



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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A meeting of the Zoning Board of Review of the Town of South Kingstown, County of Washington, in the State of Rhode Island was held at the South Kingstown Town Hall, 180 High Street, Wakefield, RI at 7:00 p.m. on Wednesday, August 17, 2022

A. CALL TO ORDER:

Mr. Cagnetta called the meeting to order at 7:07 pm

B. CHAIRMAN INTRODUCTIONS AND INSTRUCTIONS:

Members Present: Robert Cagnetta, Chairman; Thomas Daniels, Vice-Chair; William Rosen, Member; Susan Walsh, Member, and Kevin Diamond, Alt. #1

Member(s) Absent: Russell Brown, Member

Staff Present: Andy Teitz, Special Legal Counsel; Jamie Gorman, Building Official and Zoning Clerk; Jessica Spence, Administrative Support Assistant

Members voting tonight will be Mr. Cagnetta, Mr. Daniels, Mr. Rosen, Ms. Walsh and Mr. Diamond

The standards of relief were explained.

C. AGENDA ITEMS:

- I. **Petition of Laura Boughton**, 70 E 10th Street, Apt. 15N, New York, NY 10003 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal cottage of 743 square feet with a new cottage of 865 square feet and attached deck of 200 square feet. The proposed cottage will maintain the existing dimensions between adjacent cottages. Lot size is 50.2 Acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief)**. Owners of cottage 13W C5 are Laura Boughton & Laura Ahlborn on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-360 and is zoned R200.

The petition was continued until September 21, 2022 due to an error with the original legal notice.

There was no further discussion.

Whereas a motion was made.

The Motion is as Follows:

The motion to continue the petition until September 21, 2022 was made by Ms. Walsh and duly seconded by Mr. Rosen
Whereas a voice vote was taken, and all members were in favor.
Motion passed unanimously: Vote 5-0

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- II. **Petition of Erin Thorkilsen & Justin Zurcher**, 54 Metaterraine Avenue, Wakefield, RI 02879 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing single-family dwelling and cabana and construct a 1,416 square foot dwelling and 192 square foot cabana. The parcel of land that this dwelling is located on is non-conforming due to the number of residential structures on the same parcel. A Special Use Permit is required for any addition, enlargement, expansion or intensification of non-conforming use. Lot size is 70 acres. **A Special use permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement,**

Expansion or Intensification) and 907 (Standards of Relief). Owner of land is Jerry Brown Farm Association, Inc., and the owner of the dwelling is Eric G & Amy K. Thorkilsen for premises located at 19 Fire Lane Seven, South Kingstown, Assessor’s Map 82-1, Lot 1-16 and is zoned R80.

All the documents were entered into record.

Erin Thorkilsen was present and sworn in.

Ms. Thorkilsen stated that they are seeking a Special Use Permit because the home is part of the Jerry Brown Farm Association which has 36 “camps” on one 70-acre parcel. They have received unanimous approval from the JBF Association. Related to the standards of relief 50% expansion is allowed and in JBF it is looked at as the aggregate square footage from all of the structures on the parcel. Additionally, they have designed a modest sized home that will fit well within the community.

Board questions ensued.

Ms. Thorkilsen explained that the “cabana” was originally an outhouse and changing area but what they are building is actually a shed. The current cottage is 1047 square feet, and the current cabana is 100 square feet. They are proposing to build a 1460 square foot house and 192 square feet cabana, which will be located in approximately the same footprint as is currently existing.

There were no further questions.

There was no one present in the audience who wished to speak.

Board discussion ensued.

Whereas a motion was made.

The Motion is as Follows:

**The following motion, made by Mr. Rosen and duly seconded by Mr. Daniels
Motion passed unanimously: Vote 5-0
(W. Rosen-Aye, T. Daniels-Aye, K. Diamond-Aye, S. Walsh-Aye, R. Cagnetta-Aye)**

At a meeting held on August 17, 2022 regarding the Petition of Erin Thorkilsen & Justin Zurcher, 54 Metaterraine Avenue, Wakefield, RI 02879 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing single-family dwelling and cabana and construct a 1,416 square foot dwelling and 192 square foot cabana. The parcel of land that this dwelling is located on is non-conforming due to the number of residential structures on the same parcel. A Special Use Permit is required for any addition, enlargement, expansion or intensification of non-conforming use. Lot size is 70 acres. A Special use permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification) and 907 (Standards of Relief). Owner of land is Jerry Brown Farm Association, Inc., and the owner of the dwelling is Eric G & Amy K. Thorkilsen for premises located at 19 Fire Lane Seven, South Kingstown, Assessor’s Map 82-1, Lot 1-16 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- Erin Thorkilsen, applicant

