A meeting of the Zoning Board of Review of the Town of South Kingstown, County of Washington, in the State of Rhode Island was held at the South Kingstown Town Hall, 180 High Street, Wakefield, RI at 7:00 p.m. on Wednesday, June 21, 2023.

A. **CALL TO ORDER:**

Mr. Cagnetta called the meeting to order at 7:04 pm

B. **CHAIRMAN INTRODUCTIONS AND INSTRUCTIONS:**

**Members Present:** Robert Cagnetta, Chairman; William Rosen, Member; Kevin Diamond, Member and, Arlene Hicks, Alt. #1

**Member(s) Absent:** Thomas Daniels, Vice-Chair and Susan Walsh, Member

**Staff Present:** Matthew Oliverio, Special Legal Counsel; Jamie Gorman, Building Official and Zoning Clerk; Jessica Spence, Administrative Support Assistant

*Members voting tonight are Mr. Cagnetta, Mr. Rosen, Mr. Diamond, and Ms. Hicks*

The standards of relief were explained.

C. **AGENDA ITEMS:**

I. **Continuation of the Petition of Phillip B. Courten,** 95 Billington Avenue, Wakefield, RI 02879 is seeking a **One-Year Dimensional Variance Extension** under the Zoning Ordinance Section 908B (Extension of Time on Conditional Approval). The applicant was originally granted a Dimensional Variance on June 16, 2021 to demolish the existing dwelling and storage shed and construct a new dwelling and detached garage. The dwelling will be located 8.4’ from the front property line and the detached garage will be located 18.2’ from the front property line. The required front yard setback is 25’. Relief of 16.6’ for the dwelling and 6.8’ for the garage is requested. The detached garage will also be located 3’ from the left side property line. The required side yard setback is 10’. Relief of 7’ is requested. Lot size is 25,200 square feet. **The Dimensional Variance was granted under Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief).** The Dimensional Variance was a conditional approval and had a two-year expiration date from the original recorded date of July 1, 2021 in South Kingstown Land Evidence Book 1797, Pages 731 and 732.

Owner of the property is Phillip B Courten for premises located at 95 Billington Avenue, South Kingstown, 02879, Assessor’s Map 69-2, Lot 28 and is zoned R 40.

All of the documents were entered into record.

Phillip B. Courten was present and sworn in.

Mr. Courten stated that he is asking for a one-year dimensional variance extension. The original 2-year approval took place during Covid. It took over 8 months to obtain CRMC approvals. In April 2022 they started interviewing builders and are still in the process of finding a builder. They are hoping to break ground in the Fall for sake of his neighbors.

Mr. Oliverio stated that he would be eligible for another continuation if he wasn’t able to get the necessary permits in place.

Board questions ensued.

Mr. Courten stated the plans are still the same as previously approved and that he has CRMC approval. The CRMC expiration is February 23, 2025. It is his intention to hire a builder and get started this fall.

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Mr. Oliverio indicated that only the issuance of the permit needs to be in place by the expiration.

Mr. Gorman indicated that once the permit is issued work must start by 6 months and as long as work is proceeding the permit will not expire.

Mr. Cagnetta asked if anyone in the audience wished to speak in favor of or opposition to the petition.

There was no further discussion.

Whereas a motion was made.

The Motion is as follows:

The following motion was made by Mr. Rosen and duly seconded by Ms. Hicks
Motion passed unanimously: Vote 4-0

At a meeting held on June 21, 2023 regarding the Petition of Phillip B. Courten, 95 Billington Avenue, Wakefield, RI 02879 is seeking a One-Year Dimensional Variance Extension was granted under the Zoning Ordinance Section 908B (Extension of Time on Conditional Approval). The applicant was originally granted a Dimensional Variance on June 16, 2021 to demolish the existing dwelling and storage shed and construct a new dwelling and detached garage. The dwelling will be located 8.4’ from the front property line and the detached garage will be located 18.2’ from the front property line. The required front yard setback is 25’. Relief of 16.6’ for the dwelling and 6.8’ for the garage is requested. The detached garage will also be located 3’ from the left side property line. The required side yard setback is 10’. Relief of 7’ is requested. Lot size is 25,200 square feet. The Dimensional Variance was granted under Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief). The Dimensional Variance was a conditional approval and had a two-year expiration date from the original recorded date of July 1, 2021 in South Kingstown Land Evidence Book 1797, Pages 731 and 732.

