



BUILDING/ZONING

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842

(401) 847-5769 | MiddletownRI.com

ZONING BOARD OF REVIEW MIDDLETOWN, RHODE ISLAND AGENDA

DATE: JANUARY 25, 2022

TIME: 6:00 PM

LOCATION: TOWN HALL CHAMBERS -350 EAST MAIN ROAD, MIDDLETOWN, RHODE ISLAND & ZOOM

Said meeting will be conducted in person, by telephone conference call/webinar, in accordance with Executive Order 22-01 issued by Governor McKee on January 6, 2022, 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/81406987751>

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

Webinar ID: 814 0698 7751

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

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

**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.*

Administrative:

1. Roll call
2. Adoption of Zoning Board meeting minutes from November 23, 2021.
3. Reschedule February 22, 2022, regularly scheduled Zoning Board Meeting due to President's Day Holiday or confirm cancellation of February 22, 2022, meeting.

Zoning Board of Review Continued Petitions from May 25, 2021:

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, 10/22/2019, 11/26/2019, 1/28/2020, 2/25/2020, 4/21/2020, 8/25/2020, 11/24/2020, 1/26/2021, 2/23/2021, 3/23/2021, 04/25/2021, 08/24/2021, 09/28/2021, 10/26/21, 11/23/21

Zoning Board of Review Continued Petitions from June 29, 2021:

Petition of: Cenz Corporation (owner) and GD Middletown West Main I, LLC (applicant) for a Variance from Sections 725(B)(2) & (3) to allow a ground mounted solar voltaic system with less than the required visual screening and electrical lines and connections above ground. Said real estate is located at 0 West Main Road and further identified as lot 9A on tax assessor's plat 111.

Continued from: 7/28/2020, 8/25/2020, 9/22/2020, 11/10/2020, 11/24/2020, 1/26/2021, 2/23/2021,



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3/23/2021, 06/29/2021, 08/24/2021, 09/28/2021, 10/26/21, 11/23/21

Petition of: Cenz Corporation (owner) and GD Middletown West Main I, LLC (applicant) for a Special Use Permit and Development Plan Review from Section 602, 725(A) (1), 725(B) (2) (3), 1102 (A) (3) & 1106 to allow a ground mounted solar voltaic system in Watershed Protection District Zone I. Said real estate is located at 0 West Main Road and further identified as lot 9A on tax assessor's plat 111.

Continued from: 7/28/2020, 8/25/2020, 9/22/2020, 11/10/2020, 11/24/2020, 1/26/2021, 2/23/2021, 3/23/2021, 06/29/2021, 08/24/2021, 09/28/2021, 10/26/21, 11/23/21

Petition of: Benjamin J. Contessa (owner) for a Special Use from sections 602 to allow use of existing non-conforming dwelling structure to continue as a two-family dwelling. Said real estate is located at 183 Wolcott Avenue and further identified as lot 282 & 283 on tax assessor's plat 115 SE.

Continued from: 06/29/2021, 08/24/2021, 09/28/2021, 10/26/2021, 11/23/21

Petition of: Benjamin J. Contessa (owner) for a Variance from sections 603 & 701 to allow subdivision of lot 282 and 283 resulting in an undeveloped lot 282 with frontage of 61.24' where 100' is required and lot 283 maintaining the existing two-family dwelling with a right-side yard setback of 2.3' where 20' is required, front yard setback of 7.4' where 25' is required. Lot area is 10,960 square feet where 15,000 square feet is required and frontage of 80.54' where 120' is required. Said real estate is located at 183 Wolcott Avenue and further identified as lot 282 & 283 on tax assessor's plat 115 SE.

Continued from: 06/29/2021, 08/24/2021, 09/28/2021, 10/26/2021, 11/23/21

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.

Continued from: 04/27/2021, 06/29/2021, 08/24/2021, 09/28/2021, 10/26/21, 11/23/21

Petition of: Frank & Elena Fechner (owner) and Dan Kopsack (applicant) for a Variance from section 803 Article 8 to construct an additional level to the main building on the existing non-conforming footprint. The main building is non-conforming on the NW corner thus causing a 14' setback where 20' is required. Said real estate is located at 576 Tuckerman Avenue and further identified as lot 117 A on tax assessor's plat 122.

