



Town of South Kingstown

Zoning Board of Review Meeting

Meeting Minutes

Wednesday, August 27, 2025 at 7:00 PM
South Kingstown Town Hall, Town Council Chambers
180 High Street, Wakefield, RI 02879
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 7:05.

B. Chairman Introductions and Instructions

Mr. Cagnetta explained the rules and procedures.

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; Richard Johnson, Deputy Building Official; Jessica Spence, Administrative Support

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

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

- I. Petition of **Henry Cabrera**, 3812 Commodore Oliver Hazard Perry Highway, South Kingstown, 02879, for an **Appeal to the Zoning Board** under the Zoning Ordinance as follows:
The applicant is seeking to **appeal a Notice of Violation issued by the Zoning Enforcement Officer (ZEO)**, dated May 22, 2025, related to premises at 3812 Commodore Oliver Hazard Perry Highway. The owner of the property is Henry Cabrera, for premises located at 3812 Commodore Oliver Hazard Perry Highway, South Kingstown, Assessor's Map 78-3, Lot 7 and is zoned R200.

There was no one present on behalf of the application.

Mr. Cagnetta read into record an email from Lavender Farms requesting continuation till the October 15, 2025 meeting.

There was no Board discussion.

Whereas a motion was made.

Ms. Hicks made a motion which was duly seconded by Mr. Daniels. All members were in favor.

Petition continued until October 15, 2025.

- II. Petition of **Milton Rogers**, 70 Foster Sheldon Road, South Kingstown, RI, 02879, for an **Appeal to the Zoning Board** under the Zoning Ordinance as follows:
The applicant is seeking to **appeal a decision issued by the Zoning Enforcement Officer (ZEO)**, dated June 25, 2025, related to premises at 28 Columbia Street. The owner of the property is Rogers Home, Inc., for premises located at 28 Columbia Steet, South Kingstown, Assessor's Map 57-1, Lot 43 and is zoned CN (Commercial Neighborhood).

There was no one present on behalf of the application.

Mr. Cagnetta read into record an email from Milton Rogers requesting a one-month continuation till the September 17, 2025 meeting.

There was no Board discussion.

Whereas a motion was made.

**Mr. Elia made a motion which was duly seconded by Mr. Rosen.
All members were in favor (vote 5-0 in favor).**

Petition continued until September 17, 2025.

- III. Petition of Grace Donofrio, 60 Wilridge Road, Ridgefield, CT 06877. The applicant is seeking a **One-Year Extension of a Special Use Permit** under the **Zoning Ordinance Section 910(A) (One-year time limit and one-year extensions)**. The applicant seeks a one (1) year extension to a previously approved Special Use Permit to construct a 20' x 10' addition to the existing seasonal cottage. Lot size is 7.67 acres. A Special Use Permit was 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)**. The Special Use Permit had a two-year expiration date from the original recorded date of September 29, 2023, in South Kingstown Land Evidence Book 1866, Pages 398-399. Owner of cottage is Grace Donofrio on property owned by Village at Potters Pond LLC, South Kingstown, Assessor's Map 87-3, Lot 5-45 and is zoned CW.

Mr. Cagnetta read the request for a one-year extension of a previously granted Special Use Permit into record.

There was no one present to give testimony.

There was no Board discussion.

Whereas a vote was made.

Mr. Cagnetta made a motion to grant a one-year extension for a previously granted Special Use Permit with a new expiration date of September 29, 2026 which was duly seconded by Mr. Elia.

Whereas a vote was taken: (5-0) in favor.

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

At a meeting held on August 27, 2025 regarding Petition of Grace Donofrio, 60 Wilridge Road, Ridgefield, CT 06877. The applicant is seeking a One-Year Extension of a Special Use Permit under the Zoning Ordinance Section 910(A) (One-year time limit and one-year extensions). The applicant seeks a one (1) year extension to a previously approved Special Use Permit to construct a 20' x 10' addition to the existing seasonal cottage. Lot size is 7.67 acres. A Special Use Permit was 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). The Special Use Permit had a two-year expiration date from the original recorded date of September 29, 2023, in South Kingstown Land Evidence Book 1866, Pages 398-399. Owner of cottage is Grace Donofrio on property owned by Village at Potters Pond LLC, South Kingstown, Assessor's Map 87-3, Lot 5-45 and is zoned CW.

