



# 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 virtually VIA Zoom at 7:00 pm on Wednesday April 21, 2021.

### Members Present:

- Robert Cagnetta, Chair
- Thomas Daniels, Vice-Chair
- Richard Jurczak, Member
- William Rosen, Member
- Casey Charkowick, Member
- Susan Walsh, Alt. #1

Also present were, Amy Goins, Special Legal Counsel, Jamie Gorman, Building Official and Clerk, and Jessica Spence, Administrative Support Associate.

Mr. Cagnetta opened the meeting at 7:01 pm

The standards of relief were explained as well as some technological aspects of Zoom.

Members voting tonight will be Mr. Cagnetta, Mr. Daniels, and Mr. Jurczak, Mr. Rosen, and Mr. Charkowick

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Mr. Cagnetta read the first petition.

- **Continuation of the Petition of Arthur H. Parmentier**, 15 Tomahawk Trail South, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to remove an existing shed and install a new 10' x 14' shed. The proposed location of the shed is within the front yard setback, which requires relief as accessory structures are not allowed in the front yard setback. The shed will be located 19.1' from the front property line. The front yard setback is 35'. Relief of 15.9' is requested. Lot size is .21 acres. **A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record-Accessory Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief)**. Owner of the property is Arthur H. Parmentier and Mary K. Filippo for premises located at 15 Tomahawk Trail South, South Kingstown, Assessor's Map 34-2, Lot 178 and is zoned R20

Attorney John Kenyon was present for the applicant, he stated that a letter was submitted requesting the petition be withdrawn without prejudice.

No vote was necessary and the petition was withdrawn.

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Mr. Cagnetta read the second petition.

- **The Prout School c/o David Estes**, 4640 Tower Hill Road, Wakefield, RI 02879 requests a **One-Year Dimensional Variance Extension** under the Zoning Ordinance as follows: The applicant is seeking a One Year Extension for the existing Dimensional Variance granted on April 29, 2020, to install a synthetic turf field with athletic lighting and scoreboard. Lot size is 24.81 Acres. **A Dimensional Variance may be extended per Zoning Ordinance Section 910 (Expiration of Variances and Special Use Permits) and Section 907 (Standards of Relief)**. Land owner is Roman Catholic Bishop of Providence for premises located at 4640 Tower Hill Road, South Kingstown, Assessor's Map 50-4, Lot 19 and is zoned GI (Government and Institutional).

Attorney Eugene Bernardo was present for the applicant.

Mr. Bernardo stated that the applicant is requesting a one-year extension due to COVID delays.

Mr. Daniels asked if the delays were due to financial situations.

David Estes, Principal of the The Prout School indicated that due to COVID planned fund raising events were not able to proceed as planned.

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

The Board had no further questions.

**The motion is as follows:**

**Motion made by Mr. Rosen and duly seconded by Mr. Charkowick.**

**Motion passed unanimously. Vote 5-0**

**(W. Rosen-Aye, C. Charkowick-Aye, R. Jurczak-Aye, T. Daniels-Aye, R. Cagnetta-Aye)**

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Mr. Cagnetta read the third petition.

- **Petition of Gashy Dowlatshahi**, 1150 Oaklawn Avenue, Cranston, RI 02920 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) closer to a wetland than allowed. 150' is required, 115' is proposed. Relief of 35' is requested. The project previously received approval from the Conservation Commission on January 5, 2021. Lot size is .14 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 Robert Persson for premises located in South Kingstown, approximate location is 60 ft. north of Pole #5, Bow & Arrow Trail, Assessor's Map 34-2, Lot 33, and zoned R20.

Attorney John Kenyon was present for the applicant.

Mr. Kenyon explained the current zoning and the proposed single family residence. The proposed house meets all of the dimensional setback requirements and requires no additional relief. The property has no wetlands on the parcel, however the neighboring parcel has wetlands located 115 feet from the proposed OWTS. The applicant received a positive Conservation Commission with eight (8) conditions which the applicant will meet.

Patrick Freeman, PE was sworn in.

