

WORK SESSION

APRIL 12, 2010

At a WORK SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island held at the Town Hall, in and for said Town on the 12th day of April 2010 at 6:30 PM.

PRESENT: Kathleen A. Fogarty, President
Mary S. Eddy, Vice President
Carol Hagan McEntee
James W. O'Neill
Ella M. Whaley

1. A. INTERVIEW

The Town Council interviews Michael Sherry relative to his interest in serving on the Waterfront Advisory Commission.

2. B. WORK SESSION

Discussion ensues relative to moving forward New Business Items 13A and 13B relative to a resolution recognizing Janice Prochaska as the recipient of the 2010 Volunteer of the Year Award from the RI Recreation and Parks Association and adopting a proclamation designating the Bike Path in the Village of Peace Dale and surrounding area as the Peace Dale Art Park.

Discussion ensues relative to who expects to be present for the April 14th and April 15th meetings. Four members will be in attendance on the 14th and five will be in attendance on the 15th. The School Committee will be represented by members at both meetings.

Discussion ensues relative to Public Hearing 7A in regard to proposed amendments to the Zoning Ordinance, Appendix A Use Code Descriptions that would amend Use Code 55 Retail Trade to define and limit firearms sales conducted at sporting goods stores and establish a new Use Code 55.7 Retail Trade of Firearms; and amend Article 3. Use Regulations, Section 301 Schedule of Use Regulations Table to permit Use Code 55.7 by right only within the CH (Commercial Highway) and CD (Commercial Downtown) zoning districts.

Discussion ensues relative to Public Hearing 7B relative to an application requesting a Zoning Map amendment from Commercial Neighborhood, limited to Use Code: 42 – Office, Personal and Limited Business Service, 10,001-50,000 square feet GLFA/use, Use Code 20 – Educational Institution, Primary through Secondary, subject to the following conditions:

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1. The premises shall be restricted to an Educational Institution servicing grades K to 6;
2. That no more than 75 students be permitted;
3. That no more than four (4) classrooms be permitted;
4. That the total floor area of the school be no greater than 2,414 square feet;
5. That the Planning Board conduct Development Plan review of the proposed school;
6. That the existing vegetative buffer screening the property from adjoining residences shall be maintained; and
7. The dumpsters shall be enclosed and secured.

To Commercial Neighborhood, limited to Use Code: 42 – Office, Personal and Limited Business Service, 10,001-50,000 square feet GLFA/use, Use Code 27 – Service Organization and Use Code 20 – Educational Institution, Primary through Secondary, subject to the following conditions:

1. The premises shall be restricted to an Educational Institution servicing grades K to 6;
2. That no more than 75 students be permitted;
3. That no more than four (4) classrooms be permitted;
4. That the total floor area of the school be no greater than 2,414 square feet;
5. That the Planning Board conduct Development Plan review of the proposed school;
6. That the existing vegetative buffer screening the property from adjoining residences shall be maintained; and
7. The dumpsters shall be enclosed and secured.

For property located at 33 North Road, Unit C, approximately 7,200 sq. ft., and designated as AP 49-1, Lot 83-3; application by: Lily Pads Property, Inc., owner and The Education Exchange.

Discussion ensues relative to Communication Item 8H adopted March 23, 2010 by the Portsmouth School Committee concerning the RI Department of Education (RIDE) proposed Education Funding formula.

Discussion ensues relative to Communication Item 8I adopted March 29, 2010 by the Tiverton Town Council in support of proposed legislation that would allow RI municipalities to postpone budget and financial town meetings for FY2010-2011 for up to 90 days.

Discussion ensues relative to the meeting with the legislators scheduled for May 17, 2010.

Convened to Regular Session.

Dale S. Holberton, CMC
Town Clerk

REGULAR SESSION

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At a REGULAR SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island, held at the Town Hall, in and for said Town on the 12th day of April 2010 at 7:30 PM.

