



# Town of South Kingstown

## Zoning Board of Review Meeting

Meeting Minutes

Wednesday, July 16, 2025 at 7:00 PM  
South Kingstown Town Hall, Town Council Chambers  
180 High Street, Wakefield, RI 02879  
[www.southkingstownri.gov](http://www.southkingstownri.gov)

Robert Cagnetta, Chair  
Thomas Daniels, Vice Chair  
William Rosen, Member  
Arlene Hicks, Member  
Geoff Elia, Member  
William MacDonald, Alt. #1  
Vacancy, Alt. #2  
Vacancy, Alt. #3

### A. Call to Order

Mr. Cagnetta called the meeting to order at 7:03

### B. Chairman Introductions and Instructions

**Members Present:** Robert Cagnetta, Chair; Thomas Daniels, Vice; William Rosen, Member; Arlene Hicks, Member; Geoff Elia, Member; William MacDonald, Alt. #1

**Member(s) Absent:** none

**Staff Present:** Amy Goins, Special Legal Counsel; Jamie Gorman, Building and Zoning Official; Jessica Spence, Administrative Support

*Members voting tonight will be Mr. Cagnetta, Mr. Daniels, Mr. Rosen, Ms. Hicks and Mr. Elia*

*Mr. Cagnetta explained the rules and procedures.*

### C. Agenda Items \*Order can be subject to change\*

**Mr. Cagnetta called the first petition.**

- I. **Petition of Susan Zincone**, 240 Cards Pond Road, Row 19E, Cottage 14, South Kingstown, RI 02879 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 175 sq. ft. addition to the existing seasonal cottage. 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 19E14 are Frank & Susan Zincone on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-28 and is zoned R200.

Mr. Cagnetta entered all documents into the record.

Susan Zincone was present and sworn in.

Ms. Zincone stated that they would like to close in an existing deck on the property to create more living space for their growing family. There is currently a side shed and a deck and this addition will be built in that footprint. They are on a corner lot, and they will not be getting any closer to neighboring cottages. Parking will not be restricted.

Mr. Gorman indicated that the proposed expansion is under the 50% maximum expansion limit set in the Ordinance.

Mr. Daniels questioned the 11' distance shown between the existing cottage and the neighboring cottage.

Ms. Zincone indicated that the proposed addition will not be getting any closer.

Mr. Gorman explained that if the existing cottage is 11' that the distance cannot be reduced any further but since they are not getting any closer than existing they would be in compliance with the Ordinance.

The Board had no further questions.

Mr. Cagnetta asked if anyone in the audience wished to speak.

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

There was no further testimony.

Whereas the following motion was granted.

**The Motion is as Follows:**

**The following motions were made by Mr. Elia and duly seconded by Mr. Rosen**

**Motion passed unanimously: 5-0 Vote in favor**

**(G. Elia-Aye, W. Rosen-Aye, T. Daniels-Aye, A. Hicks-Aye, R. Cagnetta-Aye)**

At a meeting held on July 16, 2025, regarding the **Petition of Susan Zincone**, 240 Cards Pond Road, Row 19E, Cottage 14, South Kingstown, RI 02879, a **Special Use Permit was granted** under the Zoning Ordinance as follows: The applicant is seeking to construct a 175 sq. ft. addition to the existing seasonal cottage. 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 19E14 are Frank & Susan Zincone on property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-28 and is zoned R200.

**The following individuals spoke as representatives of the applicant:**

- Susan Zincone, applicant

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

**The following materials were entered into the record:**

- Zoning Board Application dated May 19, 2025; Owner Authorization Form signed and notarized April 12, 2025; Elevations, Floor Plans & Construction Documents (8 pages); Existing & Proposed Site Plans (2 pages)
- 200' Abutter's List and Radius Map; Legal Notice 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 it was determined that the applicant met all of the specified criteria of the Zoning Ordinance and is simply looking to add a small addition of 175 square feet to accommodate their growing family.
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; is existing and 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; is existing and sufficient.
- iii. Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; is existing and sufficient.
- iv. Utilities, with reference to locations, availability, and compatibility; the addition will tie into the existing utilities, which are sufficient.
- 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 unique cottage community and the proposed addition will meet the general compatibility of the surrounding cottages.

