



Town of South Kingstown

Zoning Board of Review Meeting

Meeting Minutes

Wednesday, November 19, 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 7:01:02 PM.

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

Members voting tonight will be Mr. Cagnetta, Mr. Daniels, Mr. Rosen, Ms. Hicks and Mr. Elia. Mr. MacDonald will vote on the fourth petition in place of Mr. Cagnetta.

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

Mr. Cagnetta called for the first petition

- I. Continuation of the 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 Street, South Kingstown, Assessor's Map 57-1, Lot 43 and is zoned CN (Commercial Neighborhood).
[28 Columbia Street - Application](#)

Mr. Cagnetta stated that the board received correspondence requesting a one-month continuation from Chance Ruttenburg & Freedman, LLP. The attorney representing the applicant, dated November 19, 2025, via email, in which the applicant requested a continuation to have the petition moved to the December 17, 2025, Zoning Board of Review Meeting. This is the fourth request for continuation from the applicant.

Mr. Gorman stated that the applicant's attorney has been in correspondence with him and that he has had two meetings to discuss the notice of violation and how to remedy the issue. However, due to some complications, it may take some time. A one-month continuation would be acceptable and, hopefully, this case can be resolved without appealing to the board members.

Ms. Goins clarified that there are two paths to resolving this petition. The first is to appeal to the zoning board, which they have already done. The other option is to amend the zoning ordinance so that they could then submit a new application. It seems like the attorney of Mr. Rogers is exploring the second option, and he is operating in good faith to resolve this.

Mr. Gorman added that he will notify the attorney of Mr. Rogers that he needs to be present at the December Zoning Board Meeting.

There was no further board discussion.

Whereas the following motion was made:

The Motion is as Follows:

Mr. Elia made a motion to continue the above petition one last time to the December 17, 2025, Zoning Board of Review Meeting, which was duly seconded by Mr. Daniels.

Motion passed; (Vote 4-1 in Favor)

(Mr. Elia -Aye, Mr. Daniels -Aye, Ms. Hicks -Aye, Mr. Rosen -Nay, Mr. Cagnetta -Aye)

The petition is continued until the December 17, 2025, Zoning Board of Review Meeting.

At a meeting held on November 19, 2025, a continuation was approved for the December 17, 2025, meeting, regarding the 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 Street, South Kingstown, Assessor's Map 57-1, Lot 43 and is zoned CN (Commercial Neighborhood).

There were no individuals who spoke as representatives of the applicant.

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:

- Fourth Request for Continuance, sent via email delivery, signed by Samuel Budway, ESQ. on behalf of the applicant, Milton Rogers, dated November 19, 2025; Third Request for Continuance, sent via email delivery, signed by Samuel Budway, ESQ., on behalf of the applicant, Milton Rogers, dated October 13, 2025; Request for Continuance, sent via email delivery, signed by Samuel Budway, ESQ., on behalf of the applicant, Milton Rogers, dated August 22, 2025.
- 200' Abutters List and Radius Map; Legal Notice and Notarized Affidavit of Mailing.

Mr. Cagnetta called for the next petition.

- II. Continuation of the 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.

[3812 Commodore Oliver Hazard Perry Highway - Application](#)

Ms. Goins stated that she has had limited contact with Attorney Angell. Attorney Angell was notified by the town that he needed to send out the abutters notice for the appeal hearing as required by law. It is Ms. Goins understanding that these notices have not been sent out. Therefore, Ms. Goins recommends that this petition be denied without prejudice on procedural grounds, because no one is present from the applicant's side. The applicant does not seem to be acting in good faith.

Mr. Cagnetta read from Mr. Gorman's initial letter sent on May 22, 2025. Lavender Waves Farm's website advertised a list of events available for booking on the property, including weddings, birthdays, reunions, corporate events, bridal

and baby showers. The use of the property as a venue for these events is not permitted by right and must be first granted by the Planning Board.

Mr. Gorman acknowledges that he has tried to reach out to the applicant many times without receiving any response.

It is noted on the record that because no abutters notifications were sent out, a proper hearing could not be done even if there were a representative of the petition.

There was no further board discussion.

