

PLANNING BOARD MINUTES

A regular meeting of the South Kingstown Planning Board was held on Tuesday, March 9, 2010 at 7:07 p.m. in the Council Chamber at the South Kingstown Town Hall, 180 High Street, Wakefield, Rhode Island.

A. ROLL CALL

Mack – Present Clendenen – Absent Riendeau – Absent Leslie Castrovillari - Present
Morrison – Present DelGiudice – Present Kenerson – Present

Mr. Dennis Vinhateiro, Principal Planner, Mr. William Boardman, Town Engineer and Ms. Nancy Letendre, Special Legal Counsel, were present.

B. CONSENT AGENDA (CA):

Ms. Mack read the items on the Consent Agenda.

Ms. Mack read a letter from Margaret Laurence, attorney for the Whittier Estates applicants, and removed Item E. 3, Whittier Estates Draft Decision (continued) from the Consent Agenda.

C. APPROVAL OF MINUTES:

(CA) "To approve the minutes of the January 26, 2010 work session."

(CA) "To approve the minutes of the February 9, 2010 regular meeting."

E. SPECIAL ITEMS:

4. (CA) RECOMMENDATION TO THE TOWN COUNCIL - Proposed Amendments to the Zoning Ordinance Establishing a Regulatory Framework Pertaining to the Siting of Retail Firearm Sales Facilities.

Motion: "The South Kingstown Planning Board hereby recommends that the Town Council enacts revisions to the South Kingstown Zoning Ordinance as detailed in Exhibit 1 attached hereto. Said ordinance revisions amend Use Code 55, Retail Trade, Up to 10,000 s.f. GLFA/use; to define and limit firearm sales at sporting goods stores, and establish a new use code pertaining specifically to the retail trade of firearms (proposed Use Code 55.7). Per the amendments the only zoning districts that would permit the retail sales of firearms, Use Code 55.7 are the CH (Commercial Highway) and CD (Commercial Downtown) zones.

The Board recommendations in this regard are based upon the following Findings of Fact Relating to Consistency with the South Kingstown Comprehensive Community Plan and Purposes of Zoning per RIGL Title 45 Chapter 24, 'the Zoning Enabling Act of 1991' as noted below:

Findings of Fact, Consistency with the Comprehensive Community Plan

- 1. The proposed amendments are consistent with the overall goal of the Land Use Element: 'To promote orderly growth patterns based upon the natural, cultural and historic character of the Town, the land's suitability for use and the aspirations of its citizens.'
2. The proposed amendments are consistent with the overall Goal of the Economic Development Element: 'To promote quality economic and employment opportunities while protecting the natural resources and cultural values of the Town.'

Findings of Consistency with the Purposes of Zoning

The Planning Board finds that the proposed zoning amendments are consistent with the following general purposes of zoning ordinances per RIGL 45-24-30.

- 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 chapter 22.2 of this title;
g. The use of innovative development regulations and techniques."

Exhibit 1: March 1, 2010

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
USE CODES RELATING TO "FIREARMS AND FIREARMS SALES ESTABLISHMENTS"

Note: new language shown in bold, italic, underlined typeface

- 1. Amend existing Use Code 55 as shown below

Table with 2 columns: Use Code (55) and Description (Retail Trade, up to 10,000 s.f. GLFA/use). The description lists various retail categories, including apparel, electronics, and groceries, with a specific amendment for firearms: '(not more than 25% GLFA devoted to sale of firearms, ammunition, ammunition components, and hunting and shooting equipment); and bicycles; variety store, interior sale of marine supplies and equipment.'

2. Proposed New Use Code 55.7, Retail Trade of Firearms, up to 10,000 s.f GLFA/Use

55.7	<u>Retail Trade of Firearms, up to 10,000 s.f. GLFA/use</u>
	<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>

3. Amend Section 301

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.

- F. (CA) REPORT OF THE ADMINISTRATIVE OFFICER:
ADMINISTRATIVE SUBDIVISIONS recorded during February 2010
 None were recorded.
MINOR SUBDIVISIONS recorded during February 2010
 None were recorded.
MAJOR SUBDIVISIONS recorded during February 2010
 None were recorded.

TRC APPROVAL, February 24, 2010

COMMUNICATIONS ANTENNA ARRAY – a proposed co-location of six panel antennas on an existing water tower and installation of accessory telecommunications support equipment on a new concrete pad within the existing fenced compound, AP 81-2, Lot 5, located at 108 Victoria Lane, the Town of South Kingstown, owner, MetroPCS Massachusetts LLC, applicant.

