



# Town of South Kingstown, Rhode Island

## BUILDING AND ZONING DEPARTMENT

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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 Town Hall, 180 High Street, Wakefield on February 19, 2020.

### Members Present:

Richard Jurczak  
Robert Cagnetta  
John Bernardo  
Thomas Daniels  
William Rosen, Alt. #2

Also present were, Amy Goins, Special Legal Counsel, Wayne Pimental, Building Official and Clerk and Jessica Spence, Administrative Support Associate.

Mr. Jurczak explained the burden of proof of an applicant seeking either a Dimensional Variance or a Special Use Permit.

Mr. Jurczak explained that the Board is made up of 5 regular members and 2 alternates. Tonight voting will be four regular members, Mr. Jurczak, Mr. Cagnetta, Mr. Daniels, and Mr. Bernardo and Alternate #2 Mr. Rosen.

Mr. Jurczak read the first petition.

- **Continuation of the Petition of Alfred Costantino**, 34 MacArthur Drive, Smithfield, RI 02917 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal cottage and construct a new cottage on #R14W C11 at Roy Carpenters. The size of the existing cottage is 588 s. f. The owner is allowed an increase of 150 s. f. above the existing size. Proposed cottage will be 738 square feet. The owner is also seeking to install three accessory storage structures (2 @ 49 s. f. each and one at 28 s. f.) The 320 square foot existing legally non-conforming deck will be remain. Replacement structures and accessory storage structures require a Special Use Permit. Lot size is 50.2 Acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Expansion) Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief)**. Land owner is Matunuck Beach Properties for premises located at 240 Cards Pond Road, South Kingstown, RI, Unit #R14W C11 owned by Alfred Costantino, Assessor's Map 92-1, Lot 9-377 and is zoned R-200.

Mr. Jurczak read a letter from Al Costantino requesting his petition be withdrawn.

### **Petition withdrawn, no vote required.**

Mr. Jurczak read the second petition.

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

Mr. Jurczak explained that the applicant missed the deadline to mail the legal notices so the petition would need to be carried over one month.

Mr. Daniels made the motion to continue the petition till March 18, 2020.  
Mr. Cagnetta seconded the motion.

There was no further Board discussion.

**Whereas a Vote was Taken: Daniels-Aye, Cagnetta-Aye, Bernardo-Aye, Rosen-Aye, Jurczak-Aye Motion Passed Unanimously, Petition Continued till March 18, 2020.**

Mr. Jurczak read the third petition.

- **Petition of Armand & April Pires**, 324 Abbey Drive, Cumberland, RI 02864 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to replace the existing mobile home and enclosed screened porch with a new structure. Lot size is 18.29 acres. **A Special Use Permit is required per Zoning Ordinance Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief)**. Owner of the structure is Armand & April Pires for premises located at 854 Matunuck Beach Road, Cottage 162, on property owned by Carpenter's Beach Meadow, Inc., Assessor's Map 92-2, Lot 55-162 and is split zoned R20 and CN (Commercial Neighborhood).

Armand and April Pires were sworn in.

Mr. Pires testified that they are looking to remove an old trailer and demolish an attached screened in porch and replace with a new cottage and porch. The new structure's square footage will be at or below the existing structure and the sideline distance will remain the same on three sides and actually increase on one side. There will be no second floor or loft. Carpenter's Beach Meadow has seen and approved the proposed drawings. Community sewer is already in place which they will hook back up to along with existing utilities.

There was no one in the Audience who wished to speak.

There was no further discussion.

