



Town of South Kingstown

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ZONING BOARD OF REVIEW

MEETING AGENDA

Wednesday, April 22, 2020 at 7:00 p.m.

VIA VIDEO CONFERENCE

Via Computer: <https://zoom.us/j/95056562531>

Via Telephone: +1 929 205 6099; or +1 312 626 6799; or +1 669 900 6833;
or +1 253 215 8782; or +1 301 715 8592; or +1 346 248 7799

Webinar ID: 950 5656 2531

- **Instructions to Access the Meeting are available on Page 1, including:**
 - ❖ Testing Computer & Audio Equipment
 - ❖ Accessing the meeting via Computer, Tablet or Smartphone
 - ❖ Accessing the meeting by telephone only (not recommended)
 - ❖ Basic troubleshooting when speaking
 - ❖ Accessing documents and site plans
- **Agenda Items are available on Page 3.**

INSTRUCTIONS TO ACCESS THE MEETING:

A. MEMBERS OF THE PUBLIC:

The public can join this Zoom meeting electronically by computer, smartphone or tablet using the instructions below. If you do not have a smartphone or other electronic device capable of joining the Zoom meeting room, you may also join by telephone only.

Testing Computer & Audio Equipment

Attendees are encouraged to test their internet connection and audio capabilities in advance of the meeting. Please use the following link for detailed information from Zoom on how to test your equipment:

<https://support.zoom.us/hc/en-us/articles/115002262083>

Posted: April 16, 2020

Accessing the Zoom Meeting via Computer, Tablet or Smartphone:

Click on this link to join the meeting: <https://zoom.us/j/95056562531>

- When prompted you will be asked to join via computer audio, or telephone. Use of computer audio is recommended, however you can also use your telephone for audio.
- When you enter the meeting room, your phone will be muted.
- You will be able to view site plans, see members, and listen to discussion in the Zoom meeting
- If you would like to speak during the meeting, use the 'raise your hand' feature of the Zoom platform to inform the host. Speakers will be recognized individually by the Zoning Board chair. Once recognized you can share your comments via audio.

Accessing the Meeting by Telephone Only:

- If you do not have access to a device capable of accessing the internet-based Zoom meeting, you may use your telephone to join the meeting.
- **Dial this phone number to join the meeting:** Or Telephone:
(For higher quality, dial a number based on your current location):
 - ❖ +1 929 205 6099;
 - ❖ or +1 312 626 6799;
 - ❖ or +1 669 900 6833;
 - ❖ or +1 253 215 8782;
 - ❖ or +1 301 715 8592;
 - ❖ or +1 346 248 7799
- If prompted to enter a Webinar ID, use your phone to dial the following ID: 918 243 649
- When you join the meeting, your phone will be muted.
- If you would like to speak regarding an application, dial *9 to 'raise your hand,' and inform the host. You will be recognized to speak. Once recognized to speak you dial *6 to mute or unmute your telephone.

Basic Troubleshooting when Speaking:

If you have been recognized to speak, but cannot be heard in the Zoom meeting use the following steps to troubleshoot your computer audio, or telephone connection.

- Ensure your microphone or telephone is unmuted. For users joining the meeting in the virtual meeting room you will find your 'mute' control in the lower left hand corner of the Zoom meeting screen. For telephone only users, dial *6.
- If you still cannot be heard and have joined by computer audio, you may need to switch to a telephone to improve the audio connection. Click on the 'drop-down' menu located beside the 'mute' control on the screen to change your audio connection to telephone. Use the information that pops-up on the Zoom screen to join the meeting using a telephone. You will need to enter a meeting id after calling the phone number, and a participant ID.
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- If you are still unable to be heard, you may need to disconnect from the Zoom meeting and rejoin. If you rejoin the meeting and still cannot speak, use the 'Q&A' function on the Zoom screen to inform the host that you cannot be heard.

Accessing Documents & Site Plans:

To access documents, and view site plans discussed during a meeting, please use the links on the meeting agenda.

B. APPLICANTS, BOARD MEMBERS & INVITED GUESTS

Applicants, Board members and invited guests should use the invitation provided via email to access the meeting. If you cannot find the email invitation provided to you in advance of the meeting you may join using the instructions above for public access.

AGENDA ITEMS:

- A. CALL TO ORDER**
- B. CHAIRMAN INTRODUCTIONS AND INSTRUCTIONS**
- C. LEGAL COUNSEL WILL REVIEW OPEN MEETINGS ACT & EXECUTIVE ORDER 20-25**
- D. AGENDA ITEMS**

- I. **Petition of David Levesque**, 1395 Atwood Avenue, Johnston, RI 02919 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to establish a restaurant with alcohol, accessory drive-up window and accessory entertainment to a restaurant. All uses require a special use permit. The applicant received a favorable advisory opinion for the Development Plan from the Planning Board on January 29, 2020. Lot size is .91 acres. **A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907 (Standards of Relief)**. Owner of the property is Gerald Richmond for premises located at 151 Old Tower Hill Road, Assessor's Map 57-2, Lot 51 and zoned CH (Commercial Highway). Use Code 56.1 (Restaurant with Alcohol) Use Code 56.3 (Accessory Entertainment to Restaurant) and Use Code 58 (Drive Thru Accessory Window).