Whereas the following motion was made:

The Motion is as Follows:

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

Motion pass unanimously: (5-0 Vote in Favor)

(Mr. Elia -Aye, Mr. Daniels -Aye, Mr. Rosen -Aye, Ms. Hicks -Aye, Mr. Cagnetta -Aye)

At a meeting held on November 19, 2025, a denial was voted on for the 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.

No individuals spoke as representatives of the applicant.

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:

- Request for Continuance, sent via email delivery, signed by Stephen J. Angell, ESQ. Angell Law, LLC, on behalf of the applicant, Henry Cabera, dated October 15, 2025; Notice of Zoning Ordinance Violation, dated May 22, 2025, and signed by James Gorman, CBO.; Appeal Extension Request, Angell Law, LLC. Signed by Stephen J. Angell, ESQ., dated August 27, 2025.
- 200' Abutters List and Radius Map; Legal Notice and Notarized Affidavit of Mailing

Mr. Cagnetta called for the next petition.

- III. Continuation of the petition of **Sara Isabella**, 32 Willard Avenue, Wakefield, RI 02879, for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a detached Accessory Dwelling Unit (ADU) on a lot consisting of 17,379 sq. ft. in land area. The minimum lot size to establish an ADU is 20,000 sq. ft.. Therefore, relief of 2,621 sq. ft. is requested. Lot size is .39 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 Sarah Isabella for premises located at 232 Willard Avenue, South Kingstown, Assessor's Map 56-2, Lot 23 and is zoned R10.
[232 Willard Avenue - Application](#)

Mr. Cagnetta entered all the material into the record.

Attorney Steven Surdut, representing the applicant, was present.

Mr. Surdut stated that his party had an issue with the abutters letters sent out. The date for the November Zoning Board Meeting was incorrect on the abutters list. Out of an abundance of caution and with communication with the Building and Zoning Department, Mr. Surdut would like to continue the petition to next month's meeting.

There was no further board discussion.

Whereas the following motion was made:

The Motion is as Follows:

Mr. Cagnetta made a motion to continue the above petition to the December 17, 2025, Zoning Board of Review Meeting, which was duly seconded by Mr. Rosen

Motion passed unanimously; (Vote 5-0 in Favor)

(Mr. Cagnetta -Aye, Mr. Rosen -Aye, Mr. Daniels -Aye, Ms. Hicks -Aye, Mr. Elia -Aye)

The petition will be continued to the December 17, 2025, Zoning Board of Review Meeting.

At a meeting held on November 19, 2025, a continuation was approved for the December 17, 2025, meeting regarding the Petition of Sara Isabella, 32 Willard Avenue, Wakefield, RI 02879, for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a detached Accessory Dwelling Unit (ADU) on a lot consisting of 17,379 sq. ft. in land area. The minimum lot size to establish an ADU is 20,000 sq. ft.. Therefore, relief of 2,621 sq. ft. is requested. Lot size is .39 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 Sarah Isabella for premises located at 232 Willard Avenue, South Kingstown, Assessor's Map 56-2, Lot 23 and is zoned R10.

The following individual spoke as representatives of the applicant.

- Steven Surdut, ESQ. Attorney for the applicant.

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:

- Correspondance from Daniel & Linda and Steven Horton, dated October 10, 2025; Property Survey, created and signed by James T. Caldarone L.S., dated July 16, 2025; Floor Plans and Elevations (S1, A1, and A2), dated August 14, 2025.
- 200' Abutters List and Radius Map; Legal Notices; and Notarized Affidavit of Mailing; Updated Notarized Affidavit of Mailing, dated October 27, 2025.

Prior to the next petition being called, Chairman Cagnetta disclosed that he is a neighbor of the applicant, Mr. Daniel Charland, and therefore recused himself from participating in the matter. Mr. MacDonald assumed the chair for the duration of the hearing.