Owner of the property is Phillip B Courten for premises located at 95 Billington Avenue, South Kingstown, 02879, Assessor’s Map 69-2, Lot 28 and is zoned R 40.

The following individuals spoke as representatives of the applicant:
- Phillip Courten, applicant

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:
- Request Letter for a one-year extension dated April 9, 2023
- Zoning Decision (3 pages) Granted on June 16, 2021 and recorded in South Kingstown Land Evidence Book 1797 and Page 731-732 on July 1, 2021
- Letter dated April 28, 2023 requesting a continuation until the June 21, 2023 hearing
- 200’ Radius Map and Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing

The Motion is as follows:

Mr. Rosen made a motion which was duly seconded by Ms. Hicks, to grant a One-Year extension of a Dimensional Variance originally granted on June 16, 2021 and recorded in South Kingstown Land Evidence on July 1, 2021, Book 1797 and Pages 731 and 732, under Zoning Ordinance Section 908B (Extension of Time on Conditional Approval).

Owners of the property is Phillip B Courten for premises located at 95 Billington Avenue, South Kingstown, 02879, Assessor’s Map 69-2, Lot 28 and is zoned R 40.

The one-year extension will have an expiration date of July 1, 2024.
II. **Petition of Scott Corrao**, 31 Samuel Rodman Street, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a three-story single-family dwelling located 25’ feet from the front property line. The required front yard setback is 35’, therefore 10’ of relief is requested. Lot size is 2.01 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).**

Owner of the property is Scott Corrao for premises located at South Kingstown, Assessor’s Map 43-1, Lot 78 and is zoned R20.

All of the documents were entered into record.

Scott Corrao was present and sworn in.

Candice Corrao was present and sworn in.

Mr. Corrao stated that they are seeking a 10’ dimensional variance. They are in the process of obtaining an assent from CRMC and that CRMC requires the applicant to go before local zoning prior to issuance of an assent. CRMC has restrictions and wetland buffers that dictate where disturbance can be on the lot. The property is located right on the Narrow River and they need to meet the CRMC buffer so the additional 10’ of relief is needed.

William Corrao was present and sworn in.

Mr. Wm. Corrao stated that he was the original owner of the property. Their home was built in 1999 and is located to the right of this lot and at that time CRMC required a 20’ buffer. CRMC now requires a 75’ buffer. When DiPrete did the engineering on this lot, they stated that the proposed location of the house is the only place that the house can be positioned on this lot due to CRMC and wetland buffers. So, despite the fact that there are 2-acres of land CRMC has dictated where the house can be placed. The buffer line is very far onto the property and basically is right in front of the house. Their home that they built in 1999 was built on an existing foundation that CRMC finally allowed to be rebuilt on the same foundation.

Board questions ensued.

Mr. Gorman indicated that per CRMC they will have to delineate the buffer zone and that space cannot be disturbed so the distance between the house and the buffer can be used as a staging area during construction.

Mr. S. Corrao stated that they have started the CRMC process and without Zoning they cannot proceed any further with CRMC. They are only moving the house forward because of CRMC restrictions, ideally, they would like the house further back on the lot.

Mr. Wm. Corrao showed on the GIS where the land is considered marsh and where the buffer zone.

The Board had no further questions.

Mr. Cagnetta asked if anyone in the audience wished to speak in favor of or opposition to the petition.

There was no one present who wished to speak.

Mr. Corrao indicated that there are other houses on the road that are closer to the road and that it would not be feasible to design the house or garage any smaller.