Mr. Freeman gave his curriculum vitae and the Board recognized him as an expert in Civil Engineering.

Mr. Freeman explained that his office prepared the site plan for the property. He then explained the existing conditions of the property. The property has no wetlands located on the property; the wetlands that are designated on the site plan are off site and were flagged and described as swamp wetlands. Mr. Freeman then explained the proposed project and that the house will meet all zoning setbacks. He then explained the proposed driveway location, parking and access, onsite utilities, there will be no signs or non-residential lighting on the property.

Mr. Freeman then explained that the applicant has received RI DEM approval. The system is located at the farthest point from the wetland edge, 115 feet. Mr. Freeman stated the water table is 18 inches and 19 inches. The proposed OWTS is considered alternative technologies and meets the requirements of the Zoning Ordinance Section 504.8. He then explained the OWTS specifications for the alternative technologies, additionally the owner must record a continuance operation and maintenance agreement to be recorded in Land Evidence.

Mr. Freeman then explained the storm-water runoff calculations that have been proposed. His office supplied the Zoning Board the Engineer's Narrative on the project. They have provided control measures to prevent any negative net increase in storm water runoff from pre and post project development site conditions for any 25 year, 24 hour rain fall event on adjacent properties or road way. The buildable area of the lot is 6050 sf and the proposed impervious coverage is 14.81% which is under the 15% maximum lot coverage. The OWTS has been located as far as possible as far from the wetland edge and the proposed house as possible while still maintaining the Town's zoning setback regulations.

Mr. Freeman then explained the Conservation Commission's positive advisory recommendation and the eight (8) conditions. The applicant has addressed all of the concerns with the exception of the slab foundation. It is Mr. Freeman's professional opinion that if the OWTS is constructed as designed with a crawl space, it will have no adverse impact on the wetlands or the neighboring wetlands.

Mr. Jurczak asked Mr. Freeman to clarify the Conservation Commission's condition F regarding slab foundation.

Board questions ensued in regards to number of parking spots on site and number of construction vehicles allowed on site and the ownership of the road in regards to parking.

Mr. Daniels asked about the effect of a crawl space versus a slab foundation, like the Conservation Commission recommended.

Mr. Freeman indicated that the crawl space would have no negative effect on the OWTS.

Ms. Goins advised that The Conservation Commission is an advisory opinion and that the Board can rely and evaluate Mr. Freeman's testimony as an expert witness.

Board questions ensued in regards to the proposed rain gardens.

Mr. Freeman explained the design of the proposed rain garden and that all flow moves towards the wetland area.

Mr. Jurczak asked about the site plan that was submitted and if it was the most current.

Mr. Kenyon explained that the marked wetlands are actually across the street and not located on the property. Mr. Kenyon then addressed condition F of the Conservation Commissions advisory opinion regarding a slab foundation, he explained the thought was that a slab foundation would reduce disturbance in the fill requirements, however, Mr. Freeman's testimony indicated that a slab foundation would not reduce the disturbance so they are looking to have that condition removed.

The Board had no further questions.

Mr. Kenyon had no additional witnesses at this point.

Mr. Cagnetta asked if anyone in the audience wished to speak.

Anne Farnsworth, 33 Indian Head Trail, was present and sworn in. Ms. Farnsworth indicated that they own property on the west side of Bow and Arrow North and had a few concerns. She was concerned about any cutting of the existing trail, construction vehicles and how they will be allowed to proceed and not pass the limits of disturbance.

Mr. Freeman explained that they are not proposing to do any cutting along Bow and Arrow Trail. They are proposing to bring the driveway in outside of the 50' perimeter, there would be no street clearing within the 50' perimeter, additionally they are proposing some additional trees to increase the buffer.

Mr. Gorman explained that relative to the driveway access the location will be tied to the plan, but due to the fact that Bow and Arrow is a private road, any parking violations will be a civil matter. If there is any activity going on within the 50' perimeter of the wetlands it may be something that RI DEM can enforce.