- IV. Continuation of the petition of Daniel Charland, 124 Robinson Street, Wakefield, RI 02879, for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a second-story addition to an Accessory Dwelling Unit (ADU), resulting in total height of 22'. The maximum accessory building height is 15', therefore, 7' of relief is requested. The applicant is also seeking to construct a 17' x 10' porch on the principal dwelling. The porch will be located 9.4' from the front property line. The required front yard setback is 25', therefore, relief of 15.6' is requested. Lot size is .46 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 Daniel Charland & Ana Legoff for premises located at

124 Robinson Street, South Kingstown, Assessor's Map 57-4, Lot 55 and is zoned R10.

[124 Robinson Street - Application](#)

Mr. Cagnetta entered all the material into the record.

Daniel Charland, the applicant, was present and sworn in.

Mr. Charland stated that he intends to maintain the existing ADU on the property and proposes to construct a second-story addition for storage. He further noted that the peak of the ADU would be raised to align with the roofline of the principal dwelling in order to achieve a consistent architectural design.

Mr. Daniels questioned the current use of the ADU on the property.

Mr. Charland responded that currently the ADU is for family use. At one time it was rented, but has not been recently. This ADU has its own street number which was grandfathered in. It has its own sewer and water. The second story would not be used for a bedroom; only as an open space for storage. There is one existing bedroom on the first floor which would not be expanded upon. The exterior shingles are asbestos, so the siding would be replaced as well.

Board member questions ensued, only pertaining to the ADU.

Mr. Rosen questioned the current use of the ADU.

Mr. Charland answered that most of the ADU is used for storage currently. The proposed second floor would be used for storage and an office.

Mr. Rosen asked if there was any intent to rent this ADU out in the future.

Mr. Charland answered, "No, not at all."

Mr. Elia had previously looked at the property and surmised that the proposed peak height would not interfere with the neighborhood's general surrounding character.

Mr. Daniels asked if anyone in the audience wished to speak either in favor of or opposition to the above petition in regard to the ADU only.

Ellen Lieberman, neighbor, was present and sworn in.

Ms. Lieberman stated that she is a neighbor of Mr. Charland and is in support of the petition. She also credited Mr. Charland for his handwork in fixing up and maintaining his property.

There was no one else from the public who wished to speak about the petitioned ADU.

Mr. Daniels then moved on to the second half of Mr. Charland's petition, a dimensional variance for a new porch on the principal dwelling.

Mr. Charland began by explaining that the porch would provide shelter from the elements. There is currently a set of stairs where the porch would go. Architecturally he would like to match the rooflines.

There was no further board discussion.

Mr. Daniels asked if anyone in the audience wished to speak either in favor of or in opposition to the above petition regarding the porch only.

Ellen Lieberman stepped up to the podium again and acknowledged that she is also in favor of the proposed porch.

There was no one else from the public who wished to speak about the petitioned porch.

There was no further board discussion.

Whereas the following motion was made:

The Motion is as Follows:

The following motion was made to approve both dimensional variance requests by Mr. Elia and duly seconded by Mr. MacDonald

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

(Mr. Elia -Aye, Mr. MacDonald -Aye, Ms. Hicks -Aye, Mr. Rosen -Aye, Mr. Daniels -Aye)

At a meeting held on November 19, 2025, a motion was granted regarding the petition of **Daniel Charland**, 124 Robinson Street, Wakefield, RI 02879, for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a second-story addition to an Accessory Dwelling Unit (ADU), resulting in total height of 22'. The maximum accessory building height is 15', therefore, 7' of relief is requested. The applicant was also granted to construct a 17' x 10' porch on the principal dwelling. The porch will be located 9.4' from the front property line. The required front yard setback is 25', therefore, relief of 15.6' is requested. Lot size is .46 acres. **A Dimensional Variance was granted per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owners of the property are Daniel Charland & Ana Legoff for premises located at 124 Robinson Street, South Kingstown, Assessor's Map 57-4, Lot 55 and is zoned R10.

The following individual spoke as a representative of the applicant.

- Daniel Charland, the applicant.

There was one person present who spoke in favor of the petition.

- Ellen Lieberman, neighbor.

There was no one who spoke in opposition to the petition.

The following materials were entered into the record:

- Site Plan was created and signed by Kirk D. Andrews, PLS. dated October 25, 2024. Floor Plans, Elevation, and Section were uploaded digitally by Daniel Charland on August 29, 2025.
- 200' Abutters 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 applicant is simply looking to construct a second story addition to an existing ADU and also to construct a porch on an existing dwelling.