**Approval is conditional and subject to the following conditions:**

- There are no conditions upon this approval.

**Mr. Cagnetta read the next petition into record.**

- II. **Petition of David A. Guadagnoli**, 49 Sheldon Point Road, South Kingstown, RI 02879 For a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 172 sq. ft. addition to the single-family dwelling. The addition will be located 14.6' from the front property line. The required front yard setback is 25', therefore relief of 10.6' is requested. Lot size is .24 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owners of the property are David & Eileen Guadagnoli for premises located at 49 Sheldon Point Road, South Kingstown, Assessor's Map 87-2, Lot 135 and zoned R80

Mr. Cagnetta entered all documents into the record.

Sandra Draper was present and sworn in.

Ms. Draper stated that she is the designer of record and has been acting as the owner's project coordinator. The applicant previously received zoning approval back in June 2022. However, there were numerous items that needed to be reviewed and the previous zoning decision expired. They are now back before the Board asking for the same approval as previously granted. The only difference is a small 172sf bedroom, kitchen expansion where there is an existing deck. The expansion will be on the same footprint as the existing deck and not encroach any closer than what currently exists. The lot itself has a unique triangular shape and is legally non-conforming, being only .24 acres in an R80 zone.

Board questions ensued about the scope of work, and if any construction had begun.

Ms. Draper indicated that the footprint would remain the same, and they would be located 14.6' from the property line.

They are removing existing stairs and the proposed deck improvements will go over where the stairs are currently located. The current deck is unsafe. Ms. Draper indicated that, as far as she is aware, no construction had occurred at this point because they were still waiting for the CRMC approvals. There was CRMC approval already granted for the repair of existing concrete pilings.

The Board had no further questions.

Mr. Cagnetta asked if anyone in the audience wished to speak.

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

Ms. Goins advised the Board that the Land Use Laws are changing rapidly and, as of June 27th, a new law took effect regarding reduced setbacks for substandard lots. When this application was processed, it was processed under the controlling state law at the time and required setback relief. However, at this point, under the new amendments that just went into effect, relief would not be required under the new 2025 amendments. If the applicant were to withdraw the petition, they could submit for a building permit by right with no relief needed.

Mr. Gorman explained how setbacks are now calculated proportionately by the percentage that the lot is substandard to conforming zoning. In this case, the conforming setbacks would be reduced to approximately 80% and the plan as drawn would not currently require any dimensional relief.

Ms. Goins advised that the Board can ask the applicant if they want to withdraw the application or if they would like the Board to make a decision.

Discussion ensued regarding recent changes to setbacks and if the applicant would like to continue or withdraw the petition.

Ms. Draper indicated that time is of the essence.

Mr. Gorman indicated that he would be able to sign the CRMC Assent letter and that no additional updated site plan would be required.

Ms. Draper formerly withdrew the petition.

**Mr. Cagnetta read the next petition into record.**

- III. **Petition of Aric D'Alessio**, 54 Schaeffer Street, South Kingstown, RI, 02879 for a **Special Use Permit & Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to demolish and reconstruct the existing dwelling and detached garage. The new dwelling will be located 12'6" front property line. The required front yard setback is 25', therefore relief of 12'6" is requested. The detached garage will be 24' in height. The maximum accessory building height is 15', therefore relief of 9' is requested. Lot size is .17 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 Kendall Moore for premises located at 54 Schaeffer Street, South Kingstown, Assessor's Map 48-3, Lot 190 and zoned R10.

Mr. Cagnetta entered all documents into the record.

Mr. Cagnetta asked Ms. Goins to explain the ADU criteria under the state law.

Ms. Goins explained that regarding ADUs, an ADU is allowed by right under certain criteria set forth in state law. If it is later discovered that the criteria have not been met, the applicant would then need to come back before the Board to seek relief.

Aric D'Alessio was present and sworn in.