PRESENT: Kathleen A. Fogarty, President
Mary S. Eddy, Vice President
Carol Hagan McEntee
James W. O'Neill
Ella M. Whaley

1. C. REGULAR SESSION

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance to the flag is given.

3. ROLL CALL

Roll Call is taken and all members are present.

4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A. Work Sessions: UNANIMOUSLY VOTED: that the minutes of the Work Sessions held on March 10 and March 22, 2010 are accepted, approved and placed on file.

B. Regular Session: UNANIMOUSLY VOTED: that the minutes of the Regular Session held on March 22, 2010 are accepted, approved and placed on file.

5. CONSENT AGENDA

UNANIMOUSLY VOTED: to approve the Consent Agenda as indicated by (CA) on same.

(CA) 6D. UNANIMOUSLY VOTED: to grant Victualling Licenses to the following;
Renewals:

BLUE MOON SEAFOOD, LTD. d/b/a MAIN STREET FISH MARKET, 402A Main Street, Wakefield, RI 02879 subject to approval by the Kingston Fire Chief. Application by Daniel P. Montmarquet, 22 John Scott Lane, North Kingstown, RI 02852. License No. 12433.

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INTERNATIONAL PIZZA & WINGS, 99 Fortin Road, Kingston, RI 02881 subject to approval by the Kingston Fire Chief. Application by Bahij Boutros, 62 Waites Corner Road, West Kingston, RI 02892. License No. 12435.

(CA) 6E. UNANIMOUSLY VOTED: to grant a Tourist Accommodation License to MARY F. ASHER d/b/a ELM GUEST HOUSE, 24 Elm Street, Wakefield, RI 02879 for 2 spaces, 4 persons subject to approval by the Fire Chief. Application by Mary F. Asher, 24 Elm Street, Wakefield, RI 02879; Renewal. License No. 12437.

(CA) 6F. UNANIMOUSLY VOTED: to grant a Miscellaneous Permit to conduct the Matthew Siravo Memorial 5K Run/Walk for Epilepsy on Saturday, June 12, 2010 at 9:00 a.m. to the MATTHEW SIRAVO MEMORIAL FOUNDATION, P.O. Box 5300, Wakefield RI 02880 subject to the execution of a hold harmless agreement indemnifying the Town, and the issuance of a Certificate of Insurance naming the Town as an additional insured for the event in the amounts specified by the Risk Manager. Application by Jessie Kenyon, 151 Little Rest Road, Kingston, RI 02881; Renewal. License No. 12438.

(CA) 6G. UNANIMOUSLY VOTED: to grant a Miscellaneous Permit to sell Buddy Poppies on May 28, 29 and 30, 2010 to the Washington County VFW Post 916, 155 High Street, Wakefield, RI 02879. Application by Raymond W. Greene, 1608 Kingstown Road, Wakefield, RI 02879; Renewal. License No. 12439.

(CA) 8A. UNANIMOUSLY VOTED: that communications dated March 23 and 24, 2010 from the following residents concerning school budget issues and the potential closure of Wakefield School are received and placed on file. (3/25/2010 Interim, Item D.)

- Susan C. Kimmerlein
- Marjorie Vorhaben
- Abby Colby Cooper
- Jean Matteson
- Lori Carr
- Lisa Meller
- Responses to survey of Wakefield residents

(CA) 8B. UNANIMOUSLY VOTED: that resolutions adopted March 22, 2010 by the East Greenwich Town Council and Cranston City Council, and adopted March 25, 2010 by the Foster Town Council supporting efforts to return the America's Cup Races to the City of Newport are received and placed on file. (3/25/2010 Interim, Item G. and 4/8/2010 Miscellaneous, Item II D.)

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(CA) 8C. UNANIMOUSLY VOTED: that a resolution adopted March 2, 2010 by the Cranston City Council requesting State legislation establishing a “Blue Alert” program to issue information on suspected assailants who have fled the scene of a crime involving an officer who has been killed or injured, is received and placed on file. (3/25/2010 Interim, Item H.)