2. The Board finds that the hardship is not the result of any prior action of the applicant. The applicant is adding a second story to a previously built ADU and adding a front porch to an existing dwelling.

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 ADU total height will be 22 feet. Therefore, a 7-foot variance is requested. The porch variance requested is a relief of 15.6 feet, as there is a 25-foot setback the porch will actually be 9.4 feet from the front property line.

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. The new proposed additions will add character to the neighborhood.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

After the motion was passed, Mr. Cagnetta returned to his chair on the board.

Mr. Cagnetta called for the next petition.

- V. Petition of **Donna Doyle**, 135 Marine Road, South Kingstown, RI 02879, for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 22' x 24' two-story garage attached to the single-family dwelling. The garage will be located 18.1' from the front property line. The required front yard setback is 28.9', therefore, relief of 10.8' is requested. Lot size is .39 acre. **A Dimensional Variance is required per Zoning Ordinance Section 205 (Single Nonconforming Recorded Lots) and Section 907 (Standards of Relief)**. Owners of the property are Donna Lynne Doyle & Janet Buchanan for premises located at 135 Marine Road, South Kingstown, Assessor's Map 82-4 Lot 66 and is zoned R20.
[135 Marine Road - Application](#)

Mr. Cagnetta entered all the material into the record.

Janet Buchanan and Donna Doyle, the applicants, were present and sworn in.

Ms. Doyle stated that she is interested in constructing a garage to use as storage and to house two automobiles. The second floor would be used for office space while working from home. When questioned about the garage location, Ms. Doyle expressed that the proposed location of the garage would be the least impactful and most logical place to build it.

Board questions ensued.

Ms. Hicks questioned the application as it stated that the applicant would also be adding a family room on the other side of the primary dwelling.

Ms. Doyle confirmed that this is also part of the petition, but the proposed family room would be within the setbacks.

Mr. Cagnetta asked Mr. Gorman about the proposed lot coverage.

Mr. Gorman answered that a professional surveyor had already accurately determined the lot coverage. The proposed lot coverage for buildings is 23.3%, 25% being the maximum, so the applicants would be compliant.

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

Glenn Morin, a neighbor, was present and sworn in.

Mr. Morin stated that he had no objections to the petition and that he is in full support of it.

There were no further board questions.

Whereas the following motion was made:

The Motion is as Follows:

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

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

(Mr. Elia -Aye, Ms. Hicks -Aye, Mr. Rosen -Aye, Mr. Daniels -Aye, Mr. Cagnetta -Aye)

At a meeting held on November 19, 2025 regarding the Petition of **Donna Doyle**, 135 Marine Road, South Kingstown, RI 02879, a **Dimensional Variance** was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 22' x 24' two-story garage attached to the single-family dwelling. The garage will be located 18.1' from the front property line. The required front yard setback is 28.9', therefore, relief of 10.8' is requested. Lot size is .39 acre. **A Dimensional Variance is required per Zoning Ordinance Section 205 (Single Nonconforming Recorded Lots) and Section 907 (Standards of Relief)**. Owners of the property are Donna Lynne Doyle & Janet Buchanan for premises located at 135 Marine Road, South Kingstown, Assessor's Map 82-4 Lot 66 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- Donna Doyle and Janet Buchanan, the applicants.

There was one person present who spoke in favor of the petition.

- Glenn Morin, neighbor.

There was no one from the public who spoke in opposition to the petition.

The following materials were entered into the record:

- Signed and notarized owner authorization form dated October 14, 2025; Zoning and SERSC Plan prepared by Dowdell Engineering Associates, LLC approved by Mark L. Dowdell PE. dated August 12, 2025; Elevations, floor plans, and foundation plans (five pages); Runoff Calculations and Analysis signed by Mark L. Dowdell PE. dated August 12, 2025; Cultec Recharger 360HD Stormwater Chamber Product Information (five pages).
- 200' Abutters 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 applicants are simply looking to construct a 22 by 24 foot, two-story garage attached to a single family dwelling.
2. The Board finds that the hardship is not the result of any prior action of the applicant, because the setbacks required is 28.9 feet. The garage is located 18.1 feet from the front property line. Therefore, relief of 10.8 feet is requested.
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.