Applicant has requested a Continuance until the June 17th Zoning Board of Review

[Application, 151 Old Tower Hill Road](#)

- II. **Petition of Island Deli Sandwich Shop c/o Michael Bucci**, 231 Old Tower Hill Road, Wakefield, RI 02879 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to obtain alcohol service with the existing restaurant use. Lot size is 1.07 acres. **A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations) and Section 907 (Standards of Relief)**. Owner is George Geaber Jr. for premises located at 231 Old Tower Hill Road, South Kingstown, RI, Assessor's Map 57-2, Lot 43 and is zoned CH (Commercial Highway). Use code is 56-1-Restaurant with Alcohol.

[Application, 231 Old Tower Hill Road](#)

- III. **Petition of Insomnia Cookies c/o David Wilson, Sign Guild Inc**, 221 Tuckertown Road, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to install an internally illuminated exterior wall sign. The size will

conform to the zoning standards. Internally illuminated signs are not allowed in the CN zoning district. Lot size is 4.4 acres. **A Dimensional Variance is required per Zoning Ordinance Section 805 (B) (Signs in Commercial and Industrial Districts) and Section 907 (Standards of Relief).** The business owner is Insomnia Cookies for property owned by Marley Properties Kingston LLC, located at 99 Fortin Road, South Kingstown, RI, Assessor's Map 23-2, Lot 24 and is zoned CN (Commercial Neighborhood).

[Application, 99 Fortin Road](#)

- IV. **Petition of John & Gabriela Spier**, 177 Indian Trail South, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to construct a 10' X 14' detached storage shed and stairs to the existing deck. The lot is a non-conforming lot of record. The proposed shed will be located 5' from the right side property line. The required side yard setback is 20'. Relief of 15' is requested. The stairs will be located 15' from the right side property line. The required side yard setback for the stair is 40'. Relief of 25' is requested. Lot size is .46 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements) and Section 907 (Standards of Relief).** The owners are John & Gabriela Spier for premises located at 177 Indian Trail South, South Kingstown, RI, Assessor's Map 34-4, Lot 20 and is zoned R-80.

[Application, 177 Indian Trail South](#)

- V. **Petition of Malachi & Bonnie O'Connor**, 17 Border Avenue, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to construct a 16' X 32' detached accessory structure. The lot is a non-conforming lot of record and reduced setbacks are allowed. The proposed shed will be located 10' from the left side property line. The required side yard setback is 15'. Relief of 5' is requested. The accessory structure will be located 34' from the front property line. The required front yard setback is 40'. Relief of 6' is requested. The structure is also located within the front yard setback, which requires relief per Section 503.1. Lot size is .60 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief).** The owners are Malachi & Bonnie O'Connor for premises located at 17 Border Avenue, South Kingstown, RI, Assessor's Map 90-3, Lot 56 and is zoned R-30.

[Application, 17 Border Avenue](#)

- VI. **Petition of PBL, INC.** 520 High Street, South Kingstown, RI 02879 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to establish a Liquor Store. Lot size is .35 acres. **A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Suburban Pilgrim Realty Dev. for premises located at 1321 Kingstown Road, Assessor's Map 48-2, Lot 67 and zoned CD (Commercial Downtown). Use Code 55.3 (Liquor Store).

[Application, 1321 Kingstown Road](#)

- VII. **Petition of Raymond Dionne**, 74 Thomas Leighton Blvd., Cumberland, RI 02864 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct additions onto the existing single family dwelling. The lot is a legally non-conforming, which allows for reduced setbacks. The side yard setback on the right side is 11'.

The addition along the right side will be 8' from the property line. Relief of 3' is required. The rear yard setback is 30'. The addition in the rear of the dwelling will be 27' from the rear property line. Relief of 3' is required. Lot size is .15 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Raymond Dionne for premises located at 33 Washington Street, Assessor's Map 86-3, Lot 115 and zoned R 20.

[Application, 33 Washington Street](#)

[Objector's letter, 33 Washington Street](#)

- VIII. **Petition of Lance Whaley**, 98 George Schaffer Street, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct an attached two car garage with a 672 square foot accessory apartment above. The side yard setback on the left side is 10'. The addition along the left side will be 5' from the property line. Relief of 5' is required. Accessory apartments in the R10 zone with sewers require a lot size of 15,000 square feet. The lot size is 10,890 square feet. Relief of 4,110 square feet is required. Lot size is 10,890 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Lance & Kathleen Whaley for premises located at 98 George Schaeffer Street, Assessor's Map 48-3, Lot 263 and zoned R 10.