Board discussion ensued.

Whereas a motion was made.

**The Motion is as follows:**

The following motion, made by Mr. Diamond and duly seconded by Mr. Rosen

Motion passed unanimously: Vote 4-0


At a meeting held on June 21, 2023 regarding the Petition of Scott Corrao, 31 Samuel Rodman Street, Wakefield, RI 02879 for a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a three-story single-
family dwelling located 25’ feet from the front property line. The required front yard setback is 35’, therefore 10’ of relief is requested. Lot size is 2.01 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).

Owner of the property is Scott Corrao for premises located at South Kingstown, Assessor’s Map 43-1, Lot 78 and is zoned R20.

The following individuals spoke as representatives of the applicant:
- Scott Corrao, applicant
- Candace Corrao, spouse

There was no one present who spoke either in favor of or opposition to the petition.
- William Corrao, 415 Middlebridge Road, in favor

The following materials were entered into the record:
- Application signed and dated April 28, 2023; Owner Authorization signed and notarized February 15, 2023; Plot Plan (1 page) prepared by DiPrete Engineering and stamped and signed by Robert G. Babcock, PLS and dated April 7, 2023; Architectural Renderings (2 pages)
- 200’ Radius Map and Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because although the lot is large in size, the lot abuts a coastal feature which is regulated by the Coastal Resource Management Council (CRMC). CRMC has designated a very restrictive coastal buffer that must be maintained and this buffer mandates where on the lot the structure(s) can be located.

2. The Board finds that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain, because it was evident to the Board that the hardship is due to site conditions and that the applicant has done nothing to create this hardship. It was further evident that the applicant’s intent is not to recognize any financial gain but rather build a single-family home to occupy.

3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because as the applicant stated there are several houses within the neighborhood that are also located forward on the lot and closer to the street.

4. The Board finds that the relief to be granted is the least relief necessary, because as discussed there is no reasonable way to shrink the dimensions of the house or the garage in a way that would result in a home that is reasonable to live in and utilize.

5. The Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because without relief there would be no reasonable way to enjoy the property by way of building a home to live in.

Approval is conditional subject to the following conditions:
- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, CRMC or RIDEM approvals and will have a two-year expiration from the recorded date per Section 908 of the Zoning Ordinance with the right to extend if necessary.

III. Petition of Stephan & Kathleen Crawley, 68 Homewood Avenue, North Providence, RI 02911 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to convert a 200 sq. ft. screened porch into living area. 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), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).

Owners of cottage 17E15 are Stephan M. & Kathleen M. Crawley on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor’s Map 92-1, Lot 9-200 and is zoned R200.

All of the documents were entered into record.
Kelley Morris Salvatore, attorney for the applicant, was present.

Ms. Salvatore submitted Applicant’s Exhibit 1, a series of 9 photographs of surrounding cottages.

Ms. Salvatore stated that this cottage was granted SUP in 2011 to enclose an open deck with roof and screens. The screens are essentially floor to ceiling openings and the applicants are now looking to frame in the walls and add regular windows to make the living space more permanent. Her client purchased the property in May 2021. After discussion with staff, it was determined that they need to request further relief to fully enclose the existing screen room. She referenced Section 608.2 of the Zoning Ordinance. In regard to the standards of relief in Section 907 all of the existing conditions will remain the same. The footprint will not be enlarged and remain exactly the same. Ms. Salvatore indicated that her clients were present if the Board had any questions for them.

Ms. Salvatore referenced her photo exhibit showing the compatibility with the proposal and neighboring cottages.

Board questions ensued.

Ms. Salvatore indicated that nothing is changing in regard to the distance between the applicant’s cottage and the neighboring cottages.

Mr. Gorman indicated that they are allowed to maintain existing distances.

Mr. Gorman indicated that it is an increase in GLFA and as proposed is within the limits of the Ordinance.

Mr. Cagnetta asked if anyone in the audience wished to speak in favor of or opposition to the petition.