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.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

Mr. Cagnetta called for the last petition.

VI. Petition of **Tyson Ford**, 95 Inkberry Trail, Narragansett, RI 02882, for a **Use Variance** under the Zoning Ordinance as follows: The applicant is seeking to establish a 10' x 20' storage shed on a vacant parcel. A storage shed is only permitted on a property which contains a principal use; therefore, relief is requested. Lot size is .13 acre. **A Use Variance is required per Zoning Ordinance Section 300 (Schedule of Use Regulations) and Section 907 (Standards of Relief)**. Owner of the property is Tyson Ford for premises located at 0 Tomahawk Trail South, South Kingstown Assessor's Map 34-2, Lot 114 and is zoned R20.
[0 Tomahawk Trail South - Application](#)

Mr. Cagnetta entered all the material into the record.

Tyson Ford, the applicant, was present and sworn in.

Mr. Ford stated that he would like to place a shed on the property to store kayaks, canoes, life vests and fishing equipment. He stated that he purchased the property a few years ago, and he likes to use Indian Lake. Mr. Ford admits that he has DEM violations he is complying with. Mr. Ford was told to replant where he had previously cut down plants. Even if the board passes this petition, Mr. Ford will still have to apply for a new petition with DEM to place a shed on the property. The original size of the shed, being 10' x 20', would require footings, so Mr. Ford resubmitted a plan for a shed that would be 12' x 6' and sit on cinder blocks.

Mr. Cagnetta pointed out that there is a rule of not having a building on a property without a main dwelling. He also questioned if the proposed site of the shed on the property would be the best location.

Mr. Gorman added a shed under 200 sq. ft. only requires two ground screw anchors to be added to prevent overturning in the wind.

Board questions ensued.

Mr. Elia questioned Mr. Ford if there was currently any material on the property for the proposed shed to be placed on.

Mr. Ford answered that there is already crushed stone on the lot which was used to comply with DEM restoration request.

Mr. Elia inquired when DEM Wetlands would provide documentation that Mr. Ford resolved the wetland violations.

Mr. Ford stated that it is one year to the date of the last plant being put in the ground for DEM'S violation restoration. He explained that the last plant was put into the ground last week.

Ms. Hicks questioned Mr. Ford if his original intent was to eventually build a house on the property.

Mr. Ford replied that his family has lived in South Kingstown for generations, and he wanted a piece of land in south Kingstown to call his own. When this property was for sale, it was in Mr. Ford's price range, and he leaped at the chance to purchase the property. He would love to utilize the property in any way possible, especially in regard to recreational activities with his family around Indian Lake.

Ms. Goins clarified that even if the South Kingstown Zoning Board passes this application, one of the conditions of approval to place a shed on the property would be in compliance with all DEM regulations. She went on to notify the board that a denial of this petition can not be based on prior DEM violations unless it is relevant to the denial.

There were no further board questions at this time for Mr. Ford.

Mr. Cagnetta then continued with the correspondence in opposition to Mr. Ford's application.

A written correspondence in opposition, submitted by abutter Marshall Feldman, was summarized into the record by Chairman Cagnetta. In short, Mr. Feldman writes that the application is vague with respect to crucial information and the proposal would violate multiple sections of the town's ordinance.

A second letter from Arthur Parmentier and Mary Fillippo was read by Mr. Cagnetta. In short, the letter highlighted Mr. Ford's violations with DEM violations.

Mr. Cagnetta reiterated that the Zoning Board's priority at tonight's meeting is to decide if a shed on this property is a reasonable request.

Mr. Cagnetta questioned Mr. Gorman, the Building Official, about whether this is buildable lot.

Mr. Gorman stated that the current record specifies that this lot is non-conforming for zoning purposes.

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

Mary Fillipo and Aurthur Parmentier were both present and sworn in.

Ms. Fillipo brought up the health of Indian Lake and its preservation.

