



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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Wakefield, RI 02879
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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 in-person at the South Kingstown Town Hall, Council Chambers, 180 High Street, Wakefield, RI 02879 at 7:00 p.m. on Wednesday September 15, 2021.

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; Casey Charkowick, Member and Susan Walsh, Alternate #1

Member(s) Absent: Richard Jurczak, Member

Staff Present: Amy Goins, Special Legal Counsel; Jamie Gorman, Building Official and Zoning Clerk

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

The standards of relief were explained.

C. AGENDA ITEMS:

- I. **Petition of Andrew and Sarah Bicknell**, 47 Happy Valley Road, Westerly, RI 02891 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 14' x 18' deck attached to the existing dwelling. The deck will be located 17' from the rear property line. The required rear yard setback is 30'. Relief of 13' is requested. The deck will also be located 6.4' from side property line. The required side yard setback is 10'. Relief of 3.6' is requested. Lot size is 5,925 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief)**. Owners of the property are Andrew J and Sarah E Bicknell for premises located at 104 Wild Goose Road, South Kingstown, Assessor's Map 90-4, Lot 105 and is zoned R 80.

All documents were entered into record.

Andrew Bicknell was present and sworn in. Mr. Bicknell testified that they purchased the property in November 2020. One week prior to closing they found out that the current owners were in violation with the existing decks on the property. As the new owners they are seeking to remediate the situation. They have contracted with an Avizinis Environmental Service who advised of the lots coastal features and they then consulted with CRMC and have adapted their plans to meet CRMC requirements. They plan on removing the existing unpermitted decks, and then building one new deck that would attach to the outside shower. Due to the lot being dimensionally non-conforming setback relief is required. The land itself is within the coastal setbacks and is unique, small and narrow. They will have no financial gain from the proposed deck; they are attempting to remediate the current onsite situation that is encroaching on the lots coastal features. They believe that the proposed deck will be the most reasonable accommodation for the lot while addressing the lot restrictions. This is strictly a vacation home for his family and they only require a small deck to meet their family's needs.

Mr. Cagnetta asked questions about the existing unpermitted decks.

Mr. Gorman noted that the previous owner was sited approximately one year ago for unpermitted work and the necessary remediation would be to remove the existing decks and start the necessary permitting process to rebuild.

Ms. Goins advised that the Board should consider the proposal before them and not consider the unpermitted work that currently exists.

Mr. Bicknell explained that the both of the existing decks would be removed and the proposal is for one smaller new deck which would be the primary egress for the house. This proposed deck would be considerably smaller and meet CRMC requirements. He indicated that CRMC stated they would accept the proposed deck. The entire property is within the 30' wetland setbacks.

Questions ensued in regards to OWTS

Mr. Bicknell explained that any change in the OWTS would be further down the road and at this point they are here strictly for the deck.

Questions ensued in regards to CRMC

Mr. Bicknell indicated that they would be in agreement with CRMC's recommendations.

The Board had no further questions.

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

Board discussion ensued.

All the documents were entered into record.

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, S. Walsh-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)

At a meeting held on September 15, 2021 regarding the Petition of Andrew and Sarah Bicknell, 47 Happy Valley Road, Westerly, RI 02891 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 14' x 18' deck attached to the existing dwelling. The deck will be located 17' from the rear property line. The required rear yard setback is 30'. Relief of 13' is requested. The deck will also be located 6.4' from side property line. The required side yard setback is 10'. Relief of 3.6' is requested. Lot size is 5,925 square feet. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief). Owners of the property are Andrew J and Sarah E Bicknell for premises located at 104 Wild Goose Road, South Kingstown, Assessor's Map 90-4, Lot 105 and is zoned R 80.

The following individuals spoke as representatives of the applicant:

- Andrew Bicknell

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

The following materials were entered into the record:

- Application signed and dated August 10, 2021; Owner Authorization signed and notarized August 10, 2021; CRMC Preliminary Determination Request Form Signed and Dated December 29, 2020; Avizinis Environmental Services, Inc. correspondence to CRMC (4 pages) signed by Edward Avizinis, CPSS, PWS dated January 4, 2021; CRMC Preliminary Determination (3 pages) performed by Tracy Silvia and dated March 16, 2021; Photograph (3 pages); Site Plan and (1 page) prepared and stamped by William Dowdell, PE and dated May 14, 2021; Existing Conditions Plan (1 page) prepared by William Dowdell, PE and dated January 22, 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 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 entire lot falls within a coastal feature and any type of construction would require prior approvals.

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 when the applicant purchased the property it was already in violation and the applicant is simply trying to rectify the current situation.

