



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT
180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225

October 7, 2022

NOTICE OF AMENDED DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Rosen and duly seconded by Mr. Daniels

Motion passed unanimously 5-0

(W. Rosen-Aye, T. Daniels-Aye, S. Walsh-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)

At a meeting held on September 15, 2021 regarding the Petition of David Tomlinson, 1101 Curtis Corner Road, Wakefield, RI 02879 For a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking the approval of a Special Use Permit to locate an Onsite Wastewater Treatment System (OWTS) within 150' of a wetland. The OWTS will service a proposed four-bedroom dwelling. On May 2, 2018 the Conservation Commission recommended denial of the application. Lot size is 3 Acres. A Special Use Permit is required per Zoning Ordinance Section 504.1 (Special Use Permits-Location of OWTS) and Section 907 (Standards of Relief). Property is owned by David Tomlinson for premises located at South Kingstown Assessor's Map 46, Lot 83, and zoned R80.

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon
- Eric Prive, PE
- Dr. David Tomlinson, applicant

The following spoke in favor of the petition:

- Stephen Perry, 1110 Curtis Corner Road

The following materials were entered into the record:

- Application with Cover Letter and Exhibit A signed and dated August 11, 2021; Owner Authorization signed and notarized August 11, 2021; Conservation Commission Advisory to Zoning (2 pages) dated May 2, 2018; Vision Appraisal Field Card Tax Assessor's Map 46 Lot 83 (3 pages)
- Applicant's Exhibits 1 & 2
 - #1 OWTS Wetlands Submission (2 pages) prepared and stamped by Eric Prive, PE and dated March 17, 2017 with revisions on May 1, 2017 and October 26, 2018;
 - #2 RI DEM OWTS Construction Permit Application dated November 2, 2018;
- 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 504.1 (Special Use Permits-Location of OWTS) 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 applicant has shown through given testimony and exhibits they have met all of the criteria needed to grant the Special Use Permit. Additionally, through testimony, many of the initial concerns of the previously denied petition, were now addressed to the satisfaction of the Board, namely the historic preservation of the land.

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; there is no issue because there is adequate ingress and egress to the property.
- (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; there is ample on-site parking and loading areas.
- (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; Utilities, with reference to locations, availability and compatibility; not applicable.
- (iv) Screening and buffering with reference to type, dimensions and character; not applicable.
- (v) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable.
- (vi) Required yards and other open space; not applicable.
- (vii) General compatibility with lots in the same or abutting zoning districts, because the applicant owns the adjacent property and is ultimately looking to create a family compound while maintaining the historic nature of the property.

Approval is subject to the following conditions:

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, RI DEM approvals and will have a two-year expiration from the original recorded date of October 7, 2021 (Land Evidence book 1808 and pages 384-385) per Section 908 of the Zoning Ordinance with the right to extend if necessary.

Respectfully,



James Gorman,
Building Official & Zoning Clerk
Town of South Kingstown