

Kenyon Law Associates, LLP
Attorneys at Law
133 Old Tower Hill Road Suite 1
Wakefield, RI 02879

Stephen B. Kenyon
John F. Kenyon
Robert J. Donnelly
Kelly Kenyon LeValley

Phone (401) 789-0217
Fax (401) 789-3584

Archibald B. Kenyon, Jr. (1968 - 2016)

April 30, 2020

Richard Jurczak, Chairman
South Kingstown Zoning Board
180 High Street
Wakefield, RI 02879

RE: John C. Drew and Conrad C. Heffernan
Premises located at: Green Hill Beach Road
(Assessor's Map 90-4, Lot 174)

Dear Chairman Jurczak:

I am writing to you, on behalf of my clients, John C. Drew and Conrad C. Heffernan, to request a third extension on their zoning approval for their Special Use Permit, granted on January 21, 2015, approved on May 15, 2019 for a second, one-year extension. The Special Use Permit was extended until July 1, 2020.

My clients have been marketing the property for sale and had an interested buyer. However, due to recent events it is likely they will not be able to complete a transfer prior to the relief expiring. My clients are requesting an additional one-year extension until July 1, 2021.

If you have any questions or require any additional documentation, please contact me at your convenience.

Very truly yours,



John F. Kenyon, Esq.
JFK/pas

Town of South Kingstown, Rhode Island

180 High Street
Wakefield, RI 02879
Tel. 401-789-9331

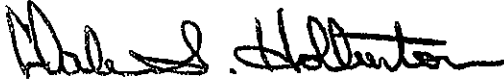
OFFICE OF THE BUILDING OFFICIAL

NOTICE OF DECISION

ZONING BOARD OF REVIEW

February 4, 2015

Witness: South Kingstown Town Clerk



At a meeting of the Zoning Board of Review held January 21, 2015, the Board **granted** the request for a **Special Use Permit** to construct an onsite wastewater treatment system closer to a wetland than permitted in an R-80 Zone (150' required – 75.4' requested) for property which is the subject of this petition and is owned by **John C. Drew c/o Conrad C. Heffernan**. This application is made by **Conrad C. Heffernan & John C. Drew**. Premises located at Green Hill Beach Road, South Kingstown, RI, Lot 174, Tax Assessor's Map 90-4.

The Decision of the Board is as follows:

Mr. Runge made a motion to approve the petition of Conrad C. Heffernan and John C. Drew of 130 Rosebriar Avenue, Wakefield, Rhode Island, for a special use permit to construct an onsite wastewater treatment system closer to a wetland than permitted in an R-80 Zone, 150 feet is required and 75.4 feet is requested. Premises are located at Green Hill Beach Road in South Kingstown, Rhode Island. John Kenyon is here representing and discussed the situation along with the engineer for the site, Eric Prive, and they've looked at all kinds of details. We've looked at a number of issues, as well, and we've looked at the Conservation Commission recommendation for this. They voted to deny. We've also heard the recent discussions that DEM had that resulted in a consent agreement, and DEM, which regulates septic systems here in the State, has finally given this, I would say, conditional approval, if they meet certain guidelines which they'll have to do before they build on the property. The applicant has tried and appears to me, anyway, they tried and have successfully satisfied many of the issues that the Conservation Commission had. Obviously, the big one, I believe, is 3,000 square-foot living area; they reduced it down to 1700 square feet, a much smaller footprint house size, they're going from 30 by 50 down to 24 by 36; that will also increase the setbacks from the coastal feature by another 6 feet. And the septic system where it is now, designed now, is the only position it can be placed. The big issue for Green Hill Pond is nitrogen, comes from human waste, primarily ammonia, and they will have composting toilets which will take most of those. They've got a separate gray water system which will take care of all the other waters from the home. The property will be raised. There'll be considerable pervious area under the property so runoff will probably not increase substantially in that area. And this is a special use permit. Again, we're here really primarily for the setback requirement. RIDEM, in the critical resource area such as this, also has a 150-foot setback. They've also agreed, by demonstrating they approved the septic system to reduce that, in this situation. I also have a lot of faith in RIDEM, along with CRMC, the two regulatory agencies in the State, which will have to look at the property after we give it the new approvals; they'll have to give final approval to build. In this case, it's a special use permit, and the special use permit, by granting the special