Mr. D'Alessio stated that they are looking to reconstruct an existing single-family dwelling on the existing foundation which is 12.6' from the front property line to minimize lot disturbance. There will be two (2) small additions which would not require relief. The existing house is currently uninhabitable. The house's location is similar to other houses on the street.

Mr. D'Alessio questioned the legal notice and the amount of relief that was being sought.

Mr. Gorman stated that due to recent legislation changes, what was originally thought to be needed for relief may have changed. However, the 12.6' relief being sought is advertised correctly.

Ms. Goins stated that she is satisfied with the advertisement since the plans and drawings are represented accurately for the public's viewing.

Ms. Hicks asked for clarification regarding the request for a height variance for an ADU in the application.

Mr. Gorman indicated that the notice represents an accessory structure height variance. What was referenced earlier has to do with a detached garage that was labeled as an ADU. There are certain requirements that must be met to be allowed an ADU by right.

Ms. Goins clarified that any time the Board sees a new detached structure, the Board needs to be aware that, potentially in the future, that structure could become an ADU. Per State law, a legally established accessory structure can be converted into an ADU.

Mr. Gorman indicated that the notice was also for a SUP. However, a SUP is not required for this application. Only a dimensional variance would be required for the front setback and the height.

Mr. D'Alessio stated that the front will remain the same. And the garage with a second floor will be moving further back on the lot. The height variance is needed to get the necessary headroom for the second floor space.

The Board had no further questions.

Mr. Cagnetta asked if anyone in the audience wished to speak.

Sarah Leioci, 35 Schaeffer Street.

Ms. Leioci stated that they are concerned about the height of the building. The height will impact the character of the neighborhood. They are concerned with privacy issues that the height of this proposal. There are no other houses of this magnitude in the neighborhood. Many of the houses have a shared driveway and single story garage. What many neighbors have done is expand garages horizontally instead of vertically to minimize the looming presence of this giant structure.

Louise Richer, 50 Schaeffer Street was present and sworn in.

Ms. Richer stated that she is directly abutting and has read the documents that the contractor submitted and she strongly disagrees with the contractors statement of "maintaining the neighborhood feel".

Opposition 1, photos of her backyard showing the privacy of her backyard.

Ms. Richer stated that when all the neighbors are in their backyards there is a natural vegetative screening that offers a lot of privacy to all of the property owners. The applicant is looking to build a 24 high building on a hill that from her

backyard will appear to be 27-28' high and looming over her backyard. The proposal is way out of scale for the neighborhood. Additionally, she is concerned about the potential to her property values due to potential rental turnover. She also addressed the concerns as to how the ADU can be allowed since they are not meeting any of the 3 criteria under State law.

Ms. Goins advised that there are 3 potential paths and the applicant is choosing to build an accessory structure and then establish an ADU in it afterwards.

Nancy Lynne Beattie, Schaeffer Street

Ms. Beattie is the other abutting neighbor. She explained how the original lots were created. The height of the building is so large and they will not be able to use their backyard anymore. Additionally, she feels that this is a backdoor way to get an ADU. She is also concerned that this will create parking issues. Every house in the area is a 2-story millhouse and this proposal for garage with an ADU will be out of character for the neighborhood.

Kathleen Maryland, 40 Schaeffer Street

Ms. Maryland stated that all the lots are very narrow and deep. From her backyard all she will be able to view is this huge 24' structure which will change the character of the street. The concern is also about the potential for a rental property over the garage and increased traffic on the street.

Darien McLaughlin, 55 Austin Street

Mr. McLaughlin lives directly behind the property. His major concern is that he has very young children and this garage is going to be pushed all the way back to the property line, whereas the existing garage is very close to the house. He has no issues with existing house only the fact that the proposed garage is moving up and back closer to his property.

Ms. Beattie wanted to reiterate that none of the neighbors have an issue with proposed house remodel or the fact that they want a garage. They are only concerned about the height of the proposed garage.