John Bessette, 15 Bow and Arrow Trail was sworn in and enquired if any of the Zoning Board Members have visited the lot. He also asked about the area designated as the limits of disturbance and if the area was adequate to support vehicles going in and out without effecting the surrounding buffer. Additionally the area directly in front of the parcel is muddy and nearly impassible during many parts of the year. Mr. Bessette also addressed concerns about who will be maintaining that section of the road.

Mr. Cagnetta stated that he has been to the site and that the Board relays on the expert testimony that is given, as well as The Conservation's Commissions advisory.

Mr. Freeman explained the pivot point on the corner of the property and the area of limited disturbance. The road itself will be improved to ease access into and out of the lot. The driveway itself is 10' wide and the lot was designed to have an interior turn around location. The lot itself is unique in that the entrance is narrow. It is 18' from the corner of the property to the area of limited disturbance.

Ms. Goins advised when this area was originally platted typically the Planning Department would require a maintenance agreement for private right of ways.

Jane Bessette was sworn in. Ms. Bessette testified that she is the current President of the Indian Shores Fire District. Over the years the Fire District has researched the ownership of Bow and Arrow Trail, it is the only road within the District that is not under ownership of the Town. It is a private road and after a title search no ownership of the road could be determined.

Mr. Cagnetta explained that ownership of the road is not under the purview of the Board.

Board questions ensued in regards to road and maintenance.

Mr. Kenyon explained that there was a plat recorded many years ago and that many of the roads within have been taken over by the Association, this section has not. It is a platted road so his client has the right to use it and maintain it. When there is no recorded maintenance agreement in place, under civil law there is a civil requirement for maintenance that must be met.

Ms. Goins advised that the ownership of the road has no relevance on the Boards review of the application before them tonight.

Ms. Bessette asked about the rain garden and it maintenance going forward.

Mr. Kenyon wanted to make note regarding the approval process within the Town that any applicant must go through to obtain permission for this type of application, mainly going before the Conservation Commission, and then the Zoning Board. There is currently State legislation to have these type of permits just be under the purview of RI DEM and that once this legislation has passed there would no longer be a requirement for the applicant to go before the Town for approval. This applicant has no requirement for dimensional relief, there are no wetlands located on this property and the OWTS location is 115' away from the nearest wetlands, RI DEM only requires a 50' distance. In closing the applicant has met all of the requirements under Section 504.

Board discussion ensued.

Whereas a motion was made.

**The motion is as follows:**

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

**Motion passed unanimously 5-0**

**(R. Jurczak-Aye, T. Daniels-Aye, C. Charkowick-Aye, W. Rosen-Aye, R. Cagnetta-Aye)**

At a meeting held on April 21, 2021 regarding the **Petition of Gashy Dowlatshahi**, 1150 Oaklawn Avenue, Cranston, RI 02920 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) closer to a wetland than allowed. 150' is required, 115' is proposed. Relief of 35' is requested. The project previously received approval from the Conservation Commission on January 5, 2021. Lot size is .14 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 Robert Persson for premises located in South Kingstown, approximate location is 60 ft. north of Pole #5, Bow & Arrow Trail, Assessor's Map 34-2, Lot 33, and zoned R20.

**The following individuals spoke as representatives of the applicant:**

- John Kenyon, Attorney for Applicant
- Patrick Freeman, PE

**The following spoke in opposition to the petition.**

- Anne Farnsworth
- John Bessette
- Jane Bessette

**The following materials were entered into the record:**

- Application with cover letter and narrative signed and dated January 19, 2021; Owner Authorization Form Notarized and Dated February 3, 2021; Vision Appraisal Field Card (3 pages) Map 34-2 Lot 33
- 200 Radius Map, Abutter's List, Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Exhibits 1-4
  - #1 Locus Map (sheet 1 of 2) and Soil Erosion and Sediment Control Plan (Sheet 2 of 2) prepared by American Engineering Inc., Patrick Freeman PE and dated November 13, 2020
  - #2 Engineer's Narrative (9 pages) prepared by American Engineering Inc., Patrick Freeman PE and dated November 12, 2020
  - #3 Application to The Conservation Commission, dated November 16, 2020 (7 pages)
  - #4 Conservation Commission Advisory Opinion dated January 6, 2021 (2 pages)

