



# 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 South Kingstown Town Hall, 180 High Street, Wakefield RI at 7:00 p.m. on Wednesday May 18, 2022.

### A. CALL TO ORDER:

Mr. Daniels called the meeting to order at 7:04 pm

### B. CHAIRMAN INTRODUCTIONS AND INSTRUCTIONS:

**Members Present:** Thomas Daniels, Vice-Chair; William Rosen, Member; Susan Walsh, Member; and Russell Brown, Member, Kevin Diamond, Alt. #1

**Member(s) Absent:** Robert Cagnetta, Chairman

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

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

The standards of relief were explained.

### C. AGENDA ITEMS:

- I. **Petition of Brian Wahl**, 81A Winchester Drive, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 13' x 16' addition to the rear of the existing single-family dwelling. The applicant also seeks to enlarge the footprint of the rear deck and construct an enclosure for storage and access to the basement. The proposed addition will be located 28'7" from the rear property line. The required rear yard setback is 40'. Relief of 11'5" is requested. The Lot size is .52 acres. **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 Brian M. & Lisa A. Wahl for premises located at 81A Winchester Drive, South Kingstown, Assessor's Map 69-2, Lot 7 and is zoned R40.

The above petition was withdrawn by the applicant.

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- II. **Petition of David Guadagnoli**, 49 Sheldon Point Road, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to replace the existing 573 s.f. attached deck and stairs to grade in the same location. The deck will be located 15' from the front property line. The required front yard setback is 25'. Relief of 10' is requested. The deck will also be located 10' from the northerly side property line. The required side yard is 20'. Relief of 10' is requested. Lot size is .25 acres. **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 David A. & Eileen T. Guadagnoli for premises located at 49 Sheldon Point Road, South Kingstown, Assessor's Map 87-2, Lot 135 and is zoned R80.

The above petition was continued until the June 15, 2022 hearing due to a mailing error with the legal notices.

Whereas a motion was made.

**Mr. Rosen made a motion to continue the above petitions until June 15, 2022 meeting and was duly seconded by Ms. Walsh**  
**Whereas a vote was taken, (vote 5-0 in favor)**  
**(W. Rosen-aye, S. Walsh-aye, R. Brown-aye, K. Diamond-aye, T. Daniels-aye)**

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- III. Continuation of the Petition of Earle S. & Brenna E. Sharpe**, 74 Parkwood Drive, Kingston, RI 02881 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking a Special Use Permit to locate an Onsite Wastewater Treatment System (OWTS) closer to a wetland than allowed. 150' setback is required, 58' is proposed. Relief of 92' is requested. The applicant also seeks to locate a single-family dwelling 23' from the front property line. The required front yard setback is 35'. Relief of 12' is requested. Lot size is .48 acres. **A Special Use Permit is required per Zoning Ordinance Section 504.1 (Special Use Permits-Location of OWTS) and Section 907 (Standards of Relief). A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Property is owned by Earle S. Sharpe and Brenna E. Rheinberger for premises located at Assessor's Map 31-2, Lot 93, South Kingstown, and zoned R20.

The necessary quorum of 5 members was not present to hear this petition, as Mr. Rosen has recused himself, leaving only 4 members.

Additionally the applicant submitted an email requesting a continuation until the July 20, 2022 hearing.

Brenna Sharpe was present and sworn in.

Ms. Sharpe indicated that they are looking to continue until July since the State regulations will change and the requirement for an OWTS permit will no longer be in effect. This would be the least relief necessary because they will only be asking for a small dimensional variance.

Ms. Goins explained that once the RI DEM regulations are effective, which is scheduled for July 1<sup>st</sup>, the Board will no longer be required to grant SUP under the Zoning Ordinance

Edward Perry, attorney was present representing abutter Bruce Cutting.

Mr. Perry stated that they would like the continuance to be heard in June rather than July. He referenced the subsection of the new statute allowing RI DEM to regulate OWTS that states any application submitted prior to the new regulation being enacted shall be held to any local ordinance statutes that were in effect at the time of application.

Ms. Goins stated that typically they allow the applicant to determine scheduling and advised that the applicant may want to hire an attorney to be present.

Discussion ensued in regards to scheduling this petition for July 20, 2022.

Whereas a motion was made.