(CA) 8D. UNANIMOUSLY VOTED: that a resolution adopted March 22, 2010 by the East Greenwich Town Council in opposition to mandatory binding arbitration on monetary matters for teachers is received and placed on file. (3/25/2010 Interim, Item I.)

(CA) 8E. UNANIMOUSLY VOTED: that resolutions adopted March 22, 2010 by the East Greenwich Town Council, March 24, 2010 by the Burrillville Town Council and March 25, 2010 by the Foster Town Council in opposition to Senate Bill 2010 – S 2603, An Act Relating to Labor and Labor Relations – Certified School Teachers Arbitration that would extend the existing terms and conditions of employment of a school teacher contract until such time as an agreement is reached between the parties, are received and placed on file. (3/25/2010 Interim, Item I. and 4/8/2010 Miscellaneous, Items II D., F.)

(CA) 8F. UNANIMOUSLY VOTED: that a resolution adopted March 22, 2010 by the Portsmouth Town Council in support of House Bill 2010 – H 7014, An Act Relating to Waters and Navigation – Regulation of Boats relative to bridge safety is received and placed on file. (3/25/2010 Interim, Item H.)

(CA) 8G. UNANIMOUSLY VOTED: that a communication dated March 24, 2010 from Peter Dodd requesting reimbursement for automobile tires damaged on Route 1 is received, placed on file, and referred to the Financial Controller for response. (4/1/2010 Interim, Item B.)

(CA) 8J. UNANIMOUSLY VOTED: that a communication dated March 31, 2010 from Stephen Elmasian, Co-Chairman, Armenian National Committee of RI requesting permission to fly their flag at Town Hall on Saturday, April 24, 2010 to mark the anniversary of the Armenian Genocide during World War I is received, placed on file and the Town Council further directs that the request be granted. (4/8/2010 Miscellaneous, Item II C.)

(CA) 8K. UNANIMOUSLY VOTED: that any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate

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action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

(CA) 13D. UNANIMOUSLY VOTED: that Civil Action No. 2010-0012 filed in Washington County Superior Court by James E. Brennan, Jr. on his own behalf relative to an incident that occurred on or about March 8, 2007 be referred to the Town Solicitor and the Town’s insurance carrier.

(CA) 13E. UNANIMOUSLY VOTED: that any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

6. LICENSES

A. UNANIMOUSLY VOTED: to grant a Holiday Sales License to THE GIFT EMPORIUM, 99 Fortin Road Suite 110, Kingston, RI 02881 subject to approval by the Kingston Fire Chief. Application by Nichole Molloy, 29 Lexington Avenue, West Warwick, RI 02893; New. License No. 12430.

B. UNANIMOUSLY VOTED: to grant a Holiday Sales License to VERDIGRIS, 355 Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief and Communications Superintendent. Application by Robert Block, P.O. Box 26, Hope Valley, RI 02832; New. License No. 12431.

C. UNANIMOUSLY VOTED: to grant a Miscellaneous Permit to conduct the Exeter Marathon in the Town of South Kingstown on Saturday, April 17, 2010 at 8:00 a.m. to the NARRAGANSETT RUNNING ASSOCIATION subject to the execution of a hold harmless agreement indemnifying the Town, issuance of a Certificate of Insurance naming the Town as an additional insured for the event in the amounts specified by the Risk Manager, and State Traffic Commission approval. Proceeds to benefit the Association’s “Summer Youth Track Series.” Application by Michael Tamaro, President, Narragansett Running Association, P.O. Box 3012, Kingston, RI 02881; New. License No. 12432.

UNANIMOUSLY VOTED: to move New Business Items 13A and 13B forward on the Agenda.