**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 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, including the performance standards set forth in Sec. 504.4, because the expert testimony given by the applicant's engineer, Patrick Freeman, indicated that all the criteria of the Ordinance have been met and the proposed OWTS will not adversely affect the surrounding neighborhood or the surrounding wetlands. Additionally the applicant

received a positive advisory recommendation from the Conservation Commission and has agreed to meet all conditions of the advisory opinion with the exception of condition F. The engineer, indicated that in his professional opinion a crawl space instead of the recommended slab foundation would not create any additional disturbance to the surrounding area or wetlands.

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; the Project Engineer indicated that there will be adequate ingress and egress to the property and will not negatively affect traffic flow in the surrounding area.
- (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; the property has designated adequate onsite parking.
- (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; there is adequate area for trash storage on site; the property will be serviced by public water and an additional utility pole will be provided to supply electrical service to the lot.
- (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 is proposing to build a single family, 2-bedroom residential structure which will be compatible with the surrounding properties, additionally the applicant has received all necessary RI DEM approvals for onsite installation of the OWTS.

**Approval is subject to the following conditions:**

- The applicant must meet all of the conditions set forth under the Conservation Commission Advisory Opinion dated January 6, 2021 except condition F.

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Mr. Cagnetta read the fourth petition.

- **Petition of Maureen Morse**, 28 West View Drive, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 10' x 14' shed within the front yard and side yard setback. The shed will be located 5' from the front property line. The required front yard setback is 40'. Relief of 35' is requested. The shed will also be located 3' from the side property line. The required side yard setback is 6'. Relief of 3' is requested. Lot size is .27 acres. **A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record-Accessory Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief)**. Owner of the property is Maureen A Morse for premises located at 28 West View Drive, South Kingstown, Assessor's Map 90-1, Lot 89 and is zoned R30.

Maureen Morse was present and sworn in.

Ms. Morse explained that she would like to build a 10x14 shed in the north-east corner of her property. This structure will not be on footings and will be installed on gravel and sand and possibly cinder blocks. Due to the unique characteristics of her property and how the home is set on the property the proposed location of the shed acts as a side yard due to the positioning of her house on the lot. Additionally there is a significant tree line and 10' high fence along this property line which will act as a buffer. The lot has a significant downward slope and with the exception of the proposed location the lot incline is too steep to accommodate a shed. Additionally because of the steep grade the lower half of her yard accumulates rain water and is not a viable spot for a wooden shed which would be susceptible to wood rot. Lastly due to the location of the septic system, related leach field and retaining wall this is the only viable location for the shed placement. Ms. Morse then summarized how she has met the requirements for the granting of a dimensional variance. Additionally three (3) of her directly abutting neighbors have submitted letters in support.

Board questions ensued.

Ms. Morse explained that this shed will be used for limited storage and as a workshop for small projects, the shed may have electricity but no plumbing.

Mr. Gorman explained the Building Code requires at least two (2) anchor hold downs for a structures under 200 square feet.

Ms. Morse indicated that she will comply with the anchor hold downs as required.

There was no one present who wished to speak.

The Board had no further questions.

**The motion is as follows:**

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

**Motion passed unanimously: Vote 5-0**

**(T. Daniels-Aye, R. Jurczak-Aye, W. Rosen-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)**

At a meeting held on April 21, 2021 regarding the **Petition of Maureen Morse**, 28 West View Drive, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 10' x 14' shed within the front yard and side yard setback. The shed will be located 5' from the front property line. The required front yard setback is 40'. Relief of 35' is requested. The shed will also be located 3' from the side property line. The required side yard setback is 6'. Relief of 3' is requested. Lot size is .27 acres. **A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record-Accessory Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief).** Owner of the property is Maureen A Morse for premises located at 28 West View Drive, South Kingstown, Assessor's Map 90-1, Lot 89 and is zoned R30.