There was no one present on behalf of the applicant.

Mr. Gorman indicated that for a first one-year extension no one needs to be present, it is granted by right.

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

The following materials were entered into the record:

- Application dated July 21, 2025

The Motion is as follows:

Mr. Cagnetta made a motion which was duly seconded by Mr. Elia to grant a One-Year extension of a Special Use Permit originally granted on September 20, 2023, and recorded in South Kingstown Land Evidence on September 29, 2023, Book 1866 and Pages 398-399 to 765 for a previously approved Special Use Permit to construct a 20' x 10' addition to the existing seasonal cottage under **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).**

A One-Year Extension of a Special Use Permit was granted August 27, 2025 under the Zoning Ordinance Section 910(A) (One-year time limit and one-year extensions).

Motion passed unanimously: (Vote 5-0 in favor)

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

The one-year extension will have an expiration date of September 29, 2026.

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- IV. Petition of Martha B. McManamy Revocable Trust, 315 Olney Street, Providence, RI 02906, for a Dimensional Variance under the Zoning Ordinance as follows:
The applicant is seeking to construct a 572 sq. ft. addition to the existing dwelling. The addition will be 24.4' from the side property line. The required side yard setback is 40', therefore relief of 15.6' is requested. Lot size is 5.88 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 Martha B. McManamy Revocable Trust for premises located at 208 Ledge Road, South Kingstown, Assessor's Map 42-3, Lot 6 and is zoned R80.

Attorney James Kupa was present for the applicant.

John Patrick Walsh, AIA was present and sworn in.

Mr. Kupa reviewed his CV. Mr. Kupa stated that his client purchased this property as a second home. This was previously a family-owned cottage. His clients were absent at tonight's hearing due to scheduling conflict.

Mr. Kupa read a statement from his clients into the record detailing why they require the dimensional variance.

Letter from the McManamy's was entered into record as applicant's Exhibit 1.

Mr. Kupa stated that the lot is oddly configured and predates zoning, so the location of the home is oddly placed on the lot and close to the westerly property line. The applicant is looking to add 572 square feet. The addition has been moved as far back from the side property as possible. The current home is a one-bedroom home and will remain a one-bedroom home.

Mr. Walsh walked the Board through the site plan and the location of the existing house on the property. The existing driveway crosses over onto the neighboring property. The existing house is built on a ledge line to the front and the rear and the southwestern side is too close to the proximity of OWTS. Additionally, the lot drops way down. The only feasible

location requires dimensional relief and would run parallel to the existing driveway. The proposed addition is one story, and is lower than the existing roofline and is designed to encroach as little as possible into the setbacks. The existing cottage has a sleeping loft with a steep winding stairway for access that also does not have enough headroom, making the use of the loft access very dangerous. Additionally, there are no egress windows in the loft and no bathroom. This area would be converted into a simple loft study. The addition would have a ground-level master bedroom. The McManamy's plan is to use this home as they are aging. The proposed design remains consistent with the original cottage and the surrounding area.

Board questions ensued regarding foundation, concrete, OWTS, driveway and land maintenance.

Mr. Walsh stated that the addition will be built on a slab with a partial crawl space, depending on the ledge. The foundation may be pinned to the ledge. Mr. Walsh stated with regard to the concrete delivery, there is 14.8' from the property line, which is more than enough for the concrete truck to pass through. Additionally, concrete can be pumped if needed. He also indicated that they could also put in a small driveway before the portion of the road that overlaps onto the neighboring property. Mr. Walsh explained why the foundation needs to be concrete and cannot be constructed of stone like the existing cottage. The use of concrete is needed to meet the required building codes. The existing OWTS is rated for one-bedroom and is a fully conformed, updated, and approved system by RIDEM.

The Board had no further questions.

There was no further testimony from the applicant.

Mr. Cagnetta read into record four (4) correspondences.