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13A. A proclamation is presented by Council President Fogarty to Janice Prochaska, Chairperson of the Town's Recreation Commission. Susan Cooper, Recreation Director for the City of Newport and Chairperson of the RI Recreation and Parks Association awards selection committee, presents Mrs. Prochaska with their award plaque, and it is

UNANIMOUSLY VOTED: to adopt a proclamation recognizing Janice Prochaska as the recipient of the 2010 Volunteer of the Year Award from the RI Recreation and Parks Association, as follows:

JANICE PROCHASKA

WHEREAS, Janice Prochaska has been awarded the 2010 Settimo "Steamer" Ricci Award by the RI Parks and Recreation Association for outstanding volunteer efforts in support of Parks and Recreation initiatives and development on a local, state and national level, and

WHEREAS, Under Commissioner Prochaska's guidance and leadership the Department of Parks and Recreation has:

- Received National Accreditation through NRPA
- Opened a Nature Center whose mission is to educate the community on the importance of guarding and protecting our natural resources
- Seen the development and expansion of the William C. O'Neill bike path
- Seen the development of the Town's first dog park
- Seen the development of the Green Hill Park, West Kingston Park, Broad Rock Park and the Curtis Corner Play Fields
- Seen programs and special events expand to over 200 offerings annually
- Seen the formalization of the "Friends of South Kingstown Parks and Recreation", a non-profit 501c-3 organization that provides financial support to the Department, specifically for its scholarship program, and

WHEREAS, Commissioner Prochaska has served on the South Kingstown Recreation Commission for eighteen years and as Chairperson of the Commission in 2002-03, and

WHEREAS, since 2003, Commissioner Prochaska has served on the National Recreation and Parks Association Board of Trustees as a Citizen Member and is currently Co-Chair of the Public Policy Committee, and

WHEREAS, as a member of the Friends of South Kingstown Parks and Recreation Association since 1999, Commissioner Prochaska has been a tireless advocate for local youth involvement, supporting and contributing to the Friends scholarship fund so

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that all South Kingstown children can enjoy and benefit from the many recreational opportunities the Town offers.

NOW, THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby extend our congratulations to **Janice Prochaska** and recognize her as recipient of the Rhode Island Parks and Recreation Association 2010 Settimo "Steamer" Ricci Award for her outstanding volunteer efforts.

13B. UNANIMOUSLY VOTED: to adopt a proclamation designating the Bike Path in the Village of Peace Dale and surrounding area as the Peace Dale Art Park, as follows:

PEACE DALE ART PARK

WHEREAS, Several art pieces are on display within the Village of Peace Dale and soon plaques will be attached identifying the artist as well as the name of the piece, and

WHEREAS, This unofficial art park has attracted both local residents and visitors and it is the intention of the Peace Dale Neighborhood Revitalization, Inc. to expand the art work in Peace Dale to continue to attract more visitors and artists to the area, and

WHEREAS, The Peace Dale Neighborhood Revitalization, Inc. has formally requested that the South Kingstown Town Council designate the bike path and surrounding village area as the **Peace Dale Art Park** to enhance both cultural and economic development within the village of Peace Dale, and

WHEREAS, The Town Council recognizes that having an official designated Art Park will attract and encourage economic and cultural opportunities.

NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby designate the bike path in the Village of Peace Dale and surrounding area as the **PEACE DALE ART PARK** as a stimulus for economic and cultural prosperity.

The proclamation is accepted by Leslie Chouinard, Karen Zyons and Paula Dean on behalf of Peace Dale Neighborhood Revitalization, Inc.

7. PUBLIC HEARINGS

7A. Notice having been duly given, a Public Hearing is held to consider proposed amendments to the Zoning Ordinance, Appendix A Use Code Descriptions that would amend Use Code 55 Retail Trade to define and limit firearms sales conducted at sporting

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goods stores and establish a new Use Code 55.7 Retail Trade of Firearms; and amend Article 3. Use Regulations, Section 301 Schedule of Use Regulations Table to permit Use Code 55.7 by right only within the CH (Commercial Highway) and CD (Commercial Downtown) zoning districts, as follows:

Appendix A. Use Code Descriptions

Amend: Use Code 55, Retail Trade, up to 10,000 s.f. GLFA/use

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|----|---|
| 55 | Retail Trade, up to 10,000 s.f. GLFA/use |
| | <p>Apparel and accessories; household appliances; art supply; bakeries; books, newspapers and periodicals (new or used); cameras and photographic supplies (new or used); confectionery; coin or stamp shop (new or used); custom tailoring; dairy products; drug store; fabric store; floor covering-retail; florist; fruits and vegetables-retail; gift shop; groceries and delicatessens-retail; hobby shops; home furnishings and equipment; jewelry-retail; meat and fish-retail; musical instruments and supplies-retail; office supplies or equipment, stationery or art supplies; pet store; radio, television, audio/video and computer equipment, sales and/or rental; shoe store; sporting goods (<u>not more than 25% GLFA devoted to sale of firearms, ammunition, ammunition components, and hunting and shooting equipment</u>); and bicycles; variety store, interior sale of marine supplies and equipment.</p> |

ADD: New Use Code 55.7, Retail Trade of Firearms, up to 10,000 s.f GLFA/use

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|-------------|--|
| <u>55.7</u> | <u>Retail Trade of Firearms, up to 10,000 s.f. GLFA/use</u> |
| | <p><u>A retail sporting goods sales establishment devoting more than 25% of its GLFA to the sale of firearms, ammunition, ammunition components, and hunting and shooting equipment. This Use Code excludes paintball type guns, ammunition, propellants and gear and is not intended to regulate firearms collectors, collectors of antiques, replicas and curios, shooting clubs and the like.</u></p> |

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Article 3. Use Regulations

Section 301: Schedule of Use Regulations Table

Amend:

Allow Use Code 55.7 by **right (Y)** only in the Commercial Downtown (CD) and Commercial Highway (CH) zoning districts. Use Code not permitted in any other zoning district.

Communications received from the following opposing the proposed amendments are referenced and placed on file:

- Petition submitted by Richard A. Pike signed by 251 persons, of which 97 are residents of SK
- Ron Pratt
- Roy Kimball
- Dick Souza
- Lawrence E. Gotch
- Lawson Durfee
- Fred Miller
- David N. Raymond
- Robert G. Dupras
- Glen F. Nonemaker
- Thomas M. Rielly
- Paul Milsaps
- Brett Sheldon
- Steve Morse
- Louis E. Pelopida
- Richard Case
- David Sousa
- Alexander W. Bond
- James M. Falvey
- Frederick Channing
- Peter Pihun
- M. W. Grace
- Richard LaPlante
- John McCormick

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L. Vincent Murray, Director of Planning gives a presentation on the proposed amendments.

The following are present and make comments:

- Mark Zaccaria
- Dick Pike
- Leonard A. Cuoco, owner, Freedom Sports & Arms
- Arthur Gauthier
- Jay Korsen
- Brian Loftes
- Eric Vukic
- Douglas Moorcroft
- Leslie Chouinard
- Henry Thayer
- Joseph Frazier

A motion is made by Councilor McEntee to approve the proposed amendments to the Zoning Ordinance, Appendix A Use Code Descriptions that would amend Use Code 55 Retail Trade to define and limit firearms sales conducted at sporting goods stores and establish a new Use Code 55.7 Retail Trade of Firearms; and amend Article 3. Use Regulations, Section 301 Schedule of Use Regulations Table to permit Use Code 55.7 by right only within the CH (Commercial Highway) and CD (Commercial Downtown) zoning districts, as presented.

Councilor O'Neill seconds the motion.

A roll call vote is taken as follows:

Fogarty – no Eddy – no McEntee – yes O'Neill – no Whaley – no

The motion fails, 4 to 1.