Heffernan/Drew
Zoning Decision
Page 2

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. There's a lot of smaller lots there. It's a really dense area. There's still a number of these lots that are undeveloped. By placing another similar size smaller home on these lots will not change the character of the area. And one of the big items that I do like and that's, again, the DEM consent agreement, is that they will be required to find another home that has a septic system in an area which DEM has approved, and the applicant will have to design and install and pay for a new septic system for that home; that will reduce, considerably, the amount of constituents coming from that septic system. And that, in combination of the requirements of this property, as the engineer stated, it will essentially do better than a net 0 increase. It will probably reduce it by somewhat, nitrogens which is causing the so-called cultural eutrophication to Green Hill Pond. Again, with that said, I think we should approve this petition for that reason. A number of other items under the special use section, things like ingress, egress, off-street parking, trash, storage, utilities, screening, signs, will not be impacted by this.

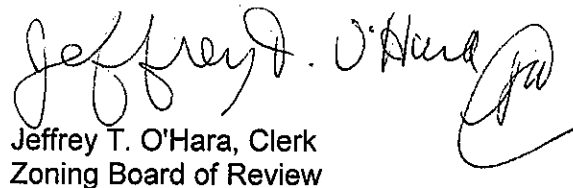
Mr. Cagnetta seconded the motion.

Mr. Runge amended his motion to state that the house will not exceed a footprint area of 864 square feet and total square footage of 1728. And I would put a restriction on the size of the home, not to exceed 24 by 36, or more precisely the area, which is 24 by 36 feet, and that would be 864 square feet. With the exception of the deck on the side, and the deck dimension indicated on the plan right now, is 10 feet by 15 feet, and that's on the northern side of the proposed dwelling, and that will be to not exceed the square-foot size of the deck. And the square footage not to exceed 10 by 15, which is 150 square feet for the deck outside on the north side.

Mr. Cagnetta seconded the amended motion.

VOTE: Runge, Aye; Cagnetta, Aye; Osborn, Aye; Jurczak, Aye; Toth, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION WITH THE STIPULATIONS AS STATED.


Jeffrey T. O'Hara, Clerk
Zoning Board of Review

JTO:sla

Town of South Kingstown, Rhode Island

180 High Street
Wakefield, RI 02879
Tel. 401-789-9331

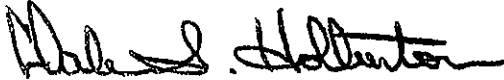
OFFICE OF THE BUILDING OFFICIAL

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February 4, 2015

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The Decision of the Board is as follows:

Mr. Runge made a motion to approve the petition of Conrad C. Heffernan and John C. Drew of 130 Rosebriar Avenue, Wakefield, Rhode Island, for a special use permit to construct an onsite wastewater treatment system closer to a wetland than permitted in an R-80 Zone, 150 feet is required and 75.4 feet is requested. Premises are located at Green Hill Beach Road in South Kingstown, Rhode Island. John Kenyon is here representing and discussed the situation along with the engineer for the site, Eric Prive, and they've looked at all kinds of details. We've looked at a number of issues, as well, and we've looked at the Conservation Commission recommendation for this. They voted to deny. We've also heard the recent discussions that DEM had that resulted in a consent agreement, and DEM, which regulates septic systems here in the State, has finally given this, I would say, conditional approval, if they meet certain guidelines which they'll have to do before they build on the property. The applicant has tried and appears to me, anyway, they tried and have successfully satisfied many of the issues that the Conservation Commission had. Obviously, the big one, I believe, is 3,000 square-foot living area; they reduced it down to 1700 square feet, a much smaller footprint house size, they're going from 30 by 50 down to 24 by 36; that will also increase the setbacks from the coastal feature by another 6 feet. And the septic system where it is now, designed now, is the only position it can be placed. The big issue for Green Hill Pond is nitrogen, comes from human waste, primarily ammonia, and they will have composting toilets which will take most of those. They've got a separate gray water system which will take care of all the other waters from the home. The property will be raised. There'll be considerable pervious area under the property so runoff will probably not increase substantially in that area. And this is a special use permit. Again, we're here really primarily for the setback requirement. RIDEM, in the critical resource area such as this, also has a 150-foot setback. They've also agreed, by demonstrating they approved the septic system to reduce that, in this situation. I also have a lot of faith in RIDEM, along with CRMC, the two regulatory agencies in the State, which will have to look at the property after we give it the new approvals; they'll have to give final approval to build. In this case, it's a special use permit, and the special use permit, by granting the special