COMMUNICATIONS ANTENNA ARRAY – a proposed co-location of six panel antennas on an existing water tower and installation of accessory telecommunications support equipment on a new concrete pad within the existing fenced compound, AP 78-4, Lot 4, located at 18 Mautucket Road, the Town of South Kingstown, owner, MetroPCS Massachusetts LLC, applicant.

Mr. DelGiudice moved, Mr. Kenerson seconded; motion carried: "To approve the remaining items on the Consent Agenda."

VOTE: Mack – aye DelGiudice – aye Kenerson – aye Castrovillari – aye Morrison - aye

E. SPECIAL ITEMS:

- 3. MAJOR LAND DEVELOPMENT PROJECT DRAFT DECISION (continued) - Whittier Estates, a Proposed Ten-lot Subdivision Comprised of Nine New Lots (Proposed as Duplex Buildings = 18 Units,

Including Three Inclusionary Units) and the Existing Single-family Home, Flexible Frontage Waiver Request, AP 56-4, Lots 38 and 40, Located at 52 Willard Avenue, Linda M. Sisson, Owner, Robert Leonard and Mark Lubic, Applicants.

Margaret Laurence, attorney for the applicants, summarized a letter she had sent to the Principal Planner dated March 9, 2010. She requested that the current Whittier Estates application be amended, that the applicants withdraw the current plan with prejudice and that the proposed new plan with mostly single-family homes be presented directly at a combined Conceptual Master Plan Public Informational Meeting and Preliminary Plan Public Hearing at the April 13, 2010 Planning Board meeting because the Board is so familiar with the general proposal and its issues.

Ms. Mack's mentioned that the project's extension expires tonight. Ms. Letendre suggested that the Board requests a new 90-day extension to June 8, 2010. The applicant agreed to the requested 90 day extension.

After discussion and clarification, Ms. Letendre felt that since the applicants are basically only amending their plan, there is no need for a motion to withdraw.

Mr. Kenerson moved, Ms. Castrovillari seconded; motion carried: "The South Kingstown Planning Board hereby schedules a Public Hearing on April 13, 2010 for the purpose of considering the combined Conceptual Master Plan and Preliminary Plan for the Whittier Estates Major Land Development Project. Staff is directed to place the requisite legal advertisement for such hearing and prepare notice materials for use by the applicant."

VOTE: Mack – aye DelGiudice – aye Kenerson – aye Castrovillari – aye Morrison - aye

D. PUBLIC HEARINGS:

1. COMBINED MASTER PLAN PUBLIC INFORMATIONAL MEETING AND PRELIMINARY PLAN PUBLIC HEARING - Otter Acres Compound, Phase 3, a Proposed Amendment to the Final Approval to Allow a Two-lot Subdivision (Proposed Creation of a Non-buildable Conservation Parcel), Waivers Requested to Further Subdivide a Residential Compound Lot and for the Use of the Flexible Frontage Provisions of the Zoning Ordinance, AP 61, Lot 60, Located on the North Side of Tuckertown Road, 500 Feet Easterly of Otter Acres Way, Stewart Nursery Co., Inc., Owner/Applicant.

Kyle Stewart, owner/applicant and Amy Sonder, PLS representing the applicant, were present.

Ms. Sonder explained that the applicant is proposing to partition the existing lot into a 14.5 acre conservation lot and a 6.7 acre buildable lot. The applicant is also requesting waivers for 51 feet of frontage on Otter Acres Way.

Abutter Gaytha Langlois who is in favor of the proposal spoke on issues such as the fact that this property is part of the GPOD (Groundwater Overlay Protection District) and should be protected as well as the rare and endangered species that exist in this area.

Mr. DelGiudice moved, Mr. Kenerson seconded, motion carried: **Motion 1:** "The South Kingstown Planning Board hereby closes the Combined Conceptual Master Plan Public Informational Meeting and Preliminary Plan Public Hearing for Otter Acres Compound, Phase 3, a proposed amendment to the Final approval to allow a two-lot subdivision (proposed creation of a non-buildable conservation parcel), waivers requested to further subdivide a residential compound lot and for the

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use of the flexible frontage provisions of the Zoning Ordinance, AP 61, Lot 60, located on the north side of Tuckertown Road, 500 feet easterly of Otter Acres Way.”