There was no one present who wished to speak.

There was no further discussion.

Whereas a motion was made.

The Motion is as follows:

The following motion, made by Mr. Rosen and duly seconded by Ms. Hicks
Motion passed unanimously: Vote 4-0 in favor

At a meeting held on June 21, 2023 regarding the Petition of Stephen & Kathleen Crawley, 68 Homewood Avenue, North Providence, RI 02911 for a Special Use Permit was granted under the Zoning Ordinance as follows: The applicant is seeking to convert a 200 sq. ft. screened porch into living area. 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), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).

Owners of cottage 17E15 are Stephan M. & Kathleen M. Crawley on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor’s Map 92-1, Lot 9-200 and is zoned R200.

The following individuals spoke as representatives of the applicant:

• Kelley Morris-Salvatore, Attorney

There was no one present who spoke either in favor of or opposition to the petition

The following materials were entered into the record:

• Application with Cover Letter signed and dated May 10, 2023; Owner Authorization signed and notarized May 6, 2023; Existing Site Plan Overview (1 page); Existing Site Plan (1 page); Proposed Site Plan (1 page); Floor Plans and Elevation (A101); Photo of existing cottage (1 page)
• Applicant’s Exhibit 1, a series of (9) photographs of surrounding cottages
• 200’ Radius Map and Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing

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 203 (Special Use Permit for Addition, Enlargement, Expansion, or Intensification), Section 608 (Coastal Community Overlay District) 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 through testimony the applicant’s attorney addressed all of the subsections of the Ordinance authorizing the granting of this Special Use Permit.

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; ingress and egress is existing and is sufficient.

   (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; off-street parking is existing and sufficient. Loading areas, noise, glare and odor effects are not applicable.

   (iii) Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; all are existing and will remain the same.

   (iv) Utilities, with reference to locations, availability, and compatibility; utilities are existing and will remain the same.

   (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; this is a small coastal community and the proposal will fit in well with the surrounding cottages as indicated by the applicant’s exhibit showing similarly designed neighboring properties. Furthermore, the applicant is enclosing and already existing screen room with no outward expansion proposed so there will be no additional encroachment on neighboring cottages.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

IV. **Petition of Renee Driscoll**, 85 Cherry Road, Kingston, RI 02881 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 24’ x 32’ detached residential garage located 15’ from the front property line. The required front yard setback is 25’, therefore 10’ of relief is requested. The height of the garage will be 21’6”. The maximum height allowed for accessory structures is 15’, therefore relief of 6’6” is requested. Lot size is .45 acres. A **Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief).**

Owners of the property are William Leuci & Renee M. Driscoll for premises located at 85 Cherry Road, South Kingstown, Assessor’s Map 31-2, Lot 22 and zoned R20.

All of the documents were entered into record.

Renee Driscoll was present and sworn in.

William Leuci was present and sworn in.
Mr. Leuci stated that the existing house is unique in design and build. It is slab on grade and has numerous rooflines and a very small attic. They are requesting the variance so they can build a garage with storage up above.

Ms. Driscoll stated that it is a very narrow street, and they have (5) five drivers and not enough driveway parking so they have to park on the street. They are looking to build a garage to create more onsite parking and eliminate the on-street parking.

Mr. Leuci indicated that the garage location was chosen so the garage will keep the same peaks and match the house. Additionally, they want to leave some open yard space for the kids to play. They have existing magnolia trees that they are hoping to maintain. The east side of Cherry Road where the garage will be located has very limited traffic flow on a daily basis.

Board questions ensued.

Ms. Driscoll indicated that she believes that prior to their owning the property their master bedroom used to be the garage. Their intention is to only add standard exterior lighting to the garage.

Mr. Cagnetta asked if anyone in the audience wished to speak in favor of or opposition to the petition.

There was no one present who wished to speak.

Board discussion ensued.

Whereas a motion was made.