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 applicant is simply looking to correct the present situation by removing both existing decks and constructing one smaller deck that would be compliant with both the Ordinance and CRMC.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is moving the deck further away from the coastal feature and is eliminating one existing deck entirely.

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 applicants purchased the property that had existing violations regarding the existing decks and they are simply attempting to rectify the current situation by replacing the illegal, deteriorating decks with one smaller more conforming deck.

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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- II. **Petition of Elderwood Development**, 1142 Wehrle Drive, Williamsville, NY 14221 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 13' x 35', one-story addition to the Assisted Living Facility (Use Code 24.4). Lot size is 4.54 Acres. **A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and 907 (Standards of Relief)**. Owner is 981 Kingstown Road, LLC and Scallop Shell Nursing for premises located at 55 Scallop Shell Way, South Kingstown, Assessor's Map 49-1, Lot 10 and is zoned R20.

All the documents were entered into record.

Mr. Cagnetta read into record the letters received from Kathryn Kennedy and Jennifer Eaton.

Attorney Jeffrey Brenner was present for the applicant.

Mr. Brenner addressed the concerns brought up in the letters. There will be no new exterior lighting, no new exterior HVAC equipment, no new parking and access to the addition will be through the existing entrance, nothing new is proposed. In regards to the letter from Ms. Eaton there is nothing being added to increase the operations of the facility, all they are seeking is to add a small addition to increase the interior square footage of the nursing home to better suit the patient's needs. The proposed additions will look just like it was part of the existing facility.

Christopher Mazzier, AIA was present and sworn in.

Mr. Mazzier testified that the existing facility is roughly a 33,000 sf, 80 bed facility and they are proposing to add 439 sf addition. They currently have memory care patients dispersed around the building. The applicant is looking to create a segregated memory care, 20 bed wing for the patients. The largest part of the project is interior renovations. The proposed addition creates a turnaround area for the patients and also creates a recreational space for the patients. They have to meet all State codes. No occupancy is changing and they are not adding any additional beds, just creating a space to better serve that wing. Additionally they are creating better egress that will offer better protections and create a code compliant stair.

Board questions ensued in regards to the proposed addition.

Mr. Mazzier addressed some concerns in regards to entrances and exits, as well as lighting and parking.

Mr. Brenner summarized that the facility has been there for decades and that the facilities current need is to create a more specific memory care wing. Because the proposed addition is so limited in size there is no impact in the general area beyond what is already there. This is a specifically authorized, permitted use but due to the fact that there is already a SUP in place any exterior alterations require additional Zoning approval.

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

Chris Bernard lives at 78 Oak Hill Road. He stated that they are concerned as to what's next, there are currently generators that test weekly which are extremely loud, there are bright lights, there are loud trucks coming and going. They are concerned about the overall expansion and its effect on the neighborhood especially in regards to lighting and noise. He would also like to hear the construction time line of the proposed addition.

Mr. Mazzier explained the construction timeline. The interior renovations have already commenced. The addition if approved will take approximately six (6) weeks to build. It is a foundation pour and wood construction so it won't be as loud as steel construction. There is currently emergency egress lighting in place. There will be no additional exterior lighting and the proposed addition will not be used at night, there will be two (2) interior recessed can light in the vestibule but no exterior lights and there will be new air conditioning within that exterior wall.

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

Mr. Brenner indicated that the existing lighting is all compliant with State Code and Regulations. The original structure was a house that was expanded upon with two (2) major additions to become the current nursing home facility. The concerns over lighting have been duly noted.

Mr. Bernard stated that this was an original house that was expanded upon over time and that is his fear of continued little by little expansion.

Mr. Mazzier explained that the original house was only majorly expanded upon (2) two times over the years. Additionally the RI DOH regulates the number of beds allowed for a nursing facility and he stated that he cannot foresee any major future additions based on licensure, lot coverage and parking concerns.

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

There was no further discussion.

Whereas a motion was made.

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, W. Rosen-Aye, S. Walsh-Aye, R. Cagnetta-Aye)

At a meeting held on September 15, 2021 regarding the Petition of Elderwood Development, 1142 Wehrle Drive, Williamsville, NY 14221 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to construct a 13' x 35', one-story addition to the Assisted Living Facility (Use Code 24.4). Lot size is 4.54 Acres. A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and 907 (Standards of Relief). Owner is 981 Kingstown Road, LLC and Scallop Shell Nursing for premises located at 55 Scallop Shell Way, South Kingstown, Assessor's Map 49-1, Lot 10 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- Attorney Jeffrey Brenner
- Christopher Mazzier, AIA

The following spoke in opposition to the petition:

- Chris Bernard, 78 Oak Hill Road

The following materials were entered into the record:

