



## Town of South Kingstown, Rhode Island

**BUILDING AND ZONING DEPARTMENT**  
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Date September 3, 2020

### NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Mark and duly seconded by Mr. Jurczak  
Passed unanimously 5-0  
(W. Mark-Aye, R. Jurczak-Aye, J. Bernardo-Aye, T. Daniels-Aye, R. Cagnetta-Aye)

At a meeting held on July 22, 2020 and continued until August 19, 2020 regarding Petition of Manny M. Vieira, 80 Brookridge Drive, Exeter, RI, 02822 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) closer to a wetland than allowed. 150' is required, 110' is proposed. Relief of 40' is requested. This parcel was granted a Special Use Permit for the same relief sought on this application on October 22, 2014, but the approval period expired. The project also had received approval from the Conservation Commission on July 16, 2014. There is no change to the original location of the OWTS system. Lot size is .47 Acres. A Special Use Permit is required per Zoning Ordinance Section 504 (Special Use Permits-Location of OWTS) and Section 907 (Standards of Relief). Property is owned by Manny M. & Maria R. Vieira for premises located on Parkwood Drive, South Kingstown, RI, Assessor's Map 31-2, Lot 82, and zoned R20

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

- Manny Vieira

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

- Timothy Gleason
- Brenda Rashleigh

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

- Application signed and dated June 12, 2020; Owner Authorization Form signed and notarized June 12, 2020; 200' Radius Map and Abutters List; Notice of Decision, Zoning Board of Review, Recorded into Land Evidence on October 22, 2014; Conservation Commission Opinion dated July 16, 2014; RI DEM letter dated April 11, 2014; Environmental Planning & Surveying, Inc. letter dated May 18, 2020; Environmental Planning & Surveying, Inc. letter dated June 1, 2020; Legal Notice, Affidavit of Mailing and Certified Mailing Receipts; Floor Plan and specs from the Sawgrass Collection #8883; Stormwater Management Plan, prepared by Environmental Planning & Surveying, Inc. dated April 2020
- Conservation Commission Opinion dated August 5, 2020
- Objector's Correspondence
  - Tim Gleason and Brenda Rashleigh received July 13, 2020
  - Don and Judy Zeyl received July 17, 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 (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 proposal was granted a favorable advisory opinion by the Conservation Commission, in addition Mr. Vieira has taken additional steps to improve the conditions in regards to drainage and run-off.
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
  - (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; not applicable
  - (iv) Utilities, with reference to locations, availability and compatibility; not applicable
  - (v) Screening and buffering with reference to type, dimensions and character; not applicable
  - (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable
  - (vii) Required yards and other open space; not applicable
  - (viii) General compatibility with lots in the same or abutting zoning districts, because the proposed design and attributes meet the general compatibility of lots in the same area.

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

- The decision shall be a Conditional Zoning Approval and have a two (2) year expiration from the recorded date pursuant to Section 908 with the right to extend if necessary, so the applicant can get the previously granted RI DEM approval transferred to his name.
- The applicant shall also meet all of the Conservation Commission's specific criteria set forth in the favorable advisory opinion dated August 4, 2020.