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:

- Application signed and dated June 17, 2022; Owner Authorization signed and notarized June 16, 2022; Construction Documents (cover page, A-1, A-3, A-4, EX-1, EX-2, EX-3, EX-4, SX-1, SX-2) prepared by Leslie Architects; Site Plan (1 page); Jerry Brown Farm Association Approval Correspondence (1 page) from Jane M. Carr, JBF Secretary and dated June 16, 2022; Ownership documents (6 pages) dated June 17, 2022
- 200’ Radius Map and Abutter’s List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification) and Section 907 (Standards of Relief).
2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because the proposed structures will enhance the property and replace an older deteriorating structure.
3. The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:
 - (i) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe; ingress and egress is existing and will remain the same.
 - (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare or odor effects of the special use permit on adjoining lots; not applicable, parking will remain the same and there will be no noise, glare or odor effects.
 - (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; not applicable, already existing.
 - (iv) Utilities, with reference to locations, availability and compatibility; the utilities are existing and will be tied into the new structures.
 - (v) Screening and buffering with reference to type, dimensions and character; not applicable.
 - (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable
 - (vii) Required yards and other open space; not applicable
 - (viii) General compatibility with lots in the same or abutting zoning districts because the proposed structures are designed modestly in size and height and are compatible with other structures within the community. Additionally, the applicant's proposal received unanimous approval from the Jerry Brown Farm Association Board.

Approval is conditional subject to the following conditions:

- There are no conditions upon this decision.

Discussion ensued regarding the necessary quorum being present to hear the Sharpe petition.

- III. **Petition of Earle S. & Brenna E. Sharpe**, 74 Parkwood Drive, Kingston, RI 02881 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a single-family dwelling 23' from the front property line. The required front yard setback is 35'. Relief of 12' is requested. Lot size is .48 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owners of the property are Earle S. Sharpe & Brenna E. Rheinberger for premises located at Assessor's Map 31-2, Lot 93, South Kingstown, and zoned R20.

A brief recess was taken.

Mr. Cagnetta explained that because Mr. Rosen recused, and Mr. Brown was not present the necessary quorum was not met, therefore the Sharpe petition will need to be continued until the required quorum can be in attendance.

Mr. Teitz explained that because we are not sure when the Town Council will appoint a new member to the Zoning Board the Sharpe petition will not be continued to a specific date. Due to the fact that the applicant did not create this issue and that it is the Town's

issue, the Town will cover the cost of running a new legal ad and cover the applicant's expenses relating to re-mailing the updated legal notice.

Attorney Jack McGreen from Taft & McSally LLP was present for the applicant.

Attorney Edward Pare from Savage Law Partners LLP was present for abutter Bruce Cutting.

Mr. Cagnetta stated that all abutters will be notified again once a date has been determined and that all correspondence that has been received, along with any additional correspondence will be kept for the record.

Whereas a motion was made.

The Motion is as Follows:

Mr. Cagnetta made a motion to continue the Petition of Earle S. and Brenna E. Sharpe until such a date that the required quorum will be present. The cost of re-advertising the petition will be the burden of the Town. The applicant will be responsible for mailing the updated notice to all abutters within 200' and the Town will reimburse the applicant the associated costs of re-noticing via certified mail.

The motion was duly seconded by Mr. Daniels.

Whereas a voice vote was taken, and the petition was continued on a vote of 4-0 with Mr. Rosen recusing.

D. OTHER BUSINESS:

I. Minutes:

- i. Approval of July 20, 2022 Zoning Board of Review minutes.
 - Mr. Rosen made a motion to approve the minutes, whereas a voice vote was taken and all members were in favor.

II. Attendance:

- i. September 21, 2022 Zoning Board of Review
 - All members present will be in attendance.

III. Discussion:

- i. There was no further discussion.

IV. Adjournment:

- i. Mr. Cagnetta made the motion to adjourn, whereas a voice vote was taken, and all members were in favor.
 - Meeting adjourned at 7:37 pm.