VOTE: Mack – aye DelGiudice – aye Kenerson – aye Castrovillari – aye Morrison - aye

Mr. DelGiuduce moved, Ms. Castrovillari seconded; motion carried: **Motion 2:** “The South Kingstown Planning Board hereby grants Combined Conceptual Master Plan and Preliminary Plan Approvals to Stewart Nursery Co. for an amendment to the Final Plan of Otter Acres Compound, Phase 3 for property identified as Assessor’s Plat 61, Lot 60 as shown on plans entitled: ‘Administrative Subdivision Plan Showing a Replat of Lot 3 of Otter Acres Compound, Phase 3’ and the accompanying yield plan. Plans by Easterbrooks & Associates, 2496 Boston Neck Road, Saunderstown, RI; two sheets dated February 21, 2010. This approval is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The subdivision is consistent with the requirements of the Comprehensive Plan including but not limited to the future land use map.
2. The subdivision conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
3. No lot is designed and located in such a manner as to require relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended.
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required Conditions of Approval.
5. The subdivision, as proposed, will not result in the creation of building sites with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
6. The subdivision has adequate and permanent physical access to a public street, namely Tuckertown Road.
7. With the required Conditions of Approval the subdivision will provide for adequate surface water runoff, for suitable building sites and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
8. The design and location of building sites, utilities, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion.

Finding of Fact, Requested Waivers

1. The applicant is requesting waivers of the Subdivision and Land Development Regulations to allow for the further subdivision of a residential compound lot and to use the flexible frontage provisions of the Zoning Ordinance for one of the two resulting lots. It is the finding of the Planning Board that the granting of these waivers meets the criteria outlined in Article VIII.D. of the Subdivision and Land Development Regulations and as such the grant of the waivers to allow this design to proceed is reasonable and within the general purposes and intent of the regulations and is in the best interests of good planning practice and design as evidenced by consistency with the Comprehensive Community Plan.

Conditions of Approval

1. Approval is limited to two (2) lots in total.

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2. The subdivision shall be developed in substantial conformance with the plans and specifications submitted in support of this application.
3. Fair Share Development Fees for both school facilities and open space and recreational purposes, as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program, shall be required for the proposed new buildable lot only.
4. Survey monuments shall be shown on the Final Plan shall be installed in the field to define the new lot lines. The Project Surveyor shall certify that the monumentation is installed prior to recording.
5. Revised property deeds shall be submitted as part of the Final Plan submission and shall be recorded at the same time as the Record Plan.
6. As part of the Final submittal, the applicant shall submit legal documents including conservation restrictions and easements on the open space parcel and the required farm equipment access easement. Said documents shall be subject to the review and approval of the Town's Special Legal Counsel and the Administrative Officer. Approved documents shall be recorded at the same time as the Record Plan."

VOTE: Mack – aye DelGiudice – aye Kenerson – aye Castrovillari – aye Morrison - aye

2. Development Plan Review Public Hearing, Willow Dell Beach Club, a Proposed Relocation of Existing Cabana Buildings, Deck and Canopy, New Gravel Parking Field, Landscape Waivers Requested and Recommendation for a Special Use Permit, AP 92-1, Lot 36, Located at 156 Card's Pond Road, Willow Dell Beach Club, Owner/Applicant.

Mr. Peter Conopask, representing Willow Dell Beach Club, Ms. Margaret Laurence, attorney, representing the applicant, and Mr. Daniel Cotta, project engineer were present.

Mr. Conopask provided an overview of the history of the family-orientated Willow Dell Beach Club since its inception in the late 1800's in Matunuck. He stated that the property was privately owned until 1985 when it was sold to the Town of South Kingstown for recreation and open space. A six (6) acre parcel was also sold to the incorporated Willow Dell Beach Club. Mr. Conopask stated that the new Willow Dell Beach Club had worked with the necessary departments and abutting land owners to build the new facility in a new location, meeting the existing regulations of government bodies and concerns of the neighbors. He noted that the original building was later destroyed by fire in 2002 and rebuilt on the same foot print. Mr. Conopask stated that due to aggressive beach erosion the Willow Dell Beach Club has lost 1.8+ acres of its land. He noted that last year the Willow Dell Beach Club Board of Directors began to investigate moving the existing facility to the northernmost boundaries in order to protect the organization and the value of its property. Mr. Conopask stated that the Willow Dell Beach Club Board of Directors has met with DEM, CRMC, Town departments and abutting land owners and discussed how to proceed with the project.