**The following individuals spoke as representatives of the applicant:**

- Maureen Morse, applicant

**The following materials were entered into the record:**

- Application signed and dated February 16, 2021; Owner Authorization Form Notarized and Dated February 16, 2021; Site Plan prepared by Anderson Engineering and dated April 2006 (3 pages); Shed detail (1 page)
- 200 Radius Map, Abutter's List, Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
  - David and Donna Bennett, 34 West View Drive dated April 8, 2021
  - Jared and Bette Aaronson, 10 Carpenter Drive dated April 11, 2021
  - Antonio and Dianne Fonseca, 21 West View Drive dated April 18, 2021

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

**Findings of Fact:**

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because as the applicant presented to Board, the subject land has several unique characteristics, such as slope, water run-off, and the location of the septic and leach field, making this the only viable location to place the shed on the property. Also, even though this is considered the legal front yard, due to the location of the house on the property the area in question is utilized as a side yard.
2. The Board finds that that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain, because the applicant is simply requesting to build a shed for a workspace and additional storage on her property.
3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because the proposed location of the shed is behind a 10' high fence and a mature hedge line it is not easily visible to the surrounding properties.
4. The Board finds that the relief to be granted is the least relief necessary, because due to the unique characteristics of the land there is no other viable location to locate the shed on the parcel.
5. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted it amounts to more than a mere inconvenience, because the proposed location is the only reasonable, logical location to place the shed on the property, and if the request were denied the applicant would not be allowed the full benefit and utilization of the subject property.

**Approval is subject to the following conditions:**

- There are no conditions upon this decision.

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Mr. Cagnetta read the fifth petition.

- **Petition of Benjamin Martish**, 680 Moonstone Beach Road, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a new 26' X 36' detached garage. The building height of the garage will be 23'. The maximum height allowed for accessory structures is 20'. Relief of 3' is requested. Lot size is 1.86 Acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owner of the property is Benjamin J. Martish & Jaclyn Altieri for premises located at 680 Moonstone Beach Road, South Kingstown, Assessor's Map 85-2, Lot 16 and zoned R80.

Benjamin Martish was present and sworn in.

Mr. Martish testified that there is currently no exterior storage on his property. He is requesting 3' height relief to store farm equipment in the proposed barn. The proposed area is already cleared and meets all other zoning setbacks requirements. If zoning is granted his next step will be to get CRMC approval. The farm equipment requires 10-1/2' clearance on the first floor to store a truck and tractor. The building will be similar in style to the principle dwelling which is 28' high. The upstairs will be used for storage space, have electricity but no plumbing.

Board questions ensued.

**The motion is as follows:**

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

**Motion passed unanimously: Vote 5-0**

**(W. Rosen-Aye, R. Jurczak-Aye, T. Daniels-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)**

At a meeting held on April 21, 2021 regarding the **Petition of Benjamin Martish**, 680 Moonstone Beach Road, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a new 26' X 36' detached garage. The building height of the garage will be 23'. The maximum height allowed for accessory structures is 20'. Relief of 3' is requested. Lot size is 1.86 Acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owner of the property is Benjamin J. Martish & Jaclyn Altieri for premises located at 680 Moonstone Beach Road, South Kingstown, Assessor's Map 85-2, Lot 16 and zoned R80.

**The following individuals spoke as representatives of the applicant:**

- Benjamin Martish, applicant

**The following materials were entered into the record:**

- Application signed and dated March 15, 2021; Owner Authorization Form Notarized and Dated March 15, 2021; Section A Cross Section (sheet 5) prepared by SM Naeem Akhter PE and dated January 18, 2021; Site Plan (1 page) prepared by DiPrete Engineering and dated March 16, 2021
- 200 Radius Map, Abutter's List, Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
  - David and Lisa Neill, 620 Moonstone Beach Road dated April 7, 2021
  - John D'Agostino, 697 Moonstone Beach Road dated April 8, 2021
  - Charles Bowse, 728 Moonstone Beach Road dated April 17, 2021

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

**Findings of Fact:**

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the applicant needs the additional clearance on the first floor to house farm equipment and also create a storage area above.

2. The Board finds that that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain, because the applicant uses his property for farming and requires storage for all of the necessary equipment associated with farming.