The Motion is as Follows:

The following motion, made by Mr. Rosen and duly seconded by Ms. Hicks
Motion passed unanimously: Vote 4-0

At a meeting held on June 21, 2023 regarding the Petition of Renee Driscoll, 85 Cherry Road, Kingston, RI 02881 for a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 24’ x 32’ detached residential garage located 15’ from the front property line. The required front yard setback is 25’, therefore 10’ of relief is requested. The height of the garage will be 21’6”. The maximum height allowed for accessory structures is 15’, therefore relief of 6’6” is requested. Lot size is .45 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief).

Owners of the property are William Leuci & Renee M. Driscoll for premises located at 85 Cherry Road, South Kingstown, Assessor’s Map 31-2, Lot 22 and zoned R20.

The following individuals spoke as representatives of the applicant:

- Renee Driscoll, applicant
- William Leuci, applicant

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:

- Application signed and dated May 9, 2023; Owner Authorization signed and notarized May 10, 2023; Elevation and Floor Plan (2 pages); Site Plan (1 page) prepared by Atlas Land Surveying LLC stamped and signed by Marcus Channell, PLS and dated May 10, 2023
- 200’ Radius Map and Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because through testimony the applicant indicated that they are simply looking to add a garage for storage. This location is one of the few places on the property where a freestanding garage can reasonably be located due to slope and existing vegetation.
2. The Board finds that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain, because the applicant indicated that they require additional storage as well as additional parking to accommodate the size of the family and number of vehicles.

3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because they are looking to simply add a garage to a residential property. The addition of this garage will also help to eliminate on-street parking that is presently occurring due to lack of available parking on their lot.

4. The Board finds that the relief to be granted is the least relief necessary, because there is limited room on the rest of the property to build a garage.

5. The Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because the applicants expressed the need for a garage for additional parking, as well as creating storage above which determined the required height of the structure.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

V. Petition of South County Survey, LLC, 382B Main Street Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 16’ x 30’ detached garage located 20.2’ from the front (north) property line and 10’ from the corner-side (east) property line. The required front and corner-side setback is 40’, therefore relief of 19.8’ and 30’ is requested. Lot size is .4 acres. **A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief).**

Owners of the property are John Cosimini & Dawn Spooner for premises located at 3641 Post Road, South Kingstown, Assessor’s Map 77-3, Lot 54 and zoned R40.

All of the documents were entered into record.

James Caldarone, PLS was present and sworn in.

Mr. Caldarone stated that the applicant is looking to build a one and a half car garage with storage. The lot is unique in that it has frontage on 3-sides. The relief requested is the least relief necessary to allow passage between the existing deck and the proposed garage, it is only 6’ 7” wide.

Board questions ensued.

Josh Cosimini was present and sworn in.

Mr. Cosimini stated that they would love an attached garage but is not feasible due to the location of onsite mechanics and the cost they would incur to move everything. Additionally, to attach the garage they would need to go right up to one of the property lines.

Mr. Caldarone indicated that there has been no objection from the neighbors so far. This is a sharp, graveled corner that is not heavily trafficked.

Mr. Gorman indicated that the lot has frontage on 3-sides.

Mr. Caldarone stated that it is a single car one-story garage with a small storage loft above which will only have electrical. The access to the garage will be on the southerly side facing Post Road.

Mr. Cagnetta asked if anyone in the audience wished to speak in to speak in favor alright of or opposition to the petition.

There was no one present who wished to speak.

Board discussion ensued if this street will ever become a Town owned street.
Mr. Gorman indicated that it is very unlikely that this would ever become a Town owned street and that it would need to meet Town requirements to do so.

Whereas a motion was made.

The Motion is as follows:

The following motion, made by Mr. Rosen and duly seconded by Mr. Diamond
Motion passed unanimously: Vote 4-0

At a meeting held on June 21, 2023 regarding the Petition of South County Survey, LLC, 382B Main Street Wakefield, RI 02879 for a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 16’ x 30’ detached garage located 20.2’ from the front (north) property line and 10’ from the corner-side (east) property line. The required front and corner-side setback is 40’, therefore relief of 19.8’ and 30’ is requested. Lot size is .4 acres. A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief).