**Ms. Walsh made a motion to continue the above petition until July 20, 2022 meeting and was duly seconded by Mr. Brown.**  
**Whereas a vote was taken, (vote 4-1 in favor)**  
**(S. Walsh-aye, R. Brown-aye, K. Diamond-aye, W. Rosen-nay, T. Daniels-aye)**

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- IV. Continuation of the Petition of John Demers**, 80 Bayfield Drive, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 684 square foot deck attached to the existing dwelling. The deck will be located 14' from the rear property line. The required rear yard setback is 30'. Relief of 16' is requested. Lot size is .48 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record – Building Setback Requirements) and Section 907 (Standards of Relief).** Owner of the property is John C. & Vitoria M. Demers for premises located at 80 Bayfield Drive, South Kingstown, Assessor's Map 75-3, Lot 18 and is zoned R40.

All the documents were entered into record.

John Demers was present and sworn in.

Mr. Demers testified that he is looking to add a deck off the back of the house so they can enjoy the backyard. The property is unique in that there is not much of a backyard to do anything in that does not fall within the setbacks. The proposed deck will be located off of the kitchen. The size and location of the deck were discussed. The left hand side of the property has the OWTS and leach fields so that is not an option. The right hand side of the deck has a 4' drop off. The immediate rear neighbors have no objection. There are trees separating the backyards.

Board questions ensued.

There was no one 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 Ms. Walsh and duly seconded by Mr. Rosen  
Motion passed unanimously: Vote 5-0  
(S. Walsh-Aye, W. Rosen-Aye, K. Diamond-Aye, R. Brown-Aye, T. Daniels-Aye)**

At a meeting held on May 18, 2022 regarding the Petition of John Demers, 80 Bayfield Drive, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 684 square foot deck attached to the existing dwelling. The deck will be located 14' from the rear property line. The required rear yard setback is 30'. Relief of 16' is requested. Lot size is .48 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record – Building Setback Requirements) and Section 907 (Standards of Relief). Owner of the property is John C. & Vitoria M. Demers for premises located at 80 Bayfield Drive, South Kingstown, Assessor's Map 75-3, Lot 18 and is zoned R40.

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

- John Demers

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

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

- Application signed and dated March 18, 2022; Owner Authorization signed and notarized March 18, 2022; Site Plan Proposed (1 page); Site Plan Existing (1 page) prepared by Flynn Surveys Inc., James G. Flynn PLS and dated October 12, 2021; Continuation Request dated April 11, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

**Findings of Fact:**

1. The Board finds that the 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 house is already legally non-conforming on the lot and the proposed location is the only option to build the proposed deck due to the proximity of the OWTS and leach field on the left side of the lot and a 4' drop off on the right side of the lot.
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 looking to add a deck to the rear of his existing home for his family's enjoyment.
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 this is a residential area and decks are commonplace.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has designed and located the proposed deck to allow for open green space between the deck and the nearest neighbor.

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 would not be able to fully utilize his property and enjoy his property with friends and family to its fullest extent.

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

- There are no conditions upon this approval.

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- V. **Petition of Patrick Quinn**, 23 Fire Lane #4, Wakefield, RI 02879 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 12'9" x 30' addition to the existing detached garage. The parcel of land that this garage is located on is non-conforming due to the number of residential structures on the same parcel. A Special Use Permit is required for any addition, enlargement, expansion or intensification of non-conforming use. Lot size is 70 acres. **A Special use permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification) and 907 (Standards of Relief)**. Owner of land is Jerry Brown Farm Association, Inc., and the owner of the dwelling is Randi A. & Patrick N. Quinn for premises located at 23 Fire Lane Four, South Kingstown, Assessor's Map 82-1, Lot 1-7 and is zoned R80.

All the documents were entered into record.

Attorney Vincent Indeglia was present for the applicant.

Mr. Indeglia stated that they are subject to section 203 of the Zoning Ordinance. This particular parcel is one large lot with multiple dwellings on it. This is a pre-existing, legal, non-conforming lot and any changes on this parcel require a special use permit. In February 2022, the owners went before the Jerry Brown Farm Association Board and were granted unanimous approval for their proposed plan. Under Section 907 subsection 2, the documents submitted have shown sufficient facts to make factual findings for the granting of a special use permit. The driveway is existing and ingress and egress will remain the same. Several requirements, such as odors or noxiousness will not apply. This is an existing garage which they are redesigning, as part of the redesign they will also be enclosing an existing covered area. The applicants are changing the roof slope on the entire garage so that it will allow neighbors behind them a better view. The proposed plans conform to South Kingstown's Comprehensive Plan; this is a low-density residential zone. There will be electricity but no plumbing. This will be used for storage only, mainly the applicant's boat. The design is such that it will not interfere with the neighbor's views; they are remodeling an existing garage. The footprint of the building will not change and the height will actually decrease. The height will be under the 20' accessory structure restriction.