Ms. Laurence noted that the erosion has been unprecedented and it is time to act. She stated that at this point in time applications before CRMC are taking upwards of four years. Ms. Laurence noted that the building will have to be moved and that is why they have begun the process. Ms. Laurence also noted that during the rebuilding after the fire the septic system had been upgraded and DEM had approved the reuse of the existing septic system. She stated that DEM has requested that the applicant provides an alternative septic system as erosion continues. Ms. Laurence also stated that the new plan will be based on Willow Dell's previous history by keeping the same number of parking spaces and provide for some overflow.

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Mr. Cotta provided an overview of the meeting with all the regulatory agencies. He stated that CRMC had the most concerns and wants the Willow Dell Beach Club to do this only once and wants the move to be as far inland as possible.

He noted that CRMC has asked the applicant to move the proposed parking farther away from the coast. Mr. Cotta noted that DEM wanted to make sure that there was ample room for installing a secondary septic system as the shore continues to erode. He noted that on the easterly side of the building in the 40 foot setback there is ample space for a secondary system. Mr. Cotta also provided an overview of the proposed plans with regard to the location of the building, required number of parking spaces, overflow parking, utilizing the roadway for parking and access for one of the abutters.

Ms. Laurence stated that the total number of members is elusive; however there are 81 families (loosely defined), 52 individuals with 13 members on leave of absence. She noted that special holidays bring additional people but on a daily basis there are only 20 to 30 automobiles. Ms. Laurence stated that the applicant has considered diagonal parking, which would provide 18 additional spaces; however she was not sure that emergency personnel would allow that. She noted that the applicant has offered to use the west side of the pathway only in those rare instances where overflow parking is needed and help to minimize the impact on the neighbor's property.

The Principal Planner provided descriptions of the photographs that were taken of the shoreline, the existing beach club, the property to the south, the roof line, the relocated building toward the adjacent property, views of the pathway from different directions, views seen by the abutting property owner, the vegetation on either side of the pathway and the outline of the existing beach club relative to abutting properties.

Ms. Marian Marceau, abutting property owner, provided additional photographs. Mr. James Reilly, representing Ms. Marceau, stated that they believe automobiles would be seen from the first floor of her home depending on the plan that receives approval.

Ms. Laurence stated that Ms. Marceau had expressed concern with dust, dirt, access to her property, and seeing cars in her view. She noted that Ms. Marceau brought to Willow Dell's attention problems with teenagers being on the grounds at night.

Mr. Cotta provided an overview of the Cross Section View of the Elevation Plan, labeled Exhibit A. He explained how the elevation plan would provide screening of the automobiles from Ms. Marceau view. The applicant feels that the 40' wide open space path with its natural vegetation will also help to provide screening of the cars.

Ms. Laurence asked Mr. Cotta if, in his opinion as a registered professional engineer, would moving the building and modifications to the parking result in conditions that are harmful to the public health, safety or welfare. Mr. Cotta answered in the negative. Ms. Laurence then asked him if moving the building and relocating the parking lot would substantially or permanently injure the appropriate use or have a negative impact to the property in the surrounding area. Mr. Cotta stated that the applicant has tried to do everything it could to minimize any impact to the abutters. Ms. Laurence noted that the applicant has to go back to zoning and receive a modification to its Special Use Permit that was granted in 1986. She asked Mr. Cotta if the proposal is allowed in this zone; is it consistent with the Comprehensive Plan, and if the applicant had done everything possible to mitigate the impact on the environment and abutting property owners. Mr. Cotta replied in the affirmative.

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Mr. James Reilly stated that he wanted to go back to 1985 when the initial special exemption was granted for the beach club. He then asked Ms. Marceau when she had purchased her property and she provided the conditions of the purchase. Mr. Reilly provided a map of the Estimated Coastline Changes, labeled Exhibit B, of the Willow Dell Property. Ms. Marceau stated that she knew that there could be another house built in front of her but she had no objections to that. She was assured by Ms. Smith, the land owner at that time, that the open space would remain the same, with no future plans. Ms. Marceau met with the Willow Dell members and they came to an agreement to keep the beach club to the left and keep the path for her use as it always had been. Mr. Reilly stated that this was more or less an agreement she made with the Town who instituted the zoning restriction. Ms. Marceau noted that she seldom sees more than 20 cars, except on the occasional holiday. She stated that she is more concerned with the speeding and would like speed bumps installed which would also rectify parking along the fence line. Ms. Marceau stated that her other concern is the problem with nighttime vandals. Ms. Marceau stated she is aware that the beach club has to be moved back due to erosion; however, because of esthetics the beach club members do not want the parking in front of their building and are electing to put the parking in front of her property. Ms. Marceau stated that it is not the view of the cars but safety issues with cars speeding back and forth across the path that concern her.