Continued from: 08/24/2021, 09/28/2021, 10/26/21, 11/23/21

Petition of: Seamus Kirby (owner) by their attorney Jeremiah C. Lynch III, Esq. for a Variance from sections 603 to construct a cupola. The proposed cupola height is 39.6' where 35' is permitted. Said real estate is located at 24 Wolcott Avenue and further identified as lot 4 on tax assessor's plat 121 NW.

Continued from: 10/26/21, 11/23/21

Summary Petitions:

Petition of: Michael Peirson (Owner) Michael Peirson & Michelle Peirson (Applicant) for a Variance from section 603 to construct a 12' x 26' deck resulting in 17'. 5" rear yard setback where 30' is required. Said real estate is located at 8 Winthrop Drive and further identified as lot 11 on tax assessor's plat 114.



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New Petitions:

Petition of: Kevin Gross (Owner) and Jeffrey Moniz (Applicant) for a Variance from section 603 to permit a garage extension to accommodate two cars with a side yard setback of 5'8" where 15' is required. Said real estate is located at 40 Willow Avenue and further identified as lot 6 on tax assessor's plat 108.

Petition of: M. Dehutzen Czapski Macomber & D. N. Macomber (Owners) for a Variance from section 603 & 803 to construct a 16' x 38' North side addition to a non-conforming dwelling resulting in 18'. 1" West side yard where 30' is required; and 16.48% lot coverage where 15% is allowed. Said real estate is located at 1276 Green End Avenue and further identified as lot 45 on tax assessor's plat 125.

Petition of: Diane L. Difazio & Edward A. Case (Owners) Gerald Vento (Applicant) for a Variance from section 603 to allow the expansion and redevelopment of an existing two-family dwelling with a front yard setback on Stimpson Street of 4'.7" where 25' is required; and a side yard setback of 4'.7" where 20' is required. Said real estate is located at 2 Stimpson Street and further identified as lot 61 on tax assessor's plat 116 SE.

Petition of: David Green (Owner) Tommy Nasser (Applicant) for a Variance from section 603 & 803 to connect garage to existing dwelling with less than 1' setback where 15' is required. Said real estate is located at 25 Brookdale Road and further identified as lot 99 on tax assessor's plat 107 SE.

Petition of: William J. & Elizabeth M. Gill (Owners) and their attorney David P. Martland, Esq. for a Special Use from section 803(G) to replace existing 1,120' legal nonconforming barn/garage with a proposed 24' x 60' (1,440') barn/garage for use with the existing landscaping business pursuant to plans filed with said petition. Said real estate is located at 1032 East Main Road and further identified as lot 4 on tax assessor's plat 118.

Petition of: William J. & Elizabeth M. Gill (Owners) and their attorney David P. Martland, Esq. for a Variance from section 603 to allow for the replacement and expansion of the existing barn/garage with a front yard setback of 22.4' where 40' is required and a side yard setback of 5' where 20' feet is required. Said real estate is located at 1032 East Main Road and further identified as lot 4 on tax assessor's plat 118.

Petition of: Kendall Tucker Holmes (Owners) and their attorney David P. Martland, Esq. for a Special Use from section 602 to construct a two-family dwelling pursuant to plans filed with said petition. Said real estate is located at Wolcott & Briarwood and further identified as lot 52 on tax assessor's plat 116 NE.

Petition of: Christopher Deperro (Owner) for a Variance from section 603 to construct a single-family dwelling located 5' from the Western property line where 25' is required; and 5' from the Eastern property line where 30' is required. Resulting in 28.8% lot coverage where 25% is required. Said real estate is located at 15 Seascapes Avenue and further identified as lot 103(B) on tax assessor's plat 115 SE.

All items on this agenda may be considered, discussed, and voted upon.

POSTED: JANUARY 21, 2022

**RI Secretary of State Webpage,
Clerkbase, Middletown Library,**



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