Mr. D'Alessio stated that he now fully grasps the extent of the neighbors concerns and that after speaking with his client this afternoon they are simply looking to create space above the garage. The intention behind the second floor is to use the area as a loft space for her husband who is an artist. Additionally, her father is moving up here and maybe in the future may be needed as living space for him. Up until this point, he had no idea how strongly the neighbors felt regarding the height of the garage. The current home is uninhabitable. He is not sure if the owner is looking to make this their permanent home. Mr. D'Alessio stated that as far as he is aware the owners are not looking to use this as a college rental. He indicated that he would now pursue with the homeowner the potential to create additional space ground level. The proposed garage with 2nd floor would not be any taller than the main house. He had previously discussed building out with the owner but the owner was concerned about losing yard space. Now, however, after hearing the privacy concerns he will address this with the owner.

Ms. Richer wanted clarification as to who will be living where and stated that the owner has no intention of making this their permanent house. The idea was to rehab the main house for her father if he potentially wants to move up here.

Mr. Cagnetta closed the meeting to public comment.

Board discussion ensued.

Ms. Goins advised that the Board could split the motion and approve just the main house relief or the Board could ask if the applicant would like to table the entire petition until next month and come back with more information regarding the garage with 2nd story.

Mr. D'Alessio stated that he would like to split the motion.

Ms. Goins noted that the motion can be made that they approve the motion but deny the height variance for the garage.

There was no further testimony.

Whereas the following motion was granted.

**The Motion for the Dimensional Variance is as follows:**

**The following motion was made by Mr. Daniels and duly seconded by Mr. Elia**  
**Motion passed unanimously: 5-0 Vote in favor**  
**(T. Daniels-Aye, G. Elia-Aye, W. Rosen-Aye, A. Hicks-Aye, R. Cagnetta-Aye)**

At a meeting held on July 16, 2025, regarding the **Petition of Aric D'Alessio**, 54 Schaeffer Street, South Kingstown, RI, 02879 a **Dimensional Variance** was granted under the Zoning Ordinance as follows: The applicant is seeking to demolish and reconstruct the existing dwelling and detached garage. The new dwelling will be located 12'6" front property line. The required front yard setback is 25', therefore relief of 12'6" is requested. Lot size is .17 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 Kendall Moore for premises located at 54 Schaeffer Street, South Kingstown, Assessor's Map 48-3, Lot 190 and zoned R10.

**The following individuals spoke as representatives of the applicant:**

- Aric D'Alessio, applicant

**The following spoke in opposition to the petition:**

- Sarah Leioci, 35 Schaeffer Street
- Louise Richer, 50 Schaeffer Street
- Nancy Lynne Beattie, Schaeffer Street
- Kathleen Maryland, 40 Schaeffer Street
- Darien McLaughlin, 55 Austin Street

**The following materials were entered into the record:**

- Zoning Board Application with cover letter and narrative dated June 13, 2025; Owner Authorization Forms signed and notarized June 10 and June 17, 2025; Proposed Elevations and Foundation Plans; Boundary Survey Plan prepared and stamped by CSDG, Samuel Suorsa, PLS and dated June 12, 2025
- 200' Abutter's List and Radius Map; Legal Notice and Notarized Affidavit of Mailing
- Opposition Exhibit 1, three (3) photographs

**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 applicant is looking to reconstruct a replacement dwelling on the existing foundation; the reconstruction would not be encroaching any further into the setbacks than what currently exists onsite.

2. The Board finds that the hardship is not the result of any prior action of the applicant, because the existing structure is legally non-conforming and the applicant will be rebuilding in the same footprint.

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 reconstruction of the principal structure will fit in well with the general character of the neighborhood and will remain in the same location as the existing structure which will be demolished.

4. 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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted, because the existing structure as it stands is not habitable and without relief the applicant would not be able to rebuild in the same footprint.

**Approval is conditional, and subject to the following conditions:**

- The advertised notice for a height variance of 9' for the accessory structure has been DENIED; however, by right, a one-story detached accessory structure, not to exceed 15' in height, would still be allowed as located on the site plan.