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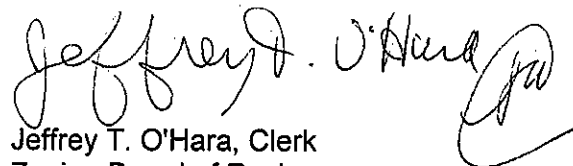
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Mr. Cagnetta seconded the amended motion.

VOTE: Runge, Aye; Cagnetta, Aye; Osborn, Aye; Jurczak, Aye; Toth, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION WITH THE STIPULATIONS AS STATED.


Jeffrey T. O'Hara, Clerk
Zoning Board of Review

JTO:sla

Robert S. Hollister



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1224
Fax (401) 789-9792

ZONING BOARD OF REVIEW

NOTICE OF DECISION

May 23, 2019

At a meeting of the Zoning Board of Review held May 15, 2019, your petition was **Granted** for a second one-year extension for a **Special Use Permit** under the Zoning Ordinance as follows: Request for a **second one-year extension** of expiration date for **Special Use Permit** granted on January 21, 2015 and recorded on February 4, 2015 for property owned by **John Drew c/o Conrad C. Heffernan**, 109 Scott Road, Cumberland, RI for a **Special Use Permit** to construct an onsite wastewater treatment system closer to a wetland than permitted in an R-80 Zone (150' required – 75.4' requested). Premises located at Green Hill Beach Road, South Kingstown, RI, Assessor's Map 90-4, Lot 174, Section 504 and 907. **Request made pursuant to Sec. 910(B) of the Zoning Ordinance. Applicant requests an extension of the expiration date from July 1, 2019 to July 1, 2020.**

The Decision of the Board is as follows:

MR. DANIELS: Move the Petition of John Drew, Care Of Conrad Heffernan, 109 Scott Road, Cumberland. The property is located at Green Hill Beach Road in South Kingstown. The applicant is seeking a second one-year extension due to the I.S.D.S. system not being properly granted at this point. I would also move that the second one-year extension of the Special Use Permit be extended for the same reason, the same property, and it's located at Green Hill Beech Road, Rhode Island, Assessor's Map 90-4, Lot 174. Sections 504 and 907. And the Chairman has read the criteria for both the Dimensional Variance and the Special Use Permit, and I would move that both be extended for a second one year.

MR. JURCZAK: Okay. Thank you. Motion made by Mr. Daniels. Would someone like to second?

MR. HENRY: Second on both.

MR. JURCZAK: Second by Mr. Henry. Any discussion? If no discussion, let's vote.

Whereupon a Vote was Taken: Daniels-Aye, Henry-Aye, Cagnetta-Aye, Bernardo-Aye, Jurczak-Aye Motion Passed Unanimously, Petition Granted 5-0

Wayne Pimental

Wayne Pimental, Clerk
Zoning Board of Review
Town of South Kingstown

*For expiration of Variances and Special Use Permits, please refer to
Section 910 of the Town of South Kingstown Zoning Ordinance*