Owners of the property are John Cosimini & Dawn Spooner for premises located at 3641 Post Road, South Kingstown, Assessor’s Map 77-3, Lot 54 and zoned R40.

The following individuals spoke as representatives of the applicant:
- James Caldarone, PLS
- John Cosimini, owner

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:
- Application signed and dated May 18, 2023; Owner Authorization signed and notarized May 16, 2023; Elevation and Floor Plan (Pages 1-12) prepared by Drafting Concepts and stamped and signed by S. M. Naeem Akhter, PE; Proposed Conditions Plan (1 page) prepared by South County Survey Inc. stamped and signed by James T. Caldarone, PLS and dated May 18, 2023
- 200’ Radius Map and Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the lot is unique in that it has frontage on (3) three sides which is very restrictive in regard to property line setbacks. The garage will be located off of Church Street which surrounds the property on (2) sides and the garage opening will be on the southerly side facing Post Road.

2. The Board finds that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain, because the applicant indicated that this property is used as their permanent residence and furthermore expressed their need for a garage and additional storage.

3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because the surrounding road, Church Street, is private and minimally trafficked and the proposed garage location will not hinder access or alter the character of the surrounding area.

4. The Board finds that the relief to be granted is the least relief necessary, because the proposed garage is located in basically the only location on the property that it can be located and still be utilized to meet the applicant’s needs.

5. The Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because without relief the garage could not be built in such a location as to not hinder access to the yard and existing deck.

Approval is conditional subject to the following conditions:
- There are no conditions upon this approval.
VI. **Petition of BWJW, LLC**, 17 Edith Road, Narragansett, RI 02882 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 60’ x 110’ detached storage building associated with the existing Outdoor Recreation Facility (Use Code 33). Lot size is 122 acres. **A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907C (Continuation or Extension of Special Uses).**

Owner of the property is BWJW, LLC for premises located at 371 Rose Hill Road, South Kingstown, Assessor’s Map 33, Lot 30 and is zoned R40.

All of the documents were entered into record.

Mark Fay, attorney for applicant, was present.

Edward Pimental, AICP was present and sworn in.

Mr. Cagnetta recognized Mr. Pimental as an expert in planning and development.

Mr. Pimental indicated that they are looking to create a storage structure. This will allow them to remove several dilapidated structures onsite as well as store golf carts and necessary equipment for the running of the shooting range. This structure will also allow them to install rooftop solar which would allow the entire operation to be run through solar. The property is large, 122-acres. They supplied all of the solar specs so that it can be shown that the solar will not be noise generating and disrupting to the surrounding area.

Mr. Fay stated that the Tillinghast farm was on the property. They have a lot of property maintenance equipment to maintain such a large parcel and the proposed structure will house all of this equipment. The sporting clays that are used for the shooting range will also be stored in this barn. The air filtrations system of the shooting range is hospital grade quality. The air filters that are used are very large and take up a lot of storage space. This will not increase any aspect of the indoor gun range. This will only be used for storage and due to the proposed solar array will defray the very high electrical costs. They will also have onsite battery storage.

Mr. Pimental indicated that he addressed the standards of relief in his report and Mr. Cagnetta stated that he did not need to go into further detail.

Mr. Fay referenced the size of the property and that no one will be able to see or hear the building from outside of the property.

Mr. Cagnetta asked if anyone in the audience wished to speak in favor of or opposition to the petition.

John Grimes, Erin Avenue was present and sworn in.

Mr. Grimes asked if the structure was going to require a concrete slab and if excavation would be required during construction. He stated that he believed that any soil disturbed would need to be taken to a hazardous waste facility due to high lead content from the shooting range and the proximity to the transfer station. His concern was that there is a stream right behind this property that feeds into the entire Town.

