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INST# 18264
TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

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

October 7, 2021

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

Motion passed unanimously 5-0

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

At a meeting held on September 15, 2021 regarding the Petition of Hang Ten, LLC, 895 Matunuck Beach Road, Wakefield, RI 02879 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to construct a first-story 16' x 16' attached deck with stairs to provide access to a proposed second-story office. Lot size is .6 Acres. A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907 (Standards of Relief). Owner of the property is Hang Ten LLC, for premises located at 895A Matunuck Beach Road, South Kingstown, Assessor's Map 92-3, Lot 2 and is zoned CN (Commercial Neighborhood).

The following individuals spoke as representatives of the applicant:

- Attorney Matthew Landry
- Kevin Finnegan, Hang Ten LLC

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 with Cover Letter signed and dated August 12, 2021; Owner Authorization signed and notarized August 12, 2021; Correspondence to the Building Official (1 page) from Ernest D. George, PE signed and dated June 21, 2021; Project Drawing List (A0, A1, A2, A3, A4, S1) prepared by Corpus-CM, Inc and dated December 29, 2020 with revisions on May 21, 2021 and June 15, 2021; Proposed Platform Elevation Detail and Layout (2 pages) dated July 28, 2021; Plot Plan (1 page) prepared and stamped by Richard Couchon, PLS and dated July 9, 2021
- 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 301 (Schedule of Use Regulations Table) 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 use is specifically authorized in the Ordinance's Schedule of Use Table with the granting of a Special Use Permit. The applicant has met the necessary burden through given testimony to authorize the granting of the required Special Use Permit.

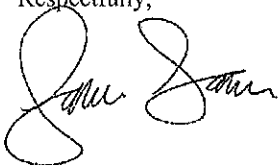
3. The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements 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; not applicable, the area of proposed construction is within the parcel's existing business compound.
- (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, there will be no new signage or commercial lighting.
- (vi) Required yards and other open space; not applicable.
- (vii) General compatibility with lots in the same or abutting zoning districts, because this is an addition to an area within the existing business compound and will not affect or change the general compatibility with the surrounding area.

Approval is subject to the following conditions:

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, further 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.
- The proposed platform and stairway addition shall have no impact on existing parking.

Respectfully,



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