MR. BERNARDO: I would like to make a motion that we approve the Petition of Armand and April Pires, 324 Abby Drive, Cumberland, Rhode Island for a Special Use Permit under the Zoning Ordinance as follows. The Applicant is seeking to replace the existing mobile home and enclose screening porch with a new structure. Lot size is 18.9 acres. A Special Use Permit is required under Section 608. Our Coastal Community Overlay District, and of course, 907, our Standards of relief. The owner of the structure is Armand and April Pires. Premises located at 854 Matunuck Beach Road, Cottage 162 on property owned by Carpenter's Beach Meadow, Assessor's Map 92-2, Lot 55-162. This is a split zone R20 CN Commercial Neighborhood. Applicants appeared here before the Board tonight. They provided proof that the owner has consented to the plans, which essentially requires the removal of the existing trailer and screened-in porch; and in its place, the Applicants are going to construct a home, a cottage; and in fact, the cottage, with its own screened-porch, will have a less of a footprint than the existing trailer and screened porch. The Applicants also indicated that the distance between the cottages, the existing cottages to the left and right of the proposed structure will remain the same, if not even a little bit more; and of course, that's always the concern with the Board to make sure there's enough room there for utilities or, codes to get in and out of there. This is a special use because it is a single lot and one building -- there's going to be many structures on a single lot. The use meets all the criteria set forth in the subsection of the Ordinance authorizing the internal use. The granting of the special use will not alter the general character of the surrounding area or impair the intent or purposes of the Ordinance or Comprehensive Plan. The Board has considered ingress and egress, as we discussed, as well as the utilities in the form of electric, water, and in this case, septic, which all will be tied in by the owner. The petition, as approved, will incorporate and include the drawings as submitted by the Applicants, and also, the Applicants must be mindful that they have to be -- they have to be in compliance with the Community -- excuse me, Coastal Community Overlay District and meet the requirements of that, but I would suggest that they stay in touch with our Building Inspector toward that end. With that said, I move to approve the petition as submitted.

MR. JURCZAK: Motion made by Mr. Bernardo. Someone second?

MR. ROSEN: Second.

MR. JURCZAK: Okay. I've got everybody seconding it here. I'm going to let Mr. Rosen second it, because I heard that one first. All right.

MR. JURCZAK: Okay. We had a motion made by Mr. Bernardo. It's been seconded by Mr. Rosen. Discussion? Anybody?

MR. ROSEN: Seems straightforward.

MR. JURCZAK: Anyone have any issues?

MR. CAGNETTA: No.

MR. JURCZAK: Let's vote. Here we go. Going to be quick again.

**Whereas a Vote was Taken: Bernardo-Aye, Rosen-Aye, Cagnetta-Aye, Daniels-Aye, Jurczak-Aye Motion Passed Unanimously, Petition Granted 5-0.**

Mr. Jurczak read the forth petition.

- **Petition of Dennis & Gayl Purinton**, PO Box 418, Granby, CT 06035 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to construct an addition to the existing single family dwelling. The lot is a non-conforming lot of record with reduced setback requirements. The proposed addition will be located 5.3' from the right side property line. The required side yard setback is 10'. Relief of 4.7' is requested. The addition will also be located 14.4' from the rear property line. The required rear setback is 30'. Relief of 15.6' is requested. Relief of Lot Coverage is also requested. The total proposed lot coverage is 43%, which exceeds the 25% maximum. Lot size is .09 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 401 (Table of Dimensional Regulations) and Section 907 (Standards of Relief).** The owners are Dennis & Gayl Purinton for premises located at 41 Kingston Avenue, South Kingstown, RI, Assessor's Map 35-4, Lot 23 and is zoned R-20

Dennis and Gayl Purinton were sworn in.

Mr. Purinton testified that they are trying to generate single floor living and make the home more age friendly to hopefully retire in.

Applicant's Exhibit #1, two photographs showing the current stairs.

Mr. Purinton explained that the current entrances to the home are through either a spiral staircase through the basement or through the front door which consists of a steep set of stairs with a landing in the middle. The proposed addition will have an elevator and an additional bedroom which will become the first floor master, currently the house has two bedrooms which are both on the second floor.

Mr. Purinton explained that the existing backyard shed and the attached porch will be removed and the proposed addition will be extended from same location as the old porch.

Discussion ensued in regards to abutting neighbors.

Mr. Purinton explained that the side neighbor whom would be mostly effected is his daughter and her family and that the rear neighbor rents out the home.

Richard Rochette was sworn in and testified that he lives on Edwards Avenue and explained that the neighbors to the rear of the property live in Florida and that the house is currently being rented. He also stated that he has no objections to the petition.

Mr. Purinton explained the layout of the current home.

There were no further questions.

There was no one else in the Audience who wished to speak.