3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because the surrounding area is rural in nature and the garage being 3' higher will not affect the character of the surrounding area.

4. The Board finds that the relief to be granted is the least relief necessary, because the garage will be located between the existing house and a wetland area which cannot be built in. The applicant is merely seeking 3' of height relief so farm equipment can be stored additionally, the property currently has no other outside storage.

5. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because the applicant needs the garage to fully utilize the property to its fullest potential.

**Approval is subject to the following conditions:**

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, CRMC approvals and will have a two year expiration from the recorded date per Section 908 of the Zoning Ordinance with the right to extend if necessary.

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Mr. Cagnetta read the sixth petition.

- **Petition of Kathleen Keegan**, 230 Walden Way, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a new 28' X 42' detached garage. The building height of the garage will be 23'6". The maximum height allowed for accessory structures is 20'. Relief of 3'6" is requested. Lot size is 8.57 Acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owner of the property is Patrick F. Jr. & Kathleen Keegan for premises located at 230 Walden Way, South Kingstown, Assessor's Map 84-2, Lot 9 and zoned R200.

Kathleen Keegan was present and sworn in.

Patrick Keegan was present and sworn in.

Mr. Keegan explained that they are looking for a dimensional height variance of 3-1/2 feet to construct a 3-car garage that will be placed close to the home, no additional zoning relief is required. The parcel itself is very large, almost 9 acres and the proposed 3-car garage will be used for vehicle storage as well as storage of outside maintenance equipment, the upstairs will also be used for additional storage. Additionally the overall aesthetics of the proposed building will blend in well with the general character of the area. The building will have electricity but no plumbing.

Mr. Jurczak asked about other construction currently happening on the property.

Mr. Keegan explained that there is an existing horse barn on site that is currently being renovated.

There was no one present who wished to speak.

The Board had no further discussion.

**The motion is as follows:**

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

**Motion passed unanimously: Vote 5-0**

**(R. Jurczak-Aye, W. Rosen-Aye, C. Charkowick-Aye, T. Daniels-Aye, R. Cagnetta-Aye)**

At a meeting held on April 21, 2021 regarding the **Petition of Kathleen Keegan**, 230 Walden Way, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a new 28' X 42' detached garage. The building height of the garage will be 23'6". The maximum height allowed for accessory structures is 20'. Relief of 3'6" is requested. Lot size is 8.57 Acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owner of the property is Patrick F. Jr. & Kathleen Keegan for premises located at 230 Walden Way, South Kingstown, Assessor's Map 84-2, Lot 9 and zoned R200.

**The following individuals spoke as representatives of the applicant:**

- Patrick Keegan, applicant
- Kathleen Keegan, applicant

**The following materials were entered into the record:**



- Application signed and dated March 14, 2021; Owner Authorization Form Notarized and Dated March 14, 2021; Preliminary Plan of Proposed Alteration Plan (Page 1 of 2) prepared by MDR Engineering, Michael Del Rossi PE and dated February 2021; Document showing existing garage location; Construction Documents (Cover Page, S-1,S-2, S-3, S-4, S-5, S-6, S-7, S-8, S-9, S-10) prepared by The Barn Yard and Great Country Garages dated January 18, 2021
- 200 Radius Map, Abutter's List, Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing

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

**Findings of Fact:**

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because of the very nature of the structures already on site it is necessary to build the proposed structure slightly higher than the Ordinance allows to be aesthetically pleasing and fit in with existing structures, additionally the second floor will be used for storage.
2. The Board finds that that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain, because the applicants have a plan to restore the entire property and this garage is part of the plan, in that, it will allow for vehicles to be out of sight and also allow for additional storage.
3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because the property is very rural in nature and the proposed garage will blend in well with the existing uses presently on site.
4. The Board finds that the relief to be granted is the least relief necessary, because they are only asking for 3'6" height relief on a large 8.57 acre property.
5. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because without approving this motion the applicants could not build a garage that would suit their needs and be aesthetically compatible with the other structures on site. Furthermore, there would be no public purpose in in not granting the applicant's request.