Board questions ensued.

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

Whereas a motion was made.

**The Motion is as Follows:**

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

**Motion passed unanimously 5-0**

**(W. Rosen-Aye, S. Walsh-Aye, K. Diamond-Aye, R. Brown-Aye, T. Daniels-Aye)**

At a meeting held on May 18, 2022 regarding the Petition of Patrick Quinn, 23 Fire Lane #4, Wakefield, RI 02879 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to construct a 12'9" x 30' addition to the existing detached garage. The parcel of land that this garage is located on is non-conforming due to the number of residential structures on the same parcel. A Special Use Permit is required for any addition, enlargement, expansion or intensification of non-conforming use. Lot size is 70 acres. A Special use permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification) and 907 (Standards of Relief). Owner of land is Jerry Brown Farm Association, Inc., and the owner of the dwelling is Randi A. & Patrick N. Quinn for premises located at 23 Fire Lane Four, South Kingstown, Assessor's Map 82-1, Lot 1-7 and is zoned R80.

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

- Attorney Vincent Indeglia

**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 9, 2022; Owner Authorization signed and notarized March 10, 2022; Correspondence from Jerry Brown Farm Board of Directors dated March 23, 2021; Plans for proposed garage addition (A-101 proposed, A-102 proposed, A-103 proposed, A-101 existing, A-103 existing) prepared by Sweenor Builders and dated March 28, 2021; Web GIS Site Plan (2 pages); Continuation Request dated April 20, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

**Findings of Fact:**

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification) and 907 (Standards of Relief).
2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because the proposed remodel is not expanding dimensionally. Additionally, the applicant has met all applicable standards set forth under the Zoning 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; ingress and egress are already existing and will remain the same.
  - (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare or odor effects of the special use permit on adjoining lots; off-street parking already exists. Noise, glare and odor effects are 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; trash, storage and delivery are not applicable; trash and utilities are already existing on site. The garage will have electricity but no plumbing.
  - (iv) Screening and buffering with reference to type, dimensions and character; the proposed re-design will actually improve the water views for the surrounding neighbors.
  - (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 this is a private community and the applicant has received approval from the Jerry Brown Farm Association, who were in unanimous support of the application and proposed garage renovations.

**Approval is conditional and subject to the following:**

- There are no conditions upon this approval.

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**VI. Petition of Christian Blaney, 60 Sea View Avenue, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to reduce the area of an existing lot (AP 87-2, Lot 59) and increase the area of an abutting lot (AP 81-3, Lot 46). Both lots 59 and 46 are currently nonconforming by dimension. Lot 59 is presently 20,376 s.f. and is proposed to become 10,335 s.f, whereas Lot 46 is presently 5,000 s.f. and is proposed to become 15,041 s.f.. **A Dimensional Variance is required per Zoning Ordinance Section 400D (Compliance with Regulations), Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owners of the property are Christian R. & Karen A. Blaney for premises located at Assessor's Map 87-2, Lot 59 and is zoned R80.**

All documents were entered into record.

Arthur Russo, attorney was present for the applicant.

Mr. Russo explained Mr. Blaney is a lifelong resident of South Kingstown. In 2016 he purchased a small home at 14 Port Avenue for his father to live in. In May 2017 Mr. Blaney purchased the property which surrounds 14 Port Avenue on 3-sides. Both lots are legal, non-conforming lots in an R80 zone. Mr. Blaney has applied for an administrative subdivision to shift the lot lines. He is seeking relief tonight from the minimum lot size requirement in the R80 zone, which requires a minimum lot size of 80,000 sf. The vacant lot would become 10,333 sf. in area and the 14 Port Avenue lot would be expanded to 15,000 sf. They are not creating any new lots, rather they are looking to make both lots more conforming to the neighborhood.

Christian Blaney was present and sworn in.