- Application signed and dated August 12, 2021; Owner Authorization signed and notarized August 12, 2021; Site Plan (A1.0) prepared and stamped by Robert G. Babcock, PLS and dated August 11, 2021; Floor Plan and Elevations (A1.1, A2.1, A2.2 & A2.3 prepared by Studio 401 Architecture, LLC and dated August 9, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Kathryn Kennedy, 43 Dendron Road dated September 13, 2021

- Jenifer Eaton, 964 Kingstown Road, dated September 15, 2021

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 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 testimony and documentation presented support the necessary criteria as defined within the Ordinance.
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 the existing ingress and egress to the lot will not change and the property will maintain the same traffic flow and emergency vehicle access that is currently present on site.
 - (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; because testimony supported that parking will not change and that there will be no additional changes to the exterior of the property that will increase the overall noise, glare or odor.
 - (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; because there will be no additional delivery or trash storage on site and there will be no new exterior utilities added.
 - (iv) Screening and buffering with reference to type, dimensions and character; this is an existing lot with screening and buffering already in place.
 - (v) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; there will be no new exterior signage and there will be no new exterior lighting for the proposed lighting.
 - (vi) Required yards and other open space; not applicable.
 - (vii) General compatibility with lots in the same or abutting zoning districts, because the lot is mostly self-contained and this is a small addition on an already existing facility. It should be noted that the proposed addition will not include additional beds. The addition is a dayroom placed at the end of an existing corridor, which will provide an easier and more sensible turnaround at the end of the corridor and additional common space for residents.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

III. **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.

All the documents were entered into record.

Attorney John Kenyon was present for the applicant. The property is 3-acres in size and requires a SUP for an OWTS within 150' wetlands. In 2018 the former owner was before the Conservation Commission and received an unfavorable recommendation. The applicant then had the system redesigned to meet most of the Conservation Commission's recommendations and the changes that RI DEM requested. The prior owner then put the revised application before the Zoning Board and was denied in a 3-2 motion to approve the application. That application was then appealed to the Superior Court and remanded back to the Board. In the meantime the neighbor, who was the objector on the previous application purchased the property and is now the applicant before the Board tonight.

Eric Prive, PE was sworn in and reviewed his CV. Mr. Prive was recognized by the Board as an expert in civil engineering.

Mr. Kenyon submitted applicant's Exhibit 1, OWTS Site Plan prepared by DiPrete Engineering

Mr. Prive testified that he prepared the Site Plan and then reviewed the zoning, surrounding properties existing uses, and the existing lot conditions. Mr. Prive explained that the wetlands were flagged by a professional wetlands scientists. Mr. Prive then explained the type of wetlands that are located on the property. Mr. Prive indicated the applicant is proposing to build a 4-bedroom single family house that will meet all other dimensional setbacks, will have adequate ingress and egress, The well will be located in the SW corner of the lot. There will be no signage, or non-residential lighting.

Mr. Kenyon submitted applicant's Exhibit 2, RI DEM OWTS Construction Permit approved on November 2, 2018 and expiring on November 2, 2023.

Mr. Prive stated the applicant has received RI DEM approval for the proposed OWTS. Mr. Prive then explained in detail the specifics of the proposed OWTS.

Mr. Prive explained the soil erosion and sediment control plan for the property, as well as lot coverage and pervious and impervious areas. The house has been located as far as possible from the wetland's edge while still maintaining the Towns setback requirements.

Mr. Prive then reviewed the Conservation Commission's Advisory Opinion. He reviewed the changes that were made to meet the Conservation Commission's recommendations.

Board questions ensued in regards to the Conservation Commission's recommendations which Mr. Prive addressed.

Mr. Kenyon clarified that the petition before the Board tonight is the same that was previously before the Board and denied, but the design has been revised since receiving the Conservation Commissions unfavorable advisory opinion in 2018.

More Board questions ensued about the specific operations and functions of the proposed OWTS system which Mr. Prive addressed.

Mr. Kenyon asked Mr. Prive to explain maximum lot coverage of the buildable lot area. Mr. Prive explained that the proposal is only at 3.7%, including the driveway, of the buildable lot area. The maximum allowed is 15% coverage.

Dr. David Tomlinson, the applicant, was sworn in and testified that they also own the adjacent property and that they purchased this property from the previous owners. He explained the historical significance of the property. He testified that they were against the same petition when it was last presented before the Board because they had concerns as to how the previous owners would maintain the proposed OWTS due to past property maintenance issues and that any proposed construction would not keep within the historical nature of the property. Their intention in purchasing this lot is to build a 4-bedroom dwelling that will be used for family and the intent is to create a family compound as well as maintain the historic nature of the property.