Mr. Gorman calculated the setbacks for the lot:

- Front and rear setbacks — the shed would have to be 10 feet from the property line.
- The sides would have to be 4.2 feet from the property line.

Mr. Cagnetta specified that any citations with DEM are not under the jurisdiction of the Town Hall. The main purpose of tonight's petition is to acknowledge whether a shed will be allowed on the property through this variance application.

Ms. Goings added that this hearing is specific in that Mr. Ford's application is based on his site plan and where the shed location is depicted. If DEM denies the location of the shed, Mr. Ford would have to apply for a new application through the Zoning Board with a different shed location that is approved by DEM. She also noted that state agencies like DEM typically require the applicants to obtain local approval before they make their own decisions.

Mr. Cagnetta read in to record a correspondence in opposition (recorded as correspondence #2) from Beverly Waldman Rich and Harlan Rich.

Mr. Cagnetta then read in to record a correspondence in opposition (recorded as correspondence #4) from Deborah M Eastwood, an abutters.

Lorraine McGrath was present and sworn in.

Ms. McGrath brought up Mr. Ford's DEM citations. She mentions that a shed should not be allowed on a property without an existing primary dwelling. Including that Mr. Ford's primary residence is somewhere in Narragansett; not on Indian Lake. Ms. McGrath mentions that when her family utilizes the lake they keep all of their accessories in their cars.

Mr. Cagnetta asked if the board members had any questions for Ms. McGrath.

Mr. Daniels asked if Ms. McGrath had seen anything stored on the property in the past year(s) and if she had witnessed Mr. Ford's family utilizing the property.

Ms. McGrath answered that she has seen kayaks stored on the property in the past but had never seen Mr. Ford's family utilize the property.

There were no other board member questions for Ms. McGrath.

Jordan Carlson, a resident of South Kingstown was present and sworn in.

Mr. Carlson was in favor of Mr. Ford's petition, believing that the applicant should be able to utilize his property.

Ken Spagnoli, an abutter, was present and sworn in.

Mr. Spagnoli questioned the size of the proposed shed to be put on the property, 10 x 20 feet. His opinion is that a shed of that size is too large for Mr. Ford's proposed use. Mr. Spagnoli's shed on his property is 8x10 feet and is an adequate size for his needs.

Mr. Cagnetta asked if the board members had any questions for Mr. Spagnoli.

Ms. Hicks questioned if Mr. Spagnoli would have any objections to a smaller shed on the property.

Mr. Spagnoli answered that an 8 x 10 foot shed is reasonable. He would have no objection to the application if a smaller shed was proposed on the location.

There were no further board questions for Mr. Spagnoli.

Jane Bessette was present and sworn in.

Ms. Bessette began by describing a picture she had on her phone of 0 Tomahawk Trail South. Ms. Bessette states that the picture was taken today and shows Mr. Ford utilizing his property. She explains that in the picture there is a paddle board, kayak, and canoe. She goes on to say that Mr. Ford's property is in proximity to North Plat Beach. The fire district in the area allows watercraft and personal belongings to be stored at the beach from May through the end of November. Ms. Bessette feels that Mr. Ford should store his belongings at North Plat Beach like the rest of the community members. Ms. Bessette disclosed she is at this hearing representing the fire district for Indian Lake. Ms. Bessette goes on to say that a shed on the property would alter the characteristics of the property, especially if a shed were to be put on a property without a primary dwelling.

Mr. Cagnetta questioned Ms. Bessette as to why Mr. Ford should not be permitted to have a shed on the property, without a primary dwelling, in order to utilize the land, contingent upon approval by DEM.

Ms. Bessette followed up with her own question. Would the Zoning Board's decision to grant the variance for the shed have any bearing on DEM?

Mr. Cagnetta answered that if this variance was not passed, then DEM would not even consider having a shed on the

property. Mr. Ford would still have to comply with all of DEM's current violations and nothing can be put on the lot until the current DEM violations are restored.

Mr. Cagnetta asked if the Board members had any questions for Ms. Bessette.

Mr. Daniels cited page five of the objector's letter that was part of the record. The record says that Indian Lake was established in 1946 with a grant and one of the restrictions is that no building be constructed within 25 feet of the front line of any lot. It is unclear if this limitation is still valid. Ms. Goins would have to do research to confirm if this was still a building restriction.