7B. Notice having been duly given, a Public Hearing is held relative to an application requesting a Zoning Map amendment from Commercial Neighborhood, limited to Use Code: 42 – Office, Personal and Limited Business Service, 10,001-50,000 square feet GLFA/use, Use Code 20 – Educational Institution, Primary through Secondary, subject to the following conditions:

1. The premises shall be restricted to an Educational Institution servicing grades K to 6;

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2. That no more than 75 students be permitted;
3. That no more than four (4) classrooms be permitted;
4. That the total floor area of the school be no greater than 2,414 square feet;
5. That the Planning Board conduct Development Plan review of the proposed school;
6. That the existing vegetative buffer screening the property from adjoining residences shall be maintained; and
7. The dumpsters shall be enclosed and secured.

To Commercial Neighborhood, limited to Use Code: 42 – Office, Personal and Limited Business Service, 10,001-50,000 square feet GLFA/use, Use Code 27 – Service Organization and Use Code 20 – Educational Institution, Primary through Secondary, subject to the following conditions:

1. The premises shall be restricted to an Educational Institution servicing grades K to 6;
2. That no more than 75 students be permitted;
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4. That the total floor area of the school be no greater than 2,414 square feet;
5. That the Planning Board conduct Development Plan review of the proposed school;
6. That the existing vegetative buffer screening the property from adjoining residences shall be maintained; and
7. The dumpsters shall be enclosed and secured.

For property located at 33 North Road, Unit C, approximately 7,200 sq. ft., and designated as AP 49-1, Lot 83-3; application by: Lily Pads Property, Inc., owner and The Education Exchange.

Communications received from Sheryl Daniels-Duncan in opposition to, and from Rev. Betty Kornitzer, Pastor, Unitarian Universalist Congregation of South County in favor of the amendment are referenced and placed on file.

L. Vincent Murray, Director of Planning summarizes the application and requested amendment.

Margaret Hogan, Esquire is representing the applicant and introduces Margaret Benz, Executive Director of the Education Exchange. She gives a brief background report on the Education Exchange, formerly known as the Washington County Adult Learning Education Center. The Exchange is presently located at the Stedman Government Center but is required to vacate that space.

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Margaret Benz addresses the Council and describes the operations of the Education Exchange. Attorney Hogan submits copies of information provided on their website and press releases; they are received and filed as Exhibit 1.

Carol Altreuter, Distance Learning Coordinator for the Education Exchange is present and speaks on behalf of the organization.

Alan Butler, resident of 59 North Road is present and addresses his concerns with parking and traffic, and suggests the one-way traffic pattern be enforced, re-stripe the parking lot, regulate traffic on North Road and Kersey Road, place signs designating "exit" and "private property".

Margaret Benz responds to Mr. Butler's concerns regarding the number of staff members and parking spaces the Education Exchange would normally occupy.

Further discussion ensues, and it is

UNANIMOUSLY VOTED: to close the Public Hearing.

UNANIMOUSLY VOTED: to approve an application requesting a Zoning Map amendment from Commercial Neighborhood, limited to Use Code: 42 – Office, Personal and Limited Business Service, 10,001-50,000 square feet GLFA/use, Use Code 20 – Educational Institution, Primary through Secondary, subject to the following conditions:

1. The premises shall be restricted to an Educational Institution servicing grades K to 6;
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5. That the Planning Board conduct Development Plan review of the proposed school;
6. That the existing vegetative buffer screening the property from adjoining residences shall be maintained; and
7. The dumpsters shall be enclosed and secured.

For property located at 33 North Road, Unit C, approximately 7,200 sq. ft., and designated as AP 49-1, Lot 83-3. Application by Lily Pads Property, Inc., owner and The Education Exchange. Said approval incorporates the recommendations of the Planning Board as noted in its correspondence dated March 10, 2010 including the Findings of Fact, and Findings of Consistency with the Purposes of Zoning, and with directional signage to be installed in accordance with recommendations to be made by the Traffic and Transportation Review Committee.