Mr. Reilly provided an alternative plan for the parking that Ms. Marceau had commissioned. The alternative plan was labeled Exhibit C. Ms. Marceau stated that her plan places all the parking on the easterly side of the path and suggested that the beach club moves the building 110' instead of 150'. Mr. Reilly stated that this would allow the beach club members to park behind and to the side of their building but would preserve Ms. Marceau's view on the westerly side of the path. Mr. Reilly also stated that he had met with Ms. Laurence and club members and made this suggestion to them. He noted that he has not been a party to any of the meetings that the applicant has had with Coastal Resource Management Council and stated that if the CRMC would adopt a plan and work with Ms. Marceau, she would be in support of the application. Mr. Reilly stated that Ms. Marceau is trying to preserve a portion of the natural land on the westerly side of the property. He noted that Ms. Marceau's plan for parking on the north side may need a variance due to set back requirements.

Discussion ensued with regard to the actual difference in the proposed parking areas and number of parking spaces between the two plans. Board members also discussed the width of the right-of-way, the 25' easement for Ms. Marceau, traffic flow from the eastern to the western portion of the site, monitoring the access and the size of the break in the hedge.

Ms. Mack confirmed with Legal Counsel that some of the discussion would be at the CRMC level which would supersede any advice that the Board might have in terms of distance away from the water line. She stated that the applicant has had formal discussions with CRMC and the Board has to take those comments into consideration.

Mr. Peter Conopask stated that the beach club has fluctuating periods during the ten-week season. He noted that there may be eight to ten nights where people are parking up the road due to scheduled events with an excess of 60 cars. He noted that in normal times on weekdays there would be only 20 to 30 cars on a regular basis. Mr. Conopask stated that in the original variance the plan was for 80 parking spaces and they are utilizing 60 spaces. He does not see how the club could go below that number but it is working within those parameters.

Ms. Mack noted that the original Zoning Board document states that the parking lot would be gravel and grass subject to CRMC approval and asked if there was any change in the ratio of gravel to grass. Mr. Cotta stated that there is no change and it would not be half gravel and half grass but grass would be allowed to grow freely in the parking lot.

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Ms. Nancy Thoresen and Mr. Rob Thoresen, owners of Roy Carpenter's Beach stated that Mr. Conopask had made the comment that he had worked with the Thoresens on the current project. Mr. Conopask stated that someone from the Willow Dell Beach Club made contact with Roy Carpenter's and Marian Marceau last summer. Mr. Thoresen stated that he had to go through the same process to relocate his store building within the 200' coastal setback.

Ms. Elizabeth Johnson, property owner, read a letter from her husband, William, a retired horticulturist in the Plant, Science Department at the University of Rhode Island for 30 years expressing his concern with the proposed parking lot and its impact on the scenery and wildlife.

Ms. Mack stated that it would be ideal if there could be some kind of a compromise made; however, some specific questions still have to be asked of CRMC. Ms. Laurence stated that without a formal application before them CRMC will not do a complete review and the applicant cannot file an application with CRMC without taking the appropriate steps with the Town.

Mr. Reilly suggested that the Board continues the Public Hearing and he would go with Ms. Laurence to discuss with CRMC the alternative concept not to delay the project but to provide additional information to help enable the Planning Board with its decision. Ms. Mack thinks it is a good idea if the applicant is willing and if the time frame is such that the process will not take six months.

Ms. Letendre stated that the applicant may be able to get some informal advice from CRMC. CRMC would not make an advisory opinion but Ms. Laurence and Mr. Reilly should be able to sit down with staff members and have a technical review of the application to determine whether or not CRMC feels it is necessary to stick with the 200' coastal setback.

Mr. Kenerson moved, Ms. Castrovillari seconded; motion carried: "The South Kingstown Planning Board hereby continues the Development Plan Review Public Hearing for Willow Dell Beach Club, a proposed relocation of existing cabana buildings, deck and canopy, new gravel parking field, landscape waivers requested and recommendation for a Special Use Permit to its April 13, 2010 regular meeting."

VOTE: Mack – aye DelGiudice – aye Kenerson – aye Castrovillari – aye Morrison - aye

E. SPECIAL ITEMS:

1. Recommendation to the Town Council, a Proposed 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 with Conditions; Use Code 23 – Religious Services and Use Code 26.2 – Day Care Center, More than Ten People to Commercial Neighborhood Limited to : Use Codes 42, 20 (as Conditioned), 23, 26.2 and 27 – Service Organization, AP 49-1, Lot 83-3, Located at 27 North Road – Building C, Lily Pads Property, Inc., Owner, The Education Exchange, Applicant.