**Mr. Cagnetta read the next petition into record.**

- IV. **Petition of Perry Raso**, 629 Succotash Road, South Kingstown, RI, 02879 for a **Special Use Permit & Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to rebuild the restaurant with alcohol (Use Code 56.1) which was damaged by fire. The new building will include an 86 sq. ft. vestibule, and the first floor will be elevated to comply with the FEMA regulations. The building will be 23'6" from the front property line and 11' from the rear property line. The front yard setback is 40' and rear yard setback is 30', therefore relief of 16'6" and 19' requested. Lot size is .8 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and a Special Use Permit is required per Zoning Ordinance Section 907C (Continuation or Extension of Special Uses).** Owner of the property is PKW LLC for premises located at 629 Succotash Road, South Kingstown, Assessor's Map 87-2, Lot 189 and is zoned CW (Commercial Waterfront).

Mr. Cagnetta entered all documents into the record.

Elizabeth Noonan, attorney for the applicant, was present.

Alex Siekierski, AIA was present and sworn in.

Perry Raso, applicant, was present.

Ms. Noonan stated that legal relief is needed since there have been previously granted SUPs and dimensional variances for this location and any change requires an amended SUP under Section 907C. Mr. Raso is going to take this opportunity to rebuild the restaurant into a more cohesive floor plan. They are expanding on the interior only, which will mostly be back of the house. Key factors are that they are remaining within the same footprint as the previous building, and they are not expanding the seating capacity. The goal is to rebuild what was onsite previous to the fire. The tent and the pergola areas will remain. What they are looking to add is 86 sf on the ground-floor for a vestibule which is required for ADA access and an expansion on the second floor to create a more efficient service area, dry storage and office space. Finally, they are seeking to expand the rooftop. It should be noted that the Board previously approved a 1500 sf rooftop service area and what was built was approximately 1200 sf. They are now seeking around 1600 sf rooftop service area. The overall internal expansion is roughly 1375 sf, which will be contained in the existing footprint. They still need to go before CRMC for final approval and do recognize that CRMC will likely restrict some of the proposals.

Mr. Siekierski reviewed his CV and Mr. Cagnetta recognized him as an expert witness in architecture.

Mr. Siekieski stated that he had previously worked on the bar renovation which started back in 2021. After the recent fire, he was contracted by Perry Raso to get the restaurant back to its original state pre-fire.

Ms. Noonan indicated that due to its location in the flood zone, the building needs to be elevated to a base flood level

(BFE) of 14'. Ms. Noonan indicated that the proposed changes are highlighted in blue on the submitted plans.

Mr. Siekierski referenced page P1 of the architectural plans submitted with the application. He reviewed the proposed vestibule, which is the only addition on the ground-floor level. He explained that the hashed areas shown on the plans represent the alcohol service area as well as the designated occupant load in those areas. They are not increasing occupant load. He then referenced the second-floor where the back of the house areas are being expanded upon, as well as the creation of two (2) additional bathrooms. Additionally, utility rooms need to be elevated due to FEMA requirements. On the second-floor, they are looking to relocate some of the patron-facing dining area by creating a cantilevered floor plate over the first-floor cooler area. The rooftop will be expanded roughly 424 sf, which will be over the second-floor expansion. This will also allow for service stairs and an emergency exit which is cantilevered off of the building as well. From grade, the proposed building will be 35' to the top of the railings. He then reviewed pages P8 and P9, which are the proposed 3D illustrations.

Ms. Noonan then referenced the elevations submitted on July 3rd and noted that these are not final versions.

Mr. Siekierski indicated that these elevations are still in process. They are not completed drawings showing specific trim details or window styles, but in essence they match the vernacular of what previously existed.

Board questions ensued.

Mr. Gorman indicated that they are not asking for any increase in footprint, just setback relief in the front and the rear.

Mr. Siekierski stated that the cantilevers do not extend beyond the original footprint. The biggest increase street side is the 86 sf ADA vestibule which is an increase to the original footprint.

Mr. Gorman indicated that accessibility ramps for ADA compliance are exempt from setbacks.

Ms. Noonan explained that the BFE is 14'. The building will be elevated based on ground elevation, which will be between 4.5' - 6.5' from ground. They will be FEMA compliant. The existing building cannot be saved, so they must elevate the entire structure.