In favor:

Mr. Strickler, 210 Ledge Road

Mr. Piez, 292 Middlebridge Road

In opposition:

Ms. Smith, Battersea LLC, 150 Ledge Road two (2) correspondence dated August 22, 2025

Attorney Kevin Stone, representing Ms. Smith, Battersea, LLC dated August 27, 2025

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

Mr. Cagnetta asked Ms. Goins regarding property lines and issues of access if that plays into the Board's decision.

Ms. Goins advised that the Board should not consider civil matters and should not condition any approval on civil agreements between private parties. The Board can consider how the proposed application could affect the neighboring property, but they should not condition any decision on a private agreement. The Zoning Board cannot grant property rights to a property. These are civil issues and the Board should only make a decision based on whether the applicant can meet the required conditions to grant a dimensional variance.

Mr. Gorman indicated that traditionally parking spaces/roadway access is 9'.

Mr. Kupa indicated that the McManamy have a legal right of way to cross over the property line and has been in effect since the 1940's. They have given assurances to Ms. Smith's attorney said that if there are any damages due to the construction they will fully compensate. Additionally, the licensed parking area will not be used by any construction vehicles. He believes that prior to tonight's hearing these issues were addressed with Ms. Smith's attorney, Kevin Smith.

Mr. Walsh stated that if they cannot access the property with a concrete truck, they can pump the concrete. They are going to do whatever is necessary to mitigate any potential damage.

Holly Smith Reynolds, 150 Ledge Road was present and sworn in.

Ms. Smith Reynolds stated that she is the owner to the left of the property line. To correct the record, the cottage in

question was not part of family land and was formerly owned by her mother up until the 80's. The idea of a driveway being shared by a family was not an issue since it was a family compound. Her sister purchased the home. She loves the proposed addition. Her concern is the construction trucks and staging areas. She stated that she has an agreement that is very clear and would remove her objection if the applicant agreed to put up construction fencing to protect her property.

Mr. Cagnetta explained that the Board cannot enforce a civil agreement.

Ms. Smith Reynolds stated that since the Board cannot enforce a civil agreement, her objection stands.

There was no one else present who wished to speak.

There was no further testimony.

Board discussion ensued.

Whereas a vote was taken.

The Motion is as Follows:

The following motion was made by Mr. Rosen and duly seconded by Mr. Daniels

Motion passed unanimously: 5-0 Vote in favor

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

At a meeting held on August 27, 2025, regarding the Petition of Martha B. McManamy Revocable Trust, 315 Olney Street, Providence, RI 02906, a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 572 sq. ft. addition to the existing dwelling. The addition will be 24.4' from the side property line. The required side yard setback is 40', therefore relief of 15.6' is requested. Lot size is 5.88 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). The owner of the property is Martha B. McManamy Revocable Trust for premises located at 208 Ledge Road, South Kingstown, Assessor's Map 42-3, Lot 6 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- Attorney James Kupa
- John Patrick Walsh, AIA

The following spoke in opposition to the petition:

- Holly Smith Reynolds, 150 Ledge Road

The following materials were entered into the record:

- Electronic application submitted July 18, 2025, Owner Authorization signed and notarized July 17, 2025, Proposed Conditions Plan prepared by South County Survey and stamped by James Caldarone, PLS dated July 2, 2025, Applicant's Exhibit 1, letter from owners, Existing Conditions and Design Development (cover page, X1.0, X1.1, X2.1, X3.1, A1.1, A2.1) prepared by Architectural Design, LLC, John Patrick Walsh, AIA and dated May 29, 2025
- Miscellaneous Supplemental Material
 - Vision Appraisal Field Card (3 pages)
 - Code of Ordinance (3 pages)
 - GIS Views (3 pages)

- Firmette (1 page)
- OWTS information (10 pages)
- 200' Abutter's List and Radius Map; Legal Notices; and Notarized Affidavit of Mailing

Correspondence;

- Mr. Strickler, 210 Ledge Road
- Mr. Piez, 292 Middlebridge Road
- Ms. Smith, Battersea LLC, 150 Ledge Road two (2) correspondence dated August 22, 2025
- Attorney Kevin Stone, representing Ms. Smith, Battersea, LLC dated August 27, 2025

Findings of Fact:

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because through testimony it was made clear that the lot is unusually shaped and built along a substantial ledge line and an existing OWTS system, which limit where the addition can be placed on the lot.
2. The Board finds that the hardship is not the result of any prior action of the applicant, because the property was purchased by the applicant with the house already constructed in the existing location along property lines and the applicant is simply looking to add a small addition to ease the transition so they can age in place.
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 addition is small in nature and is aesthetically similar to the existing house and surrounding area.
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 relief being granted the applicant does not have any other viable location on the lot to construct the addition.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.
- V. Petition of **William Hanney**, 358A Cards Pond Road, South Kingstown, RI 02879, for a **Special Use Permit** under the Zoning Ordinance as follows:
 The applicant is seeking a Special Use Permit to construct a 26'3" x 18'2" addition to the Legitimate Theater with Alcohol (Use Code 32.4). Lot size is 5.52 acres. A **Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification) and Section 907 (Standards of Relief)**. Owner of the property is Live Theatre, LLC, c/o Theatre By The Sea, for premises located at 358A Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 2 and is zoned 200.

Attorney Matthew Landry was present for the applicant.

Mr. Landry stated that this application is a straightforward application. It is a modification to an existing SUP and is a legally permitted use. Any changes require the Board to grant a modification. There are no major changes to the structure.

Mr. Landry entered Applicant's Exhibit 1, an aerial photo showing the area of the proposed expansion.

Mr. Landry stated that there was a permit issued to construct the roofline, but they cannot close the structure until the SUP is granted. There will be no adverse effect on the neighbors due to the location of this structure on the property.

Board questions ensued regarding capacity.

Mr. Landry stated that they are not increasing any patron capacity; the proposed space will be used for backstage-related tasks only. He also referenced the construction elevations to detail the extent of the proposed construction. The proposed construction is over existing space and will not increase the footprint.

Mr. Landry stated that Theater by the Sea is important to the community and that this small addition will help with future productions.

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

There was no one present who wished to speak.

There was no further testimony.

Board discussion ensued.

Whereas the following motion was made:

The Motion 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 August 27, 2025, regarding the Petition of William Hanney, 358A Cards Pond Road, South Kingstown, RI 02879, a Special Use Permit was granted under the Zoning Ordinance as follows:

The applicant is seeking a Special Use Permit to construct a 26'3" x 18'2" addition to the Legitimate Theater with Alcohol (Use Code 32.4). Lot size is 5.52 acres. A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification) and Section 907 (Standards of Relief). Owner of the property is Live Theater, LLC, c/o Theater By The Sea, for premises located at 358A Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 2 and is zoned 200.

The following individuals spoke as representatives of the applicant:

- Attorney Matthew Landry

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

The following materials were entered into the record:

- Electronic application dated June 26, 2025, Owner authorization form signed and notarized June 23, 2025, Dock Infill at Main Building Plans (A0.0, A1.1, A1.2, A2.1, A3.1, A3.2, S0.0, S1.0, S1.1) prepared by Frank Karpowicz Architects Inc, stamped by Frank Karpowicz, AIA and Ernest D. George, PE and dated March 30, 2022, with revised dates of March 3, 2025, Applicant's Exhibit 1, aerial photo.
- 200' Abutter's List and Radius Map; Legal Notices; 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) 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 through testimony 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; this is an existing theater and the ingress and egress will not be affected by the proposed addition.
 - ii. Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare, or odor effects of the special use permit on adjoining lots; Off-street parking and loading already exist and will not be affected.
 - iii. Trash, storage, and delivery areas with a particular reference to the items in (i) and (ii) above; trash and storage are existing, not applicable.
 - iv. Utilities, with reference to locations, availability, and compatibility; utilities are existing and will be tied in.
 - v. Screening and buffering with reference to type, dimensions, and character; not applicable, the extension is already surrounded on three (3) sides and will be barely noticeable.
 - 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 an existing allowed-use theater and the proposed addition will only expand the usable backstage area.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

- VI. Petition of **Charles Truwit**, 1105 Ferndale Road West, Wayzata, MN 55391, for a **Dimensional Variance** under the Zoning Ordinance as follows:

The applicant is seeking to demolish the existing dwelling and construct a new dwelling consisting of 2,050 sq. ft. of floor area and 286 sq. ft. of deck area. The maximum permitted amount of floor area is 1,646 sq. ft., therefore relief of 404 sq. ft. is requested. The maximum amount of deck area is 246 sq. ft., therefore relief of 40 sq. ft. is requested. Lot size is .12 acre. **A Dimensional Variance is required per Zoning Ordinance Section 601 (Special Flood hazard Area (SFHA) Overlay District and Section 907 (Standards of Relief).** Owner of the property is Charles Loeb Truwit Revocable Trust, for premises located at 311 Winchester Drive, South Kingstown, Assessor's Map 69-2, Lot 33 and is zoned R40.

Laua Krekorian, AIA was present and sworn in.
Charles Truwit was present and sworn in.

Ms. Krekorian reviewed the size and current specifications of the lot. The applicants also hired Sergio Cherenzia from "Cherenzia and Associates" for all the site work, document existing site conditions, and to review the existing septic system located on site. The applicants also hired Edward Avizinis, MS, CPSS, PWS; a biologist who helped to find the exact location of the coastal feature. When the project began their first course of action was to do an in-depth study of the site including the existing house.

The current house is old and does not meet the current FEMA or Building regulations. It was determined that the best option would be to demolish and rebuild. They did work with RIDEM and CRMC to meet all required setbacks. The lot is a substandard R40 it does not meet the 40,000 square foot size requirement. The proportion method for lot coverage and set backs and lot coverage, confirmed by the building official. The lot itself is long, narrow and pie-shaped. Additionally, the location of the existing OWTS can only be located in the front yard. The existing OWTS is conforming and will remain in the same front yard location which limits the front yard for the new construction. They also has to maintain coastal buffers set forth by CRMC along the rear property line. The house is also in a flood-zone so all utilities need to be above the base flood elevation. Her clients require maintaining the 3-bedroom use of the house to accommodate family. They are looking to have direct access to the backyard/pond from the house. An elevator is also an important element to the design. They are looking to age in place at this home and have a family member with a disability who requires an elevator for access. Finally Mr. Truwit is still working and requires a space that he will be able to work from home.

Ms. Krekorian then reviewed the proposed design and layout. The proposed house meets the front, rear and side setbacks, and does not exceed maximum lot coverage or maximum height. She explained how they designed the house to be as modest as possible. Since this house is located in a flood zone, they are required to meet the bulk area requirements, which they do not. During the design phase, they worked hard to minimize and reduce the size and overall square footage of the house while still maintaining functionality. She noted that in flood zones, decks are important to minimize the overall scale and appearance of an elevated house. The proposed house will meet all the current FEMA, Building, Wind Loading, and Energy requirements as well as requirements set forth by RI DEM and CRMC. Ms. Krekorian stated that the variance request is due to the unique characteristics of the property line and site and not due to any prior action.

Mr. Cagnetta asked to have the bulk zoning ordinance explained.

Mr. Gorman indicated that if a property is located within a flood plain, and it is a new structure or an extensively expanded, there is a mathematical ratio based on the size of the lot to the size of the house. He believes the intention is so that massive structures are not built on tiny lots and over-develop the land in flood zones. Mr. Gorman indicated that administratively he could authorize an expansion up to 25%. However, because this lot is in a flood zone, the Ordinance prohibits an administrative dimensional modification.

Ms. Goins indicated that the special flood hazard regulations intent, knowing that all the buildings need to be elevated, due to the proximity to a flood zone, is not to overbuild/over design and keep the design proportionate to the size of the lot and prohibit large, bulky structures that overpower the size of the lot.

Ms. Goins explained the proportionally reduced setbacks that are allowed under State law.

Questions ensued regarding building height and design of flood elevations.

Mr. Gorman explained that a building's height is measured differently when it is in a flood zone. The designed flood elevation for the new building will be approximately 5 feet above the base flood zone limitations, meaning that the 5-foot elevation is limited to 35 feet from that elevation. Which will meet the building height requirement.

Ms. Krekorian stated that there are several other house along Winchester Drive that are also significant in height, being 2-1/2 to 3 stories high.