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

Stephen Perry, 1110 Curtis Corner Road was sworn in and testified that the applicant is a good neighbor and maintains his property well and that his concerns for the intended use of the property were addressed and he is in favor of the application.

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

The Board had no further questions.

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 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:

- There are no conditions upon this decision.

IV. **Petition of ONAROL LLC**, 50 High Street, South Kingstown, RI 02879 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to establish a commercial laundry business (Use Code 44.1) within a portion of the existing 23,328 s.f. structure. The proposed use will not include alterations to the exterior of premises. Lot size is 2.94 Acres. **A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907 (Standards of Relief)**. Owner is Technical Industries Inc. for premises located at 217 Church Street, South Kingstown, Assessor's Map 49-4, Lot 144 and is zoned Ind-1 (Industrial 1).

All documents were entered into record.

Attorney John Kenyon was present for the applicant. The applicant is currently in the process of purchasing the property. The applicant currently operates Pier Cleaners and is looking to move some of the existing service to this location. The proposed use will require no exterior changes. The building has approximately 23,328 sf of floor area. The applicant will be using approximately 13,000 sf for dry cleaning and laundry. The laundry portion will take up approximately 2,000-3,000 sf. The dry cleaning and warehousing are permitted by right and the commercial laundry business is permitted by right as long as it is under 10,000 sf, however because the building is larger than 10,000 sf a SUP is required even though it is not the applicant's intent to use over 10,000 sf for the commercial laundry portion of his business.

Larry Fish was present and sworn in. Mr. Fish testified that he is the manager of ONAROL, LLC and they are in P&S agreement to purchase 217 Church Street. The building itself is a metal building just over 23,000 sf with 4 metal bays and offices. The prior use of the building was chemical manufacturing. Mr. Fish currently operates Pier Cleaners and explained the cleaning process. They are proposing to expand the services offered by Pier Cleaners and move the production facility to the proposed location. This location was chosen based on the required zoning. There will be minimal interior changes and no exterior changes. Approximately 5,000 sf will be used for storage of clean clothes, the production facility will be about 6,000 sf and the commercial laundry will be roughly 2,000 sf. Laundry will be transported in and out of the facility by small cargo vans which will be stored and based out of Pier Cleaners High Street location. No customers will be entering this proposed facility, retail customers and the public laundry mat will remain at the High Street location. The Church Street location will have 15-16 employees and this location has 17 parking spots. They will receive deliveries at the proposed facility which has an existing loading dock and a trash dumpster onsite. The hours of operation will be from 5am to 6pm, 5 days a week. The property is serviced by public water and sewer. The chemicals used, for the most part, are everyday household chemicals and the chemicals used for dry cleaning have been used for over 50 years; they considered a "green" cleaner. There will be no additional outside lighting or free standing signs. They have received DPR approval for the proposed use and they are in agreement with all of the conditions noted.

Board questions ensued.

Mr. Fish stated the current owner of the property has had a phase 1 environmental review performed and it showed no negative impact on the Saugatucket River which runs directly next to the facility.

Mr. Fish state the intent is to lease out (1) one bay of the building, roughly 9,000 sf.

There was no one 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. Charkowick and duly seconded by Mr. Daniels

Motion passed unanimously 5-0**(C. Charkowick-Aye, T. Daniels-Aye, W. Rosen-Aye, S. Walsh-Aye, R. Cagnetta-Aye)**

At a meeting held on September 15, 2021 regarding the Petition of ONAROL LLC, 50 High Street, South Kingstown, RI 02879 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to establish a commercial laundry business (Use Code 44.1) within a portion of the existing 23,328 s.f. structure. The proposed use will not include alterations to the exterior of premises. Lot size is 2.94 Acres. A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907 (Standards of Relief). Owner is Technical Industries Inc. for premises located at 217 Church Street, South Kingstown, Assessor's Map 49-4, Lot 144 and is zoned Ind-1 (Industrial 1).

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon
- Larry Fish, Manager ONAROL, 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 and Exhibit A signed and dated August 12, 2021; Owner Authorization signed and notarized July 2, 2021; Site and Build Plan (1 page); Google Maps Aerial (1 page); Site Plan Map 49-4 Lot 144 (1 page); Vision Appraisal Field Card Tax Assessor's Map 49-4 Lot 144 (3 pages); Development Plan Review Advisory to Zoning Board signed and dated August 24, 2021(2 pages) recorded in Land Evidence Book 1804 Page 324 & 325 on August 30, 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 property is located within an industrial zone and the proposed use of a commercial laundry is permitted with the granting of a Special Use Permit which through testimony the applicant has shown that all of the necessary criteria to grant a Special Use Permit have been met.
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 sufficient ingress and egress to accommodate the small fleet of (8) eight cargo vans and the weekly/bi-weekly delivery of business related materials.
 - (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 because there is adequate onsite parking, (17) seventeen designated spots as well as a loading dock to accommodate deliveries.
 - (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 a dumpster on-site which will be sufficient to accommodate the business's needs. All other existing utilities are in place.
 - (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; there will be no new exterior lighting or signage required.
 - (vi) Required yards and other open space; not applicable.