Mr. Gorman indicated that after reviewing the survey data points the building would need to be elevated to 6.5' to be compliant.

Perry Raso was present and sworn in.

Mr. Raso stated that what they are looking to do is rebuild the restaurant as it was prior to the fire. They are making some small tweaks to ease service and create more waterfront views. He is hoping to be able to open for next season. The addition of the vestibule would solve some patron issues during colder weather. The ramp access will now be closer to the tent location. The ramp will not impede any existing traffic or parking flow. It is his intention to run the restaurant the same way as previously run, with valet and reservations.

Ms. Noonan had no further witnesses. She noted that the restaurant being FEMA compliant is an added benefit to the community and will also be consistent with Oyster Hatchery.

The Board had no further questions.

Mr. Cagnetta asked if anyone in the audience wished to speak.

Steve Jakes, President of the Village at Potter's Pond (VPP), was present and sworn in.

Mr. Jakes stated that the Matunuck Oyster Bar is a good neighbor, and he is just inquiring about the lighting, sound, etc. will remain the same.

Mr. Raso indicated that in the past they had dark-sky-compliant lighting, and they do not intend on doing any different type of lighting. There will be no music on the roof. The hours of operation will remain the same as before.

Mr. Gorman indicated that since this is a new commercial building, electrical permits will be required and the Ordinance requires that there will be no light trespass off the property. A photometric plan would be required.

Ms. Goins stated that the Board should add a condition of approval that a lighting plan be supplied showing that the lighting is dark-sky-compliant and similar in scope to what previously existed.

Mr. Raso indicated that he will continue to be doing barge and oyster tours and, noted in the past, has made changes to lighting due to VPP community concerns, and he will continue to work addressing his neighbor's concerns.

Patricia Gleason was present.

Ms. Gleason inquired about the total seating capacity, and she noted a discrepancy in the amount of relief being advertised, which should be 16.4' not 16.6'.

Ms. Noonan indicated that the seating capacity is 80 in total.

There was no further testimony.

Board discussion ensued.

Mr. Daniels inquired about the temporary tent set up across the street.

Mr. Raso indicated that the tent will be taken down once the restaurant is reopened.

Ms. Goins explained the state law that was enacted to facilitate temporary tent seating due to a disaster has an 18-month maximum or until the damaged structure is rehabilitated and made fit for occupancy.

Whereas the following motions were made:

**The following motions were made by Mr. Daniels and duly seconded by Mr. Elia**

**Motion passed unanimously: 5-0 Vote in favor**

**(T. Daniels-Aye, G. Elia-Aye, W. Rosen-Aye, A. Hicks-Aye, R. Cagnetta-Aye)**

At a meeting held on July 16, 2025, regarding the **Petition of Perry Raso**, 629 Succotash Road, South Kingstown, RI, 02879, a **Special Use Permit was granted** under the Zoning Ordinance as follows: The applicant is seeking to rebuild the restaurant with alcohol (Use Code 56.1) which was damaged by fire. The new building will include an 86 sq. ft. vestibule, and the first floor will be elevated to comply with the FEMA regulations. The building will be 23'6" from the front property line and 11' from the rear property line. The front yard setback is 40' and rear yard setback is 30', therefore relief of 16'4" and 19' requested. Lot size is .8 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and a Special Use Permit is required per Zoning Ordinance Section 907C (Continuation or Extension of Special Uses).** Owner of the property is PKW LLC for premises located at 629 Succotash Road, South Kingstown, Assessor's Map 87-2, Lot 189 and is zoned CW (Commercial Waterfront).