[Application, 98 George Schaeffer Street](#)

- IX. **Petition of Louise M. Guarnaccia Revocable Trust**, 3 Clearview Drive, Mansfield, CT 06250 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to renovate the existing single family dwelling through adding small additions and interior modifications. The property is within a Homeowners Association, so all external additions require the issuance of a Special Use Permit. Lot size is .35 acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification) and Section 907 (Standards of Relief).** Owner of the property is South Jerry Cove Home Owners Association for premises located at 190 South Jerry Cove Road, Assessor's Map 82-4, Lot 74-11 and zoned R 80.

[Application, 190 South Jerry Cove](#)

- X. **Petition of Janet Elizabeth & Kenneth Greenberg**, 14700 Stallion Court, Bowie, MD 20715 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a new one story single family dwelling. The maximum lot coverage in the R 40 zone is 20%. The lot size is 10,283 square feet. The proposed dwelling will be 2,336 square feet, which represents 22.7% lot coverage. Relief of 2.7% of lot coverage, which represents 279.4 square feet is requested. Lot size is 10,283 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Joseph & Michelle Boulay for premises located at 94 Winchester Drive, Assessor's Map 63-3, Lot 17 and zoned R 40.

[Application, 94 Winchester Drive](#)

- XI. **Petition of Mark Jannitto & Darcy Lynch**, 15 Hendricks Street, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a mudroom/covered porch and sunroom addition to the existing single

family dwelling. The maximum lot coverage in the R 10 zone is 25%. The lot size is 8,652 square feet. The total existing and proposed building coverage will be 2,880 square feet, which represents 33% lot coverage. Relief of 8% of lot coverage, which represents 717 square feet is requested. The required front setback is 25'. The addition will be 7.6' from the front lot line. Relief of 17.4' is requested. Lot size is 8,652 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Mark Jannitto & Darcy Lynch for premises located at 15 Hendricks Street, Assessor's Map 57-1, Lot 182 and zoned R 10.

[Application, 15 Hendricks Street](#)
[15 Hendricks Street, Objector Letter](#)

- XII. **Petition of Matunuck Beach Properties**, 62 Birchwood Drive, Narragansett, RI 02882 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to install a temporary bathroom facility which will consist of an 8' X 34' portable trailer. This will replace the existing bathrooms which were located with the store, both of which are to be removed. Lot size is 50.2 acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification) and Section 907 (Standards of Relief).** Owner of the property is Matunuck Beach Properties for premises located at 240 Cards Pond Road, Assessor's Map 92-1, Lot 9 and zoned R 200.

[Application, 240 Cards Pond Road](#)

- XIII. **Petition of The Prout School c/o David Estes**, 4640 Tower Hill Road, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to install a synthetic turf field with athletic lighting and a scoreboard. The proposed field will be located 2.22' from the left side property line, 20' is required, requiring 17.78' of relief and 8.53' from the rear property line, 20' is required, requiring 11.47' of relief. The four light poles are proposed to be 70-80 feet tall. Maximum height allowed for accessory structures is 15'. The maximum relief of 65' is required. The height of the proposed scoreboard is 35'. The maximum height for accessory structures is 15'. Relief of 20' is required from the height requirement. Lot size is 24.81 Acres. **A Dimensional Variance is required per Zoning Ordinance Section Table 401 (Dimensional Regulations), Section 603 (Government & Institutional Regulations (GI) Zone) and Section 907 (Standards of Relief).** Owner is the Roman Catholic Bishop of Providence for premises located at 4640 Tower Hill Road, South Kingstown, RI, Assessor's Map 50-4, Lot 19 and is zoned GI (Government & Institutional).

[Application, 4640 Tower Hill Road](#)
[4640 Objector's Attorney Correspondence](#)

- XIV. **Petition of Charles Walsh**, 3 Stone Post Way, Greenville, RI 02828 for a **Special Use Permit & Dimensional Variance** 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. The dwelling will be located 25' from the front property line. The required front yard setback is 40'. Relief of 15' is requested. Lot size is .57 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Dimensional Regulations) and the 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.

[Application, 0 Rosebriar Avenue](#)

[Objector's Letter, 0 Rosebriar](#)

E. OTHER ITEMS:

Approval of February 19, 2020 and April 15, 2020 Zoning Board of Review Minutes

Any other miscellaneous business

F. ADJOURNMENT

Individuals requesting disability accommodations must call the Town Clerk's Office at 401-789-9331 at least seventy-two (72) hours in advance of the meeting.