said real estate is located at 300 Vacluse Avenue and further identified as lot 22 on tax assessor's plat 129.

Continue from: 2/23/2021, 3/23/2021

Summary Hearings:

Petition of: Pam & Ben Heroux (owners) for a Variance from Sections 603 and 701 to allow the addition of a 10' by 16' Mudroom to the existing single-family dwelling with a 20' East side setback where 30' is required. Said real estate is located at 65 Bailey Avenue and further identified as lot 300 on tax assessor's plat 120.

New Petitions:

Petition of: Kevin M O'Halloran Trust – 2019 (owner) by his attorney David P. Martland, Esq. for a variance from section 603 & 701 to allow the reconstruction and addition to an existing deck and stairs which results in a front yard setback of 11.2' where 25' is permitted and side yard setbacks of 14.3' and 12.8' where 15' is permitted. Said real estate is located at 18 Esplanade and further identified as lot 103 on tax assessor's plat 116NE.

Petition of: Kevin M O'Halloran Trust – 2019 (owner) by his attorney David P. Martland, Esq. for a variance from section 603 & 701 to allow the reconstruction and addition to an existing deck and outside stairs which results in a rear yard setback of 15.1' where 30' is permitted and side yard setbacks of 7.2' and 14.4' where 15' is permitted and lot coverage of 28.6% where 25% is permitted. Said real estate is located at 37 Tuckerman Avenue and further identified as lot 104 on tax assessor's plat 116NE.



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Petition of: Newport National Real Estate, LLC (owners) by their attorney Robert M. Silva, Esq. for a variance from section 603 to allow the construction of a clubhouse pursuant to plans prepared by DiPrete Engineering and Cordtsen Design Architecture (filed previously) with a main roofline of 35' and a clocktower element of 40' 8" where the maximum height of 30' is allowed. Said real estate is located at 425 Mitchell's Lane and further identified as lot 29 on tax assessor's plat 124.

Petition of: Dana L. Harrell & James C. Redfearn (owners) for a variance from section 603, 701 and 803G to allow the construction of a 12' by 28' two story garage addition to the existing single family dwelling with a right side yard setback of 4'7" where 20' is required. Said real estate is located at 275 Green End Avenue and further identified as lot 97 on tax assessor's plat 114.

Petition of: Church Community Housing Corp. (owners) by their attorney Jeremiah Lynch, Esq. for a variance from section 603 to demolish and construct a new single-family dwelling to be located 28.5' from Bloom Court where 40' is required. Said real estate is located at 15 Bloom Court and further identified as lot 102 on tax assessor's plat 112.

Petition of: John Silvia III & Kate Silvia (owners) for a variance from section 603, 701 & 803C to construct a new living room/kitchen addition to the existing single family dwelling which results in a front yard setback of 19'4" where 40' is required. Said real estate is located at 749 Mitchell's Lane and further identified as lot 107 on tax assessor's plat 124.

Petition of: Brigid A. Rafferty (owner) and La Petite Gourmande, LLC DBA The Power of Juice and her person of representation Jonathan Jeffreys for a special use from section 1212 #2 to allow a second sign on the East side of building where one wall sign is allowed. Said real estate is located at 698 B Aquidneck Avenue and further identified as lot 107 B on tax assessor's plat 114.

Petition of: Daphne M. Fogg (owner) for a variance from section 603, 701 & 803 G to construct a second floor dormer addition to existing garage of their single family dwelling. Resulting in a Northside setback of 4' where 25' is required and an Eastside setback of 4'6" where 10' is required. Said real estate is located at 19 Renfrew Avenue and further identified as lot 253 on tax assessor's plat 115SE.

Petition of: Cardinal 159, LLC (owners) by their attorney Christopher J. Behan, Esq. for a special use from section 902 & 602 to serve alcoholic beverages at the IHOP restaurant. Said real estate is located at 159 West Main Road and further identified as lot 45 on tax assessor's plat 108.

Petition of: Carmen Foy (owner) for a special use from section 904 & 602 to serve alcoholic beverages at the Sprout and Lentil restaurant. Said real estate is located at 796 Aquidneck Avenue and further identified as lot 92 A on tax assessor's plat 114.

All items on this agenda may be considered, discussed and voted upon. This agenda is subject to change.

POSTED: APRIL 19, 2021 on RI Secretary of State, Clerkbases, Library, Town of Middletown