**The following individuals spoke as representatives of the applicant:**

- Elizabeth Noonan, attorney
- Alex Siekierski, AIA
- Perry Raso, applicant

**The following spoke and offered no opposition to the petition:**

- Steve Jakes, President Village at Potters Pond
- Patricia Gleason

**The following materials were entered into the record:**

- Zoning Board Application with project narrative dated June 13, 2025; Owner Authorization Form signed and notarized June 13, 2025; Floor Plans, Sections and Elevations prepared by GDS Architecture, and stamped and signed by Alex Siekierski, AIA (P1 – P9) and issued June 11, 2025; CRMC Assent Submission prepared by DiPrete Engineering dated April 25, 2023, including Boundary Survey prepared and stamped by Michael E. Gavitt, PLS and dated November 19, 2016, and Detail Sheets prepared and stamped by Christopher A. Duhamel, PE dated April 25, 2023, and Concrete Slab Details prepared and stamped by Mark S. Greenleaf, PE dated November 2023
- Supplemental Materials: Project Narrative (2 pages); Zoning Decision Granted on February 17, 2010, and recorded in South Kingstown Land Evidence on February 26, 2010, Book L385 and Pages 602; Zoning Decision Granted on November 18, 2020, and recorded in South Kingstown Land Evidence on November 30, 2020, Book 1767 and Pages 272-273; Floor Plans, Sections and Elevations prepared by GDS Architecture, and stamped and signed by Alex Siekierski, AIA (P1 – P9) and issued July 3, 2025; Site Plan prepared and stamped by Michael E. Gavitt, PLS and Christopher A. Duhamel, PE dated July 3, 2025
- 200' Abutter's List and Radius Map; Legal Notice and Amended Legal Notice; and Notarized Affidavit of Mailings

**The motion for the Special Use Permit is as follows:**

**Special Use Permit Findings of Fact:**

1. The Board finds that the special use is specifically authorized by this Ordinance, because the applicant is making some internal modifications and there were previously granted Special Use Permits, the applicant must come back before the Board per Zoning Ordinance 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 it was determined that the applicant met all of the specified criteria of the Zoning Ordinance.
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 are sufficient and have not changed significantly, other than the addition of an ADA-compliant ramp and an additional emergency stairway from the rooftop.
  - 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; are existing and will remain the same.
  - iii. Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; are existing and sufficient.
  - iv. Utilities, with reference to locations, availability, and compatibility; are existing and will be re-established.

- 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; signage would remain the same. A photometric lighting plan detailing dark-sky-compliant lighting will be a condition of approval.
- vii. Required yards and other open space; not applicable.
- viii. General compatibility with lots in the same or abutting zoning districts; the property is located in a Commercial Waterfront District and is in general compatibility with area.

**The Motion for the Dimensional Variance is as follows:**

**Dimensional Variance 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 applicant is looking to rebuild a structure damaged by fire in the same footprint as was previously existing.
2. The Board finds that the hardship is not the result of any prior action of the applicant, because the existing structure was damaged beyond salvation due to a fire and the applicant is simply looking to rebuild.
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 restaurant is located in the Commercial Waterfront district and is in line with the intent of the zoning ordinance and the comprehensive plan.
4. 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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted, because without zoning relief, the applicant would not be able to rebuild his restaurant in its former location.

**Both the Special Use Permit and Dimensional Variance Approvals are conditional and 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.
- A photometric lighting plan detailing dark-sky-compliant lighting must be submitted to the Building Official for review and approval.
- The applicant must go before the Town Council for review and approval of the expanded liquor service area.

**There were no further petitions, Mr. Cagnetta moved on to other items.**

**D. Other Items**

- I. Attendance for August 27, 2025 Zoning Board of Review

Meeting date has been changed from August 20th to August 27th.  
All members present are available to attend the August 27th meeting.

II. Approval of the June 18, 2025 Zoning Board of Review Minutes

Mr. Cagnetta made a motion to approve the June 18, 2025

All members were in favor (vote: 5-0)

June 18, 2025, minutes approved

III. Discussion:

Annual Election of Officers for the Zoning Board of Review

Mr. Daniels nominated Mr. Cagnetta as Chair, which was duly seconded by Mr. Rosen

All members were in favor. (Vote 5-0)

Mr. Cagnetta nominated Mr. Daniels as Vice-Chair, which was duly seconded by Ms. Hicks

All members were in favor. (Vote 5-0)

Mr. Cagnetta will remain as Chair and Mr. Daniels will remain as Vice-Chair

IV. Adjournment

Mr. Daniels made a motion to adjourn.

All Members were in favor.

The meeting adjourned at 9:24 pm