

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT
180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225

May 7, 2021

Gashy Dowlatshahi
1150 Oaklawn Avenue
Cranston, RI 02920

At a meeting of the Zoning Board of Review held February 24, 2021, your petition for a Special Use Permit was granted for premises located at Bow and Arrow Trail, South Kingstown, Tax Assessor's Map 34-2, Lot 33.

Please be further advised that there is a One-year Expiration. Any variance or special use permit shall expire one year after the date of the filing of the decision in the office of the Town Clerk, unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction, or obtain a certificate of occupancy when no legal building permit is required. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised nor noticed, per South Kingstown Zoning Ordinance Section 910.

If you have to apply for a building permit, this Decision must be presented to the Building Official's office at the time you make application for your building permit.

Regards,

James Gorman,
Building Official & Zoning Clerk
Town of South Kingstown



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B/P:1791/Pgs 34 - 35 (2 pgs)
INST# 14790
TOWN OF SOUTH KINGSTOWN, RI



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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on April 21, 2021 regarding the Petition of Gashy Dowlatshahi, 1150 Oaklawn Avenue, Cranston, RI 02920 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, 115' is proposed. Relief of 35' is requested. The project previously received approval from the Conservation Commission on January 5, 2021. Lot size is .14 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 Robert Persson for premises located in South Kingstown, approximate location is 60 ft. north of Pole #5, Bow & Arrow Trail, Assessor's Map 34-2, Lot 33, and zoned R20.

The following individuals spoke as representatives of the applicant:

- John Kenyon, Attorney for Applicant
- Patrick Freeman, PE

The following spoke in opposition to the petition.

- Anne Farnsworth
- John Bessette
- Jane Bessette

The following materials were entered into the record:

- Application with cover letter and narrative signed and dated January 19, 2021; Owner Authorization Form Notarized and Dated February 3, 2021; Vision Appraisal Field Card (3 pages) Map 34-2 Lot 33
- 200 Radius Map, Abutter's List, Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Exhibits 1-4
 - #1 Locus Map (sheet 1 of 2) and Soil Erosion and Sediment Control Plan (Sheet 2 of 2) prepared by American Engineering Inc., Patrick Freeman PE and dated November 13, 2020
 - #2 Engineer's Narrative (9 pages) prepared by American Engineering Inc., Patrick Freeman PE and dated November 12, 2020
 - #3 Application to The Conservation Commission, dated November 16, 2020 (7 pages)
 - #4 Conservation Commission Advisory Opinion dated January 6, 2021 (2 pages)

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 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, including the performance standards set forth in Sec. 504.4, because the expert testimony given by the applicant's engineer, Patrick Freeman, indicated that all the criteria of the Ordinance have been met and the proposed OWTS will not adversely affect the surrounding neighborhood or the surrounding wetlands. Additionally the applicant received a positive advisory

recommendation from the Conservation Commission and has agreed to meet all conditions of the advisory opinion with the exception of condition F. The engineer, indicated that in his professional opinion a crawl space instead of the recommended slab foundation would not create any additional disturbance to the surrounding area or wetlands.

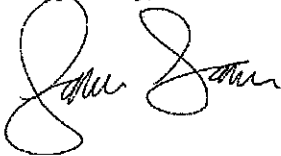
3. The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements 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; the Project Engineer indicated that there will be adequate ingress and egress to the property and will not negatively affect traffic flow in the surrounding area.
- (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; the property has designated adequate onsite parking.
- (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 adequate area for trash storage on site; the property will be serviced by public water and an additional utility pole will be provided to supply electrical service to the lot.
- (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 is proposing to build a single family, 2-bedroom residential structure which will be compatible with the surrounding properties, additionally the applicant has received all necessary RI DEM approvals for onsite installation of the OWTS.

Approval is subject to the following conditions:

- The applicant must meet all of the conditions set forth under the Conservation Commission Advisory Opinion dated January 6, 2021 except condition F.

Respectfully,



James Gorman,
Building Official & Zoning Clerk
Town of South Kingstown