- (vii) General compatibility with lots in the same or abutting zoning districts, because this property is located in an industrial zone and a commercial laundry under 10,000 sf is an allowed use. However, a Special Use permit is required because the overall building is 23,000 sf even though the applicant will be utilizing less than the allowed 10,000 sf. Additionally there will be no exterior changes to the existing building so there is no change in the general compatibility.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

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- V. **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).

All documents were entered into record.

Attorney Matthew Landry was present for the applicant.

Mr. Landry brought up that the legal notice stated that they are seeking a SUP for a staircase for a proposed 2nd floor office, however the office is already existing. There is an existing SUP on the property and any additions or modifications require an updated SUP to go before the Zoning Board for authorization. The existing 2nd floor office is currently accessed by a trap door in the floor with a ladder and they are looking to facilitate easier, more functional access to the existing 2nd floor office. During the COVID pandemic they received a coastal assent from CRMC to do some work on the retaining wall for the existing outdoor seating space that the proposal is adjacent to. The Town had signed an easement agreement because a portion of that wall is located within the Town's right of way. Prior to any construction of this proposed deck and stairs they would likely require a revised assent modification which they are in the process of obtaining from CRMC.

Kevin Finnegan was present and sworn in. Mr. Finnegan stated that the proposed stairway and landing is needed to address safety concerns and create easier access to the 2nd floor office. The current access is through a hole in the floor with a ladder. The proposed platform size is being requested to accommodate (2) two existing ice machines and the proposed stairway. This side of the building has not been touched and they are looking to upgrade and add to that side of the building. They are not looking to create any additional capacity and this 2nd floor office space will not be open to the public.

Board questions ensued about the proposed staircase and entrance to the 2nd floor existing office space.

Mr. Finnegan explained the current situation and that the proposed staircase would be built to code.

Mr. Gorman indicated that the proposed platform may impact the parking and that the lot is already severely deficient in parking.

Mr. Landry stated that the area in question has never been used historically for parking and the proposal is not eliminating any existing parking spaces. In 2009 the applicant was before the Zoning Board and received a SUP and variance to construct an addition and that parking was not part of that discussion and did not prohibit the granting of the requests before the Board. The lot is non-conforming by parking. You are allowed to put an addition or alteration to a structure that is non-conforming by parking, the significant part being that they are not adding to capacity of the structure.

Ms. Goins explained that they are preexisting, non-conforming use and that she doubts the Town has a parking plan on file. If there is a parking plan on file, the Building Official can review it and determine if the proposed deck would eliminate any existing parking. If existing parking is eliminated it would be an issue moving forward, however if no existing parking is eliminated the Board can move forward with this application because there would be no impact on parking. If the Board should grant this, there should be a condition that the Board finds that the deck has no impact on parking.

Mr. Landry stated that to his knowledge there has been no parking plan on file. In 2009 this was treated as a lawful non-conforming use that never had a SUP issued, it was always in existence prior to the Zoning regulations. At that time the Board issued a SUP in conjunction with the variance which is the only record on file with the Town and has no parking plan.

Board questions ensued.

Mr. Finnegan stated that in the 34 years that he has owned the property that lot has never been used as public parking. All of his employees have designated offsite, off street parking. The tent has been located there on and off for 15 years. The 2nd floor was his original apartment and now is used as office space and an employee bathroom. There are no plans to modify the use or add service to the 2nd floor area. The 2nd floor use will not add any additional vehicles or impact parking. They are adding a dormer on one side to create the necessary headroom for the stairs.

The Board had no further questions.

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

There was no further Board discussion.

Whereas a motion was made.

The Motion is as Follows:

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.

D. OTHER BUSINESS:

I. Minutes: Motion made by Mr. Rosen to approve the minutes as written from the August 18, 2021 meeting. The motion carried by unanimous vote with no abstentions

II. Attendance: The meeting will be held on October 27, 2021 and all member present can attend.

E. ADJOURNMENT:

I. Mr. Rosen made the motion to adjourn the meeting at 9:50 p.m. The motion carried by unanimous vote with no abstentions.