Mr. Truwit stated that he has recently retired as a full-time physician but works part-time as a radiologist. It was his intent to move the family back to their New England roots. They worked hard to make sure that they did not need to request any dimensional variances and if it were not for the lot being in flood plain, no relief would be necessary. The house has been scaled down as much as possible and still meets his family's needs. There are other houses on the street that are larger, but just located on larger lots. He has introduced himself to as many neighbors as possible.

The Board had no further questions.

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

Peter Boile was present and sworn in.

Mr. Boyle stated that his family owns 313 Winchester Drive, which is an abutting property to the south, and is concerned about access to his property, especially during construction. It is a tight neighborhood with narrow streets. His question is regarding the size of the OWTS and number of bedrooms.

Mr. Gorman indicated that unless there is no parking sign, there is nothing that the Town can do. He advised that it would be beneficial to have a pre-construction meeting laying out the ingress and egress during construction. Mr. Gorman also indicated the allowed hours of construction.

Ms. Krekorian noted that there is not a contractor in place yet, but they could definitely entertain staging of the construction area and limit overall impact on the neighborhood during construction. She stated that there is currently a boat on the premises which will be removed upon construction. She then reviewed the potential parking available on site. Due to the pre-existing septic system, located in the front of the house, construction materials would not be allowed to be placed on top of that area. The property has a pre-approved 3-bedroom septic design in place which will remain in the new construction plans.

Robert Gamache was present and sworn in.

Mr. Gamache stated that his concern is the impact on the neighborhood during construction. Other than that, he is alright with the proposed construction design.

There was no one else who wished to speak.

Board discussion ensued.

Whereas a motion was made.

The Motion is as Follows:

The following motion was made by Mr. Elia and duly seconded by Mr. Rosen

Motion passed unanimously: 5-0 Vote in favor

(Mr. Caghetta- Aye, Mr. Rosen -Aye, Mr. Elia -Aye, Mr. Daniels -Aye, Miss Hicks -Aye)

At a meeting held on August 27, 2025 regarding the Petition of Charles Truwit, 1105 Ferndale Road West, Wayzata, MN 55391, a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing dwelling and construct a new dwelling consisting of 2,050 sq. ft. of floor area and 286 sq. ft. of deck area. The maximum permitted amount of floor area is 1,646 sq. ft., therefore relief of 404 sq. ft. is requested. The maximum amount of deck area is 246 sq. ft., therefore relief of 40 sq. ft. is requested. Lot size is .12 acre. A Dimensional Variance is required per Zoning Ordinance Section 601 (Special Flood hazard Area (SFHA) Overlay District and Section 907 (Standards of Relief). Owner of the property is Charles Loeb Truwit Revocable Trust, for premises located at 311 Winchester Drive, South Kingstown, Assessor's Map 69-2, Lot 33 and

The following individuals spoke as representatives of the applicant:

- Laura Krekorian, AIA
- Charles Truwit, applicant

The following expressed opposition to the petition:

- Peter Boile, abutter
- Robert Gamache, abutter

The following materials were entered into the record:

- Electronic application dated June 24,2025,
- 200' Abutter's List and Radius Map; Legal Notices; and Notarized Affidavit of Mailing

Findings of Fact:

1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the lot is a unique shape and the proposed plans are undersized compared to the limit square footage; typically in the area.
2. The Board finds that the hardship is not the result of any prior action of the applicant, because this is the applicant's first application.
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 impact the building will have on the area will not exceed the proportions that are set for this area.
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 it is a small lot and the building plans are as appropriate for this particular spot.

Approval is conditional subject to the following conditions:

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, CRMC 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.

D. Other Items

- I. Attendance for September 17, 2025 Zoning Board of Review

All members in attendance will be present except for Mr. Elia.

- II. Approval of the July 16, 2025 Zoning Board of Review Minutes

Ms. Hicks noted an error in the Minutes.

The clerk will make corrections and the Minutes will be put forth for approval at the next meeting which is, September

17, 2025.

III. Discussion

Mr. Gorman indicated that Ms. Spence's replacement will start on Tuesday September 2, 2025.

IV. Adjournment

Mr. Cagnetta made a motion to adjourn at 9:17.

All members were in favor.

Meeting adjourned