There were no further board questions for Ms. Bessette.

Mr. Cagnetta called Mr. Ford to the podium again.

Mr. Cagnetta questioned if Mr. Ford would consider a smaller shed than the 10 by 20 foot shed he is proposing. (Mr. Ford's microphone was turned off, so his answer was unclear for the record.)

Mr. Ford goes on to say that he feels like an outsider compared to the neighbors, given that he does not live on the property. He claims that in the past, people have trespassed on his property as they felt it belonged to the community. Due to the many difficult factors in creating a home on the property, Mr. Ford has applied for a shed instead.

Mr. Rosen said that on the property to the north, 54 Indian Lake, there is a shed. This shed is owned by a neighbor and there is a primary dwelling on the property.

Ms. Goins simply asked Mr. Ford if he knew Mr. Carlson, who was in favor of the petition at tonight's hearing. Mr. Ford said that Mr. Carlson was a friend.

There were no other board questions for Mr. Ford.

Mary Fillipo stepped to the podium for a second time.

Ms. Fillipo asks that, since the 1964 building restriction brought up by Mr. Daniels is unclear should this petition be postponed until more information is gathered.

Ms. Goins stated that because the applicant is here now making the request, if the 1964 law is still in effect he will have to deal with whatever consequences might come of that. There are limitations on how long certain restrictions on property can remain in effect.

Ms. Hicks asked Ms. Fillipo, hypothetically, if there were no wetlands on this property and if the shed was within the setbacks would she have an issue with the shed being built. (Ms. Fillipo's answer was given away from the microphone, so her answer is unclear for the record.)

There were no further board questions for Ms. Fillipo.

Board discussions ensued.

Mr. Daniels stated that to deny this shed on the property would not be denying the applicant use of the property. Mr. Ford has been using the property in the past to store kayaks, grill, and use the lake across the street. Secondly, the property is already non-conforming and to grant a shed would create a second non-conformity. The ordinance prevents sheds from being built in the front of the property. The proposed shed would be incompatible with the neighborhood. The ordinance also states that a shed can not be built on a property without a residence.

Mr. Elia does not see sufficient burden of proof for the proposed use.

Mr. Rosen kindly disagrees, saying that this is a simple application in which the town *can* allow a shed on the property. Mr. Ford is willing to reduce the size of the shed to accommodate his neighbors. Mr. Ford should be entitled to use his own property.

Ms. Hicks stated she was conflicted. On one hand, the ordinance does not allow a shed on the property without a primary dwelling. On the other hand, the abutters stated that if there were no wetlands and the shed was within the setbacks, they would *not* have an issue.

Mr. Daniels agrees that a 10 by 20 foot shed would not fit the neighborhood. Ultimately, because of the wetlands, the DEM would have the final decision.

Mr. Cagnetta agreed with the other board members that this was a difficult decision. Perhaps if the lot were larger there would be less of an issue. Also, if it were a smaller shed that could be moved around, the decision might be less difficult. A key piece of missing information would be exactly where a house could be built on this lot.

At this point, Mr. Cagnetta states that, based on the board's opinions, the motion would potentially be four votes against and one vote in favor of the petition.

Ms. Goins voiced that the board may allow the applicant to withdraw the petition and come back at a later time.

Mr. Cagnetta, speaking to Mr. Ford, indicated that if the petition is declined, he could not be allowed to come back for another year. If Mr. Ford withdrew, he would be able to come back and maybe answer some of the board's questions based on new testimony or evidence. A withdrawal would not be followed by any negative judgment from the board members.

Mr. Cagnetta called Mr. Ford back to the podium.

Mr. Cagnetta explains that it might be in Mr. Ford's best interest to hire another surveyor to pinpoint where the shed or even a primary dwelling could be placed on the property within the setbacks.

Mr. Daniels added that his advice would be to have Mr. Ford withdraw the petition and clear up any questions that the board has tonight. Mr. Ford could then reapply and take as much time as he needs to add or change his application.