Findings of Fact

1. The Comprehensive Community Plan designation for the subject property is 'Neighborhood Commercial' on Map 2.4, 'Town of South Kingstown, Land Use Plan Map, Wakefield/Peace Dale Detail'.
2. A Commercial Neighborhood zoning designation limited to Use Code 42 - Office, Personal and Limited Business Service, 10,001 - 50,000 square feet GLFA/use and Use Code 20 - Educational Institution, Primary through Secondary (as conditioned), Use Code 23 - Religious Services, Use Code 26.2 - Day Care Center, more than twelve people and Use Code 27 - Service Organization is consistent with the Comprehensive Community Plan, Map 2.4, 'Town of South Kingstown, Land Use Plan Map, Wakefield/Peace Dale Detail.'
3. The Planning Board recognizes that the conditions imposed by the Town Council on July 10, 1995 in amending the Zoning of the subject parcel to allow Use Code 20 -Educational Institution, Primary through Secondary; only apply to Use Code 20 and will not apply to the new use codes being sought.

Findings of Consistency with the Purposes of Zoning

The Planning Board finds that the proposed Zoning Map amendment is consistent with the following general purposes of zoning as contained in RIGL 45-24-30, the Rhode Island Zoning Enabling Act of 1991, as amended:

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1. Promoting the public health, safety and general welfare.
2. Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
3. Providing for orderly growth and development which recognizes:
 - a. The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to Title 45, Chapter 22.2 of the RIGL;
 - c. The availability and capacity of existing and planned public and/or private services and facilities
5. Providing for the protection of the natural, historic, cultural and scenic character of the city or town or areas therein.

8. COMMUNICATIONS

H. UNANIMOUSLY VOTED: that a resolution adopted March 23, 2010 by the Portsmouth School Committee concerning the RI Department of Education (RIDE) proposed Education Funding formula is received and placed on file. (4/1/2010 Interim, Item D.)

I. UNANIMOUSLY VOTED: that a resolution adopted March 29, 2010 by the Tiverton Town Council in support of proposed legislation that would allow RI municipalities to postpone budget and financial town meetings for FY2010-2011 for up to 90 days is received and placed on file. (4/1/2010 Interim, Item F.)

9. COMMENTS FROM INTERESTED CITIZENS

Council President Fogarty invites residents to come forward with comments.

John Hadley and Jay Nuzum are present and submit a petition from residents of the Little Rest and Biscuit City areas of Kingston requesting an immediate moratorium on building permits in the Biscuit City and Little Rest areas requiring special use permits which grant relief from existing town wetland and wetland stream setbacks. The request is referred to the Planning Department for review.

Additional comments on the area's flooding problems are made by Carl Storm of Biscuit City Road and Ira Gross of Springdale Drive.

Bob Stiepock is present and comments on the Memorial Day Parade.

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10. TOWN MANAGER'S REPORT

The Town Manager notes that the Federal Emergency Management Agency has established a disaster assistance site at the Wakefield Mall, and reports on the roads which remain closed due to the recent flooding. The Town Manager's Interim Reports dated March 25, 2010 and April 1, 2010, and the Agenda and Miscellaneous Reports dated April 8, 2010 are accepted, approved and placed on file.

11. TOWN SOLICITOR'S REPORT

The Town Solicitor has no report this evening.

12. APPOINTMENTS

None

13. NEW BUSINESS

C. UNANIMOUSLY VOTED: to authorize the Town Manager, on behalf of the Town of South Kingstown, to execute the original Roadway Investment – Local Equity Aid Program Federal and State Funds agreement and the supplemental Clarification of Federal Requirements for Local Equity Aid Program (LEAP) Federal and State Funds agreement for the Matunuck Schoolhouse Road Project; as further described in a memorandum from the Public Services Director to the Town Manager dated April 6, 2010 and entitled: "Roadway Investment – Local Equity Aid Program (RI-LEAP) Matunuck Schoolhouse Road Reconstruction Project."

Leslie Chouinard, President, Peace Dale Neighborhood Revitalization Inc. presents their promotional film entitled "Peace Dale: The Jewel of South County."

UNANIMOUSLY VOTED: to adjourn at 11:07 PM.

Dale S. Holberton, CMC
Town Clerk