MR. CAGNETTA: All right. I will try. I would like to make a motion to approve the Petition of Dennis and Gayl Purinton of Granby, Connecticut, for the dimensional variance to construct a proposed addition off the rear of their house. The house now is a cape that has some inadequate stairs and mobility from floor to floor, and the Applicants are requesting to add a larger addition that's going to provide better egress for them in the form of an elevator as well as -- well, an elevator in the back. There are some stairs in the front and some additional living space. The proposed addition is going to be located in the area of an existing porch. The side yard is about the same, within an inch or so, about 5.2 feet, and the proposed addition is going out farther than the existing porch; and they are changing the backyard setback from 22.4 feet to 14.8 feet. There has been testimony from a neighbor who has no objection to it as

well as their daughter, which has resoundingly said yes. And the proposed drawings are dated April of 2019 from Pinch Land Surveying that identifies the footprint of the building. And there are also some floor plans that are identifying the proposed addition floor plans and the plot plans as well as some elevations. This is a dimensional variance because they are getting closer to a sideline than permitted in the residential neighborhood. We found that the hardship from which the Applicants seeks relief is due -- it's not really due to the unique characteristics of the land, the structure, but it is to make use -- the hardship is to make better use of the building, and it is going to give them greater mobility in the home. We find that it is no result of any prior action of the Applicants, and it does not result primarily from the Applicants wanting to have a greater financial gain. And we find that requesting this is, will not alter the general character of the surrounding area and will not impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan from which this is based, because it is only a few more feet than existing. This is the least relief necessary based on the floor plan provided is to utilize the space for an additional bathroom and elevator, and we find that the hardship suffered by the owner, if they were not granted this dimensional variance, would be more than a mere inconvenience. Because, as stated, this is not sort of an egregious addition that it's going to compromise the neighborhood. So, with that, I would like to make a motion to approve.

MS. GOINS: Mr. Cagnetta, do those findings also apply to the lot coverage variance, or is there anything else you want to state separately on that? I know it's more or less the same with the setbacks and the lot coverage.

MR. CAGNETTA: Yes. Sorry about that. So, yes, the findings of fact would apply also to the lot coverage. It does exceed the 25 percent maximum and they are asking for 43 percent. The proposed addition relative to the existing porch, it is less than twice the size, so it seems that the building was already kind of pushing it when it came to lot coverage. So, yes, with that, I would like to make a motion to approve.

MR. JURCZAK: Motion made by Mr. Cagnetta. Would someone second?

MR. BERNARDO: Second.

MR. JURCZAK: Seconded by Mr. Bernardo. Discussion? Anyone? Anyone have an issue? All right. Let's vote.

**Whereas a Vote was Taken: Cagnetta-Aye, Bernardo-Aye, Daniels-Aye, Rosen-Aye, Jurczak-Aye  
Motion Passed Unanimously, Petition Granted 5-0.**

#### **Other Business:**

#### **Minutes:**

**Mr. Cagnetta made the motion to approve the minutes from the December 18, 2019 Zoning Board meeting.**

**Whereupon a Voice Vote was Taken: All in Favor, Minutes pass 5-0.**

**Ms. Goins requested Board consent to add three items to the Agenda.**

Mr. Jurczak allowed.

Ms. Goins informed the Board that the Superior Court upheld the Zoning Board Decision to grant the Dimensional Variance requested by MTK ESM LLC.

Ms. Goins second item was to let the Board know that decision to deny the petition of Garrett Homes, LLC is being appealed. The appellant's attorney requested and was granted that the Superior Court remand back to the Zoning Board for a new decision. Ms. Goins explained that she will draft the new decision and that the Board will vote on that decision possibly at the March 18, 2020 meeting.

Ms. Goins third item was to inform the Board that there was an upcoming Land Use Seminar on March 14, 2020 if any Board member was interested in attending.

#### **Attendance:**

**All members present can attend the March 18, 2020 meeting.**

**There was no further business.**

#### **Adjournment:**

**Mr. Daniels made the motion for adjournment.**

**Whereupon a Voice Vote was Taken: All in Favor**

**Meeting adjourned at 7:47 p.m.**