Mr. Ford asked if he had already paid an environmental scientist and a surveyor to present his report tonight where he would go from there.

Mr. Cagnetta explained that it is not up to the board to interpret the submittal, it is up to the applicant to be able to present the information that would validate their proposal. If Mr. Ford can find someone who can tell the board where a house will go on the property, they should be with him at the next Zoning Board Meeting.

Ms. Goins concluded that Mr. Ford may wish to consult an attorney for him to better present his case to the board. This petition is a use variance, which the board does not see very often.

Mr. Gorman stated that Mr. Ford may also ask for a continuation in order for him and the board to review all the material on record again.

Mr. Ford ultimately asked the board for a two-month continuation of the petition.

Mr. Daniels wanted to clarify that because this petition is being continued, everything that has taken place at tonight's hearing will still be on the record.

Ms. Goins reads that the January meeting will be on January 21, 2026. Five of the six board members must be present to

hear the continuation of Mr. Ford's petition.

There was no further board discussion.

Whereas the following motion was made to continue Mr. Ford's petition to the January 21, 2026, Zoning Board of Review Meeting.

The Motion is as Follows:

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

Motion passed: (4-1 Vote in Favor)

(Mr. Rosen -Aye, Ms. Hicks -Aye, Mr. Elia -Aye, Mr. Daniels -Nay, Mr. Cagnetta -Aye)

At a meeting held on November 19, 2025, a continuation was approved for the January 21, 2025, meeting regarding the petition of **Tyson Ford**, 95 Inkberry Trail, Narragansett, RI 02882, for a **Use Variance** under the Zoning Ordinance as follows: The applicant is seeking to establish a 10' x 20' storage shed on a vacant parcel. A storage shed is only permitted on a property which contains a principal use; therefore, relief is requested. Lot size is .13 acre. **A Use Variance is required per Zoning Ordinance Section 300 (Schedule of Use Regulations) and Section 907 (Standards of Relief).**

Owner of the property is Tyson Ford for premises located at 0 Tomahawk Trail South, South Kingstown Assessor's Map 34-2, Lot 114 and is zoned R20.

The following individual spoke as a representative of the applicant.

- Tyson Ford, applicant

There was one individual present who spoke in favor of the petition.

- Jordan Carlson, a resident of South Kingstown

The following individuals spoke in opposition to the petition:

- Mary Fillipo and Aurthur Parmentier
- Lorraine McGrath, homeowner around Indian Lake
- Ken Spagnoli, an abutter
- Jane Bessette, homeowner around Indian Lake

The following materials were entered into the record:

- Boundary & Topographic Survey created by Sardelli Survey LLC & Environmental Services, signed and stamped by Jamie L Sardelli PLS dated March, 6 2025; Site Plan uploaded by Tyson Ford on October 23, 2025; 12x16 Lean to Storage Shed Plan created by Shedplans.org uploaded by Tyson Ford on October 30, 2025 (15 pages); 10x20 Lean to Storage Shed Plans created by Shedplans.org uploaded by Tyson Ford dated September 24, 2005; Correspondence 01 prepared by Arthur H Parmentier and Mary Filippo dated November 12, 2025 (52 pages); Correspondence 02 prepared by Beverly Waldman Rich and Harlan Rich dated November 12, 2025.
- 200' Abutter's List and Radius Map; Legal Notices; and Notarized Affidavit of Mailing.

D. Other Items

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

All of tonight's Zoning Board Members will be attending the December 17, 2025, meeting.

II. Approval of the September 17, 2025, Zoning Board of Review Minutes

There was a motion to approve the meeting minutes from the September 17, 2025, Zoning Board of Review meeting.

The Motion is as Follows:

A motion was made by Mr. Cagnetta

Motion passed unanimously; (Vote 5-0 in Favor)

(Mr. Rosen -Aye, Ms. Hicks -Aye, Mr. Elia -Aye, Mr. Daniels -Aye, Mr. Cagnetta -Aye)

September 17, 2025, Zoning Board of Review minutes will be published to the public.

III. Adjournment

Mr. Cagnetta made a motion to adjourn the meeting.

All members were in favor.

Meeting adjourned at 9:54:54 PM