Ms. Margaret Hogan, attorney, representing The Education Exchange and Ms. Margaret Benz, Executive Director of the Education Exchange were present.

Ms. Hogan stated that Board members received an extensive write up of the comprehensive proposal. She noted that the Lily Pads property has a number of uses that have evolved over the years. She noted that the proposal before the Board and the location is perfect for the non-profit entity, The Education Exchange. The Education Exchange has been located in the Stedman Government Center for the past 30 years. Ms. Hogan stated that the services provided by the Exchange will bring it into the heart of Peace Dale. The Exchange will be on a bus line, close to the library, located across from the Welcome Center and within walking distance of the Johnny Cake Center and therefore can better serve its clients. Ms. Hogan noted that the Exchange operates Monday through Friday and would not interfere with the church operations so parking would not be a problem. There will be some limited evening hour classes, as well as morning and afternoon classes. The applicant has seen the recommendation from staff for approval of Use Code 27. Ms. Hogan stated that the applicant would greatly appreciate a positive recommendation from the Planning Board to the Town Council.

Ms. Mack stated that at the TRC meeting the applicant stated that there would be approximately 40 to 45 students at peak periods at the facility and asked if there was any potential for getting beyond that number. Ms. Benz stated that if they did go beyond that number it would be maybe 15 or 20 maximum. Ms. Mack then asked if this particular facility would be adequate for the potential increase. Ms. Benz feels it would be adequate and also noted that the whole process has been difficult and upsetting to the clients but the long-term outcome is very positive for the organization.

Mr. Kenerson asked about the status of the lease arrangement with the State. Ms. Benz stated that the Education Exchange was supposed to be out of the Stedman Government Center on February 19, 2010 but has not yet heard from them.

Mr. Morrison moved, Mr. Kenerson seconded; motion carried: "The South Kingstown Planning Board hereby recommends Town Council approval of the application of The Education Exchange to amend the South Kingstown Zoning Map designation on Assessor's Plat AP 49-1, Lot 83, from Commercial Neighborhood limited to Use Codes: 42 - Office, Personal and Limited Business Service, 10,001 - 50,000 square feet GLFA/use, Use Code 20 - Educational Institution, Primary through Secondary (as conditioned), Use Code 23 - Religious Services and Use Code 26.2 - Day Care Center, more than twelve people to Commercial Neighborhood limited to Use Codes: 42- Office, Personal and Limited Business Service, 10,001 - 50,000 square feet GLFA/use, 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. This recommendation is based on the following Findings of Fact and Findings of Consistency with the Purposes of Zoning:

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:

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."

VOTE: Mack – aye DelGiudice – aye Kenerson – aye Castrovillari – aye Morrison - aye

2. Community Development Block Grant, Comprehensive Community Plan Compliance, Review and Action on the Town's Program Year 2010 \$400,000.00 Small Cities Community Development Block Grant Application.

Ms. Mack noted that the Board had received a memo from Mr. Raymond Nickerson with regard to the request for the Town's program. Mr. Vinhateiro stated that the activities have not been narrowed down yet and that some of the activities may not be funded in the final analysis. He also stated that the request is consistent with the Comprehensive Plan.

Mr. Kenerson moved. Ms. Castrovillari seconded; motion carried: "At a meeting held on March 9, 2010, the Planning Board of the Town of South Kingstown reviewed the proposals contained in the Program Year 2010 Small Cities Community Development Block Grant application and has been given the opportunity to comment on said proposals. The Planning Board certifies that to the best of its knowledge, the activities proposed are not in conflict with the general policies set forth in the Comprehensive Community Plan of the Town of South Kingstown."

VOTE: Mack – aye DelGiudice – aye Kenerson – aye Castrovillari – aye Morrison - aye

G. CORRESPONDENCE

No correspondence was noted.

H. COMMENTS – BOARD MEMBERS & PRINCIPAL PLANNER

Ms. Castrovillari stated she would attend the March 24, 2010 TRC meeting

I. ADJOURNMENT

Mr. DelGiudice moved, Ms. Castrovillari seconded; motion carried: "To Adjourn."

VOTE: Mack – aye DelGiudice – aye Kenerson – aye Castrovillari – aye Morrison – aye

The meeting adjourned at 8:43 p.m.