**Approval is subject to the following conditions:**

- There are no conditions upon this decision.

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Mr. Cagnetta read the seventh petition.

- **Petition of Wilfred Hernandez**, 375 William Reynolds Road, Exeter, RI 02822 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to relocate an existing 7'x16' attached deck and construct an 8'x16' addition to their seasonal cottage. The applicant is allowed an increase of 128 square feet of living area to the cottage, as it does not exceed 50% of the total gross living floor area. The proposed addition will be no closer to any of the neighboring cottages. The Lot size is 50.2 Acres. **A Special Use Permit is required per Zoning Ordinance Section 608.7 (Changes to Coastal Community Structures allowed by the Zoning Board) and Section 907 (Standards of Relief)**. Owner of the cottage 3W11 is Wilfred & Ellen S. Hernandez on property owned by Matunuck Beach Properties, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-250, and is zoned R200.

Wilfred Hernandez was present and sworn in.

Mr. Hernandez testified that they purchased a small cottage and that there is an existing 7x16 wooden deck. They are proposing to move the existing 7x16 deck out 8 feet and then add an 8x16 addition in the space where the wooden deck was previously located. This addition will not encroach on any other cottages. This addition will now make the deck align with the neighboring properties decks. This will be a one-level addition with open rafters.

Board questions ensued.

There was no one present who wished to speak.

**The Motion is as Follows:**

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

**Motion passed unanimously 5-0**

**(T. Daniels-Aye, C. Charkowick-Aye, R. Jurczak-Aye, W. Rosen-Aye, R. Cagnetta-Aye)**

At a meeting held on April, 2021 regarding the **Petition of Wilfred Hernandez**, 375 William Reynolds Road, Exeter, RI 02822 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to relocate an existing 7’x16’ attached deck and construct an 8’x16’ addition to their seasonal cottage. The applicant is allowed an increase of 128 square feet of living area to the cottage, as it does not exceed 50% of the total gross living floor area. The proposed addition will be no closer to any of the neighboring cottages. The Lot size is 50.2 Acres. **A Special Use Permit is required per Zoning Ordinance Section 608.7 (Changes to Coastal Community Structures allowed by the Zoning Board) and Section 907 (Standards of Relief).** Owner of the cottage 3W11 is Wilfred & Ellen S. Hernandez on property owned by Matunuck Beach Properties, located at 240 Cards Pond Road, South Kingstown, Assessor’s Map 92-1, Lot 9-250, and is zoned R200.

**The following individuals spoke as representatives of the applicant:**

- Wilfred Hernandez, Applicant

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

**The following materials were entered into the record:**

- Application signed and dated March 2, 2021; Owner Authorization Form Notarized and Dated March 13, 2021; Existing Site Plan; Proposed Site Plan; Elevation Views; Floor Plans; Footing Plan, General Notes
- 200 Radius Map, 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 A Special Use Permit is required per Zoning Ordinance Section 608.7 (Changes to Coastal Community Structures allowed by the Zoning Board) 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 a 50% increase is specifically authorized by the Ordinance and the applicant is well below the 50% threshold in asking for a 128 square foot addition. Additionally the applicant is not proposing to build any closer to any of the adjacent cottages and is not reducing the fire safety access.
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; nothing will be change in regards to parking and there is adequate ingress and egress for emergency vehicles access.
  - (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
  - (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 proposed addition will balance the front of the property on the southerly side and bring it into the same dimensions as other existing cottages along that stretch of road.

**Approval is subject to the following conditions:**

- There are no conditions upon this decision.

Mr. Cagnetta read the eighth petition.