Mr. Blaney testified that when he purchased 14 Port Avenue he needed a place to move his father into and was aware that the vacant lot that surrounded Port Avenue was strangely shaped. When the vacant lot came up for sale he purchased it as a protection mechanism for the 14 Port Avenue house. The vacant land has an approved septic system application with RI DEM and it is his intention to sell the lot to ease the financial burden that purchasing the lot created. He currently has 2 lots and after the administrative subdivision he will still have 2 lots, he is simply looking to square up both lots which would offer the 14 Port Avenue house more protection in the event of future development on the vacant lot.

Mr. Russo clarified that while both lots are in Mr. Blaney's name they are not under common ownership.

Mr. Daniels asked about financial gain.

Mr. Russo indicated that as the vacant lot currently sits it could be sold and essentially realize the same financial gain that he would if they did not do the administrative subdivision. He argued that Mr. Blaney is actually decreasing the value of the vacant lot by decreasing the lot size.

Applicant's Exhibit 1, site plan high lighting plat line, was entered into record.

WEB GIS was brought up on the monitors to better show the unique shape of Lot 1 which surrounds Lot 2 on three sides.

Discussion ensued in regards to the boundary lines, existing driveways, and property setbacks on Port Avenue.

Mr. Blaney indicated that they have met all the conditions of the Administrative Subdivision.

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 Ms. Walsh and duly seconded by Mr. Brown**

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

**(S. Walsh-Aye, R. Brown-Aye, W. Rosen-Aye, K. Diamond-Aye, T. Daniels-Aye)**

At a meeting held on May 18, 2022 regarding the Petition of Christian Blaney, 60 Sea View Avenue, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to reduce the area of an existing lot (AP 87-2, Lot 59) and increase the area of an abutting lot (AP 81-3, Lot 46). Both lots 59 and 46 are currently nonconforming by dimension. Lot 59 is presently 20,376 s.f and is proposed to become 10,335 s.f, whereas Lot 46 is presently 5,000 s.f. and is proposed to become 15,041 s.f.. A Dimensional Variance is required per Zoning Ordinance Section 400D (Compliance with Regulations), Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owners of the property are Christian R. & Karen A. Blaney for premises located at Gooseberry Road, Assessor's Map 87-2, Lot 59 and is zoned R80.

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

- Attorney Arthur Russo
- Christian Blaney, applicant

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

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

- Application with Exhibit A signed and dated April 7, 2022; Owner Authorization Forms (4) signed and notarized April 7, 2022 and April 1, 2022; Site Plan prepared by American Engineering, Inc., Matthew J. Cotta PLS and dated March 9, 2022 with revisions on April 6, 2022; Conditional Subdivision Approval (3 pages) dated March 28, 2022 and recorded in South Kingstown Land Evidence Book 1825 and Pages 449-451; RI DEM OWTS Permit Application (1 page) dated March 22, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Applicant's Exhibit 1 (1 page) Site Plan

**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 two (2) parcels were originally divided in a unique shape creating one property (lot 59) surrounding the other much smaller property (lot 46) on 3-sides.
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 looking to adjust boundary lines which would make the two (2) existing parcels less nonconforming.
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 generally the size of the redefined lots is normal within this community.
4. The Board finds that the relief to be granted is the least relief necessary, because the request will make both lots less non-conforming than they were previously. This proposed change of the parcel boundaries makes the most sense and will allow both lot 59 and lot 46 to be more uniform in size, shape and dimension.
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 if the petition were denied the irregular shape of vacant lot 59 would remain as is and any future development on lot 59 could adversely affect lot 46 and its existing house.

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

- There are no conditions upon this approval.

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**D. OTHER BUSINESS:**

- I. Approval of April 20, 2022 Zoning Board of Review Minutes
  - Mr. Rosen made a motion to approve the minutes which was duly seconded by Ms. Walsh  
Whereas a voice vote was taken, and all members approved.
- II. Attendance
  - May 25, 2022, Ms. Walsh, Mr. Rosen, Mr. Daniels and Mr. Brown will be present.
  - June 15, 2022 Zoning Board of Review, all member present can attend.
  - Ms. Walsh indicated that she would not be present for the July 20, 2022 meeting. This prompted discussion regarding the continuation of the Sharpe petition and the necessary quorum be present. It was determined the Sharpe petition would be continued until August 17, 2022 meeting when the necessary quorum could be present.

**E. ADJOURNMENT:**

- I. Mr. Daniels made the motion to adjourn the meeting at 8:25p.m. The motion carried by unanimous vote with no abstentions and the meeting was adjourned.