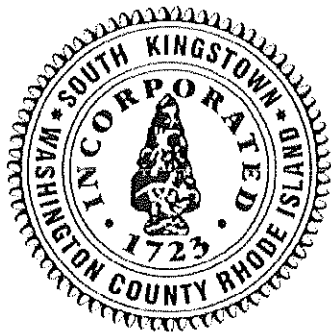




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INST# 7482
 TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

Date July 30, 2020

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Cagnetta and duly seconded by Mr. Bernardo
 Motion passed unanimously: Vote: 5-0
 (R. Cagnetta-Aye, J. Bernardo-Aye, T. Daniels-Aye, W. Rosen-Aye, R. Jurczak-Aye)

At a meeting held on July 15, 2020 the regarding the Petition of Charles Walsh, 3 Stone Post Way, Greenville, RI 02828 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to construct a new single family dwelling. A special use permit is required because the proposed OWTS is proposed to be located within 150' of a wetland. A favorable advisory opinion was obtained by the South Kingstown Conservation Commission on March 3, 2020. A Special Use Permit is required per Zoning Ordinance Section 504.1 (Special Use Permit-Location of OWTS) and Section 907 (Standards of Relief). Owner of the property is Louise Marie Walsh Living Trust for premises located on Rosebriar Avenue, Assessor's Map 90-4, Lot 215 and zoned R 30.

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon, Applicant Charles Walsh, Joshua Rosen P.E., Edward Pimentel

The following individuals spoke at the hearing in opposition to the request:

- Bert Hess, William Riley, Christopher Fountain, Jim Lyness

The following materials were entered into the record:

- Application dated March 18, 2020; Owner Authorization Form from Louise Marie Walsh Living Trust dated March 18, 2020; 200' Radius Map and Abutter's list; OWTS Advisory Opinion from the Conservation Commission dated March 4, 2020; Legal Notice dated March 23, 2020, Certified Mail Receipts and Notarized Affidavit of Mailing; Legal Notice Change of Hearing;
- Continuation Requests from Attorney John Kenyon
 - Dated April 22, 2020
 - Dated May 19, 2020
- Applicant's Exhibits
 - 1. Original OWTS application dated 6/26/2019 and Plan originally dated November 17, 2017
 - 2. Revised OWTS application dated 1/28/2020
 - 3. Site plan, Revised OWTS, prepared by Joshua Rosen P.E. dated January 15, 2020
 - 4. Engineer's Narrative, prepared by Joshua Rosen, P.E. dated December 12, 2019
 - 5. Conservation Commission Advisory Opinion dated March 4, 2020
 - 6. Neighborhood Analysis report, prepared by Edward Pimentel
- Objectors' Correspondence
 - Jeanne B. Riley Trust dated April 9, 2020 with two photos of proposed site from Jeanne B. Riley Trust
 - Bert Hess dated April 15, 2020
 - Concerned Residents of Rosebriar Avenue received April 21, 2020
 - Correspondence received April 22, 2020

- o Bert Hess received May 19, 2020
- o Concerned Residents of Rosebriar Avenue received May 19, 2020
- o Jeff & Helena Roberts received May 21, 2020
- o Jeanne B. Riley Trust dated June 19, 2020 with two additional photos of proposed site from Jeanne B. Riley Trust
- o Concerned Residents of Rosebriar Avenue dated June 23, 2020
- o William Riley to Jon Schock, Director of Public Services, dated June 25, 2020
- o Christopher & Lianne Fontaine received July 7, 2020
- o Concerned Residents of 0 Rosebriar Avenue received July 9, 2020
- o from Jeanne B. Riley Trust received July 13, 2020

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 Permit-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 placement of this system does not harm the wetlands and the applicant has gone through all required steps to meet DEM and Conservation Commission requirements.
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 change within the property to affect any of these conditions.
 - (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 relevant
 - (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; not relevant
 - (iv) Utilities, with reference to locations, availability and compatibility; it is found that the septic system is located at the best location on the subject property as recommended by DEM and The Conservation Commission requirements.
 - (v) Screening and buffering with reference to type, dimensions and character; has been identified on the plans but is not required.
 - (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not relevant.
 - (vii) Required yards and other open space; not relevant.
 - (viii) General compatibility with lots in the same or abutting zoning districts, because it will be a single family home like all other homes in the area.

Approval is subject to the following conditions:

- The applicant meet all conditions previously set forth by The Conservation Commission.
- The decision is a Conditional Zoning Approval and is conditioned upon CRMC approval and will have a two year expiration from recorded date per Section 908 with right the right to extend if necessary.

Respectfully,

A handwritten signature in cursive script, appearing to read "Wayne Pimental". The signature is written in black ink and is positioned above the typed name.

Wayne Pimental, Clerk
South Kingstown Zoning Board of Review