Mr. Fay indicated that there is no lead contamination at the proposed storage location. He stated that they are tested annually and that there are test wells on site due to the proximity to the Super Fund Site, the former transfer station. This was a shooting range for years prior to their ownership. The actual shooting range is located far to the west of where the proposed structure would be located. They are also regularly in contact with RI DEM and the Nature Conservancy.

Mr. Gorman stated that he is not aware of any historical restrictions on this property and is not aware of any type of required testing that may be applicable. The test wells onsite are from the Super Fund site that he believes were capped in the early 2000’s.

Mr. Fay stated that they built the gun range which was a much more expansive project and they were not required to do anything in regard to testing for lead during that construction. The site is an old quarry site and has high quality gravel and any excavated soil which will be minimal will remain on site.

Mr. Oliverio indicated that without any recorded evidence of contamination he did not believe a condition of testing could be imposed.

Mr. Grimes followed up that he wants the Town to except any responsibility for any soil that is being disturbed for the construction of this warehouse facility and that he was not living in the Town when the gun range was constructed.

Mr. Oliverio indicated that the Town would not accept responsibility and that responsibility would fall on the property owner.
Mr. Cagnetta indicated that he holds a lead license and that typically minimal soil disruption does not spread lead, unless it is a huge project where dust could be spread.

There was no further discussion.

Whereas a motion was made.

The Motion is as Follows:

The following motion, made by Mr. Cagnetta and duly seconded by Mr. Diamond
Motion passed unanimously: Vote 4-0 in favor

At a meeting held on June 21, 2023 regarding the Petition of BWJW, LLC, 17 Edith Road, Narragansett, RI 02882 for a Special Use Permit was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 60’ x 110’ detached storage building associated with the existing Outdoor Recreation Facility (Use Code 33). Lot size is 122 acres. A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907C (Continuation or Extension of Special Uses).

Owner of the property is BWJW, LLC for premises located at 371 Rose Hill Road, South Kingstown, Assessor’s Map 33, Lot 30 and is zoned R40.

The following individuals spoke as representatives of the applicant:
- Mark Fay, Attorney
- Edward Pimental, AICP

The following expressed concerns in regard to the petition:
- John Grimes, Erin Drive

The following materials were entered into the record:
- Application signed and dated May 18, 2023; Owner Authorization signed and notarized May 18, 2023; Site Plan (1 page) prepared by DiPrete Engineering and stamped and signed by Michael E. Gavitt, PLS and dated February 10, 2023; Elevations and Floor Plans (T1.0, A1.0, A1.1, A2.0, A3.0, A3.1) prepared by CD Home Vision and dated May 15, 2023; Email (1 page) dated May 17, 2023; Specification Sheets (6 pages)
- 200’ Radius Map and Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing

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 301 (Schedule of Use Regulations Table) and Section 907C (Continuation or Extension of Special Uses).

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 through testimony the applicant has shown that the use of the property will not be intensified but rather allow for needed storage to be created on site.

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; this is a very large lot and ingress and egress will not change.

   (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; there is sufficient area around the building to easily navigate.
(iii) Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; the proposed storage building will alleviate trash and storage concerns on the property.

(iv) Utilities, with reference to locations, availability, and compatibility; utilities for the structure will be within Code and will have no effect on neighboring properties.

(v) Screening and buffering with reference to type, dimensions, and character; there is no issue with screen and buffering due to the size of the lot and the proposed location of this storage warehouse on the lot.

(vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; there will be no signage and exterior lighting is not a concern, again because the location of the proposed warehouse on the property is at such a distance that any lighting would not disturb neighboring properties.

(vii) Required yards and other open space; not applicable.

(viii) General compatibility with lots in the same or abutting zoning districts; this is a gun range and is unique to the area, however due to the size of the lot, the proposed warehouse is not viewable to any neighboring properties and therefore will not affect compatibility with properties in the surrounding area.

Approval is conditional subject to the following conditions:
- There are no conditions upon this approval.