- **Petition of Joshua & Stephanie Hanssen**, 40 E. Gardner Road, Westminster, MA 01473 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to remove their seasonal structure and replace it with a recreational vehicle (RV). The existing gross living floor area is 320 square feet. The proposed RV will consist of 378.5 square feet, which does not exceed a 50% increase from the existing total gross living floor area. The RV will be relocated to balance the separation between structures. The Lot size is 1.3 Acres. **A Special Use Permit is required**

**per Zoning Ordinance Section 608.7 (Changes to Coastal Community Structures allowed by the Zoning Board), Section 608.9 (General Standards for Changes to Coastal Community Structures) and Section 907 (Standards of Relief).** Owner of the structure Site #13 is Joshua & Stephanie Hanssen on property owned by Blackbeard Homeowners Association, c/o Julie Leduc, located at 836 Matunuck Beach Road, South Kingstown, Assessor's Map 92-2, Lot 54-13, and is zoned CN (Commercial Neighborhood).

Stephanie Hanssen was present and sworn in.  
Joshua Hanssen was present and sworn in.

Ms. Hanssen explained that they are looking to remove the current 65 year old dilapidated trailer. They will be maintaining the distance on one on side and increasing the distance on the other side, additionally the current trailer is crooked on the site and the new trailer will be located squarely on the site. They have gone before Blackbeard's Homeowners Association and received favorable approval. The foot print is 15% bigger than the existing. The increase is in the length. Most trailers in the park have 3-5 feet distance between them, the proposed trailer will have 8 feet on one side and 9 feet on the other. The trailer will tie into the existing septic.

Board questions ensued.

Mr. Jurczak commented that the proposed trailer will fit well within the site and that are many new units going into the park and the proposed trailer will be a great improvement from the existing.

There was no one present who wished to speak.

Board discussion ensued.

**The Motion is as Follows:**

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

**Motion passed unanimously 5-0**

**(R. Jurczak-Aye, T. Daniels-Aye, W. Rosen-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)**

At a meeting held on April, 2021 regarding the **Petition of Joshua & Stephanie Hanssen**, 40 E. Gardner Road, Westminster, MA 01473 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to remove their seasonal structure and replace it with a recreational vehicle (RV). The existing gross living floor area is 320 square feet. The proposed RV will consist of 378.5 square feet, which does not exceed a 50% increase from the existing total gross living floor area. The RV will be relocated to balance the separation between structures. The Lot size is 1.3 Acres. **A Special Use Permit is required per Zoning Ordinance Section 608.7 (Changes to Coastal Community Structures allowed by the Zoning Board), Section 608.9 (General Standards for Changes to Coastal Community Structures) and Section 907 (Standards of Relief).** Owner of the structure Site #13 is Joshua & Stephanie Hanssen on property owned by Blackbeard Homeowners Association, c/o Julie Leduc, located at 836 Matunuck Beach Road, South Kingstown, Assessor's Map 92-2, Lot 54-13, and is zoned CN (Commercial Neighborhood).

**The following individuals spoke as representatives of the applicant:**

- Stephanie Hanssen, Applicant
- Joshua Hanssen, Applicant

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

**The following materials were entered into the record:**

- Application signed and dated March 15, 2021; Owner Authorization Form Notarized and Dated March 23, 2021 and March 18, 2021; Current and Proposed Site Plan; Floor Plan of Park Model Trailer; Blackbeard's Site Plan; Photo of New Trailer with exterior dimensions
- Photos (23 Photos) showing Existing Conditions on Site
- 200 Radius Map, 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 608.7 (Changes to Coastal Community Structures allowed by the Zoning

Board), Section 608.9 (General Standards for Changes to Coastal Community Structures) 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 which specifically authorize up to a 50% increase. Additionally, the applicant stated that they will improve the fire separation between the existing trailer on the east side and that the separation will remain the same on the west side.
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; existing
  - (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
  - (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 proposed trailer is actually an improvement to the existing conditions and will fit in well with other trailers in the park.

**Approval is subject to the following conditions:**

- There are no conditions upon this decision.
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**Other Business:**

- Minutes: Motion made by Mr. Rosen and duly seconded by Mr. Charkowick to approve the minutes from the March 17, 2021 and March 24, 2021 minutes. All members were in favor, minutes passed 5-0
- Attendance: May 19<sup>th</sup> meeting, all members present can attend
- Adjournment: Mr. Daniels made the motion to adjourn, all members in favor. Meeting adjourned 9:37 p.m.