VII. Petition of Brian Burke, 44 Liberty Street, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 2nd story dormer and a 1st story deck on the front of the existing dwelling. The deck will be located 12’ from the front property line and 3’ from the side property line. The required front yard setback is 25’ and the required side yard setback is 10’, therefore relief of 13’ and 7’ is requested. Lot size is .2 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief).

Owners of the property are Brian S. & Kelsey L. Burke for premises located at 44 Liberty Street, South Kingstown, Assessor’s Map 56-2, Lot 104 and zoned R10.

All of the documents were entered into record.

Brian S. Burke was present and sworn in.

Kelsey Burke was present and sworn in.

Mr. Burke stated that they are looking to add a second story dormer and a porch on the front. The house was built prior to the current zoning and the current structure is already non-conforming so any construction would require a dimensional variance on the left side of the house. The lot is a pass-through lot and to relocate the addition to the back would change the entry to the house. There are a few properties in the neighborhood that are also located forward into the front zoning setback.

Board questions ensued.

Mr. Gorman indicated that the legal notice was from the front of the stair to the property line so the projection of the trellis would not need to be considered.

Mr. Burke indicated that the house was built in 1947 which predates zoning.

There was no one in the audience who wished to speak in favor of or opposition to the petition.

There was no further discussion.

Whereas a motion was made.

The Motion is as follows:
The following motion, made by Mr. Cagnetta and duly seconded by Ms. Hicks
Motion passed unanimously: Vote 4-0

At a meeting held on June 21, 2023 regarding the Petition of Brian Burke, 44 Liberty Street, Wakefield, RI 02879 for a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 2nd story dormer and a 1st story deck on the front of the existing dwelling. The deck will be located 12’ from the front property line and 3’ from the side property line. The required front yard setback is 25’ and the required side yard setback is 10’, therefore relief of 13’ and 7’ is requested. Lot size is .2 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief).

Owners of the property are Brian S. & Kelsey L. Burke for premises located at 44 Liberty Street, South Kingstown, Assessor’s Map 56-2, Lot 104 and zoned R10.

The following individuals spoke as representatives of the applicant:
• Brian Burke, applicant
• Kelsey Burke, co-owner/spouse

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:
• Application with Cover Letter signed and dated May 18, 2023; Owner Authorization signed and notarized May 12, 2023; Limited Content Boundary Survey (1 page) prepared, stamped and signed by Christopher Glenn Palmer, PLS and dated May 17, 2023; Artist Rendering (2 page); Photos (1 page); Scope of Work Drawings (A3.1, A2.4, A2.3, A2.2, A2.1, A1.1) dated May 2, 2023
• 200’ Radius Map and Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:
1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the existing house predates zoning and is already infringing on the property setbacks, so any expansion on the side and front of the structure would require zoning relief.

2. The Board finds that that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain, because the proposed improvements will make the house even more fitting for the neighborhood while meeting the applicant’s growing family’s needs.

3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because the proposed renovations and expansion will fit in well the surrounding area.

4. The Board finds that the relief to be granted is the least relief necessary, because if the applicant were to build towards the rear of the lot would not make sense in terms of access to the building, additionally the aesthetics work better in the front of the building.

5. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because there is no reason why this should not be allowed since the proposal does fit in well within the general characteristics of the neighborhood.

Approval is conditional subject to the following conditions:
• There are no conditions upon this approval.

D. OTHER BUSINESS:

• Attendance:
  • The July 19th Zoning Board of Review will be cancelled
  • Attendance for the August 16, 2023 Zoning Board of Review
    • All members present will be in attendance
• **Minutes:**
  - The following minutes were approved by the Board:
    - May 17, 2023, and May 31, 2023
  - The motion to approve the minutes was made by consensus and all members were in favor.

• **Adjournment:**
  - Mr. Cagnetta made the motion to adjourn which was duly seconded by Mr. Diamond, whereas a voice vote was taken, and all members were in favor.
    - Meeting adjourned at 9:09 p.m.