



Town of South Kingstown Planning Board

Work Session Meeting Minutes
Tuesday, January 13, 2026 at 6:30 PM
South Kingstown Town Hall, Town Council Chambers
180 High Street, Wakefield, RI 02879
www.southkingstownri.gov

Maria H. Mack, Chair
Susan Axelrod, Vice Chair
Elizabeth Karp, Secretary
Joseph Murphy
Robyn Pothier
Kaiper Wilson
Armand Monaco

A. Call to Order & Roll Call:

PRESENT: Planning Board A. Kaiper Wilson
Planning Board Elizabeth Karp
Planning Board Maria Mack
Planning Board Robyn Pothier
Planning Board Susan Axelrod
Planning Board Armand Monaco

ABSENT: Planning Board Joseph Murphy

EXCUSED: None

Also present were James Rabbitt, Director of Planning; Brian Wagner, Deputy Director of Planning, Tracy Owens, Principal Planner; Mark Conboy, Town Engineer; and Andrew Teitz, Special Legal Counsel.

B. Subdivisions and Land Development Projects:

1. PUBLIC HEARING: Minor Land Development, Combined Conceptual Master and Preliminary Plan Review — [82 Main Street](#)
Construction of a mixed-use structure with two (2) 2nd floor residential units and associated site improvements. Located at 82 Main Street on Assessor's Plat 57-1, Lot 73. Keystone, LLC, applicant/owner.

Michael Monti, attorney for the applicant, appeared to present the project (no audio).

Patrick Freeman, American Engineering, appeared to discuss the sighting of the building, driveway, drainage, and sight lines; density; conversion by right; and the purpose of the proposed commercial space. Daniel Herchenroether, architect with Herks Works, appeared to present the architectural portion of the project.

Mr. Wagner pointed out an error in the Project Review Summary: the apartment on the second floor is 4 bedrooms, not 2 bedrooms. Mr. Rabbitt reminded the Board that the Comprehensive Community Plan is not a "regulatory" document. Discussion ensued between the Planning Board members and the applicant's team regarding what would be permitted "as of right" ; why not one residential instead of two; if strictly residential, how many units could there be; why no proposed "affordable" units; and what the lot size was at the time of zoning. Clarification was requested on Section 401 of the Zoning ordinance, which has an entry level requirement of 5,000 square feet for 1 or 2 units without a reduction to only 1 unit. Discussion ensued regarding the "hardship" being that zoning precluded mixed-use, and the lot being undersized for the density needed. Also discussed were required parking spaces, in accordance with Zoning; and assurances that the commercial portion would not be converted to residential— conversion would be allowed. However, if converted, it would need to comply with zoning. Sight-line issues would be caused by the cars parked on Main Street (an existing condition), not the placement of the proposed building. Discussion ensued regarding floor elevation; retaining wall; signage; any changes to the commercial use will need to comply with zoning regulations and may need to come back to the PB for DPR review.

Ms. Mack added, for informational purposes, that the Commercial Downtown District was originally developed to pursue mixed-use type projects where the lot line comes forward closer to the street rather than parking in front of the building.

PUBLIC COMMENT:

Christi Balch, thanked the Board and the applicant; expressed concern regarding parking; the lot was mixed-use in the past; the retaining wall may hinder sight.

Melissa Falkonthal, resident of 48 Hazard Avenue, expressed concern about traffic on Hazard Avenue; parking; and suggested signage.

Meredith & Mark Masson, 90 Main Street, expressed concern about parking; too close to the street, it will block their home, what is a setback, and they do not feel there is a hardship.

Nicholas Balch, concerned about the proposed vegetation affecting sight line.

Laurie Keene, owner of 74 Main St., expressed concern about the placement of the building, as well as the size and scale.

Mr. Monti addressed the questions asked during the Public Comment period.

The following motion, made by Ms. Wilson, duly seconded by Ms. Axelrod, passed by unanimous vote. Motion: "The South Kingstown Planning Board hereby closes the PUBLIC HEARING: Minor Land Development, Combined Conceptual Master And Preliminary Plan Review- 82 Main Street."

Ms. Pothier opined on the applicant's request for hardship relief, after buying a small lot.

Ms. Axelrod questioned Mr. Teitz on what should be considered for "appropriate grounds for relief" in regard to a hardship request.

The Planning Board members discussed the applicant's request for a waiver/hardship with Mr. Teitz and Mr. Rabbitt.

Mr. Teitz advised the board that in his opinion there is a hardship.

Ms. Wilson expressed her struggle with the proposed Findings of Fact in regard to granting the variance.

Ms. Pothier does not feel the applicant has proven a hardship and therefore should not be granted a variance.

Ms. Mack stated that because of the hardship and the Unified Development criteria, the PB is asked to consider the hardship, which is not something the PB has historically done in the past. She understands the comments relative to the language in the criteria for approval, but feels they have to balance that with efforts the applicant has made ie engineering, architecture, landscape, to modify the proposal to better fit in with what the overall goals of the commercial downtown zoning district.

Mr. Monaco stated he feels the hardship is that they cannot comply with the requirement and get what they need. They could do commercial, residential or both, but they can not do both because of the size of the lot. That is the hardship. They would not be permitted to do what they could legally do on this property if it was a bigger sized lot. That is the hardship. The hardship is not whether it is all commercial or all residential, it is whether they can do a combined project on a lot this size that doesn't meet the zoning requirements. That is the hardship.

Ms. Mack spoke regarding the need for signage on Hazard Avenue and requested it be part of the motion or a separate motion.

Mr. Rabbitt reviewed the draft conditions presented by the Planning Staff. Discussion ensued. Mr. Teitz reminded the PB members that the language reads "hardship is more than a mere inconvenience." If they do not feel that it is, vote no. Mr. Wagner corrected the Plan numbers listed on the Draft Motion.

Motion: "The South Kingstown Planning Board hereby approves the application for a lot area variance of 3,466 ft for the 82 Main Street Minor Land Development application, allowing a lot area of 6,534 ft where 10,000 ft (5,000 ft for 1 commercial unit + 5,000 ft for 2 residential units) is required, This approval is based on the following findings of fact and is subject to approval of the application for a Minor Land Development and conditions of that approval as set forth below: Findings of Fact - Dimensional Lot Area Variance A - D."

Said motion made by Mr. Monaco and duly seconded by Ms. Karp, passed 4-2, as follows:

Yea: Mr. Monaco, Ms. Karp, Ms. Axelrod, & Ms. Mack

Nay: Ms. Pothier & Ms. Wilson

Recorded 02/13/2026 - B/P: 1926/Pgs 8-10

Motion: "The South Kingstown Planning Board hereby approves the Combined Master-Preliminary Plan for the 82 Main Street Minor Land Development application. This approval is based on the application materials presented and the findings of facts A - E, and Conditions of Approval 1 - 10."

Said motion made by Mr. Monaco and duly seconded by Ms. Karp, passed 4-1-1, as follows:

Aye: Mr. Monaco, Ms. Karp, Ms. Axelrod and Ms. Mack

Nay: Ms. Pothier

Abstain: Ms. Wilson

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Motion: "The South Kingstown Planning Board hereby directs the Planning Director to compose a letter to the DPW, the Department of Public Safety and/or the Town Council regarding signage at the end of Hazard Avenue."

Said motion made by Ms. Axelrod and duly seconded by Ms. Wilson, passed 6-0, as follows: Aye: Mr. Monaco, Ms.

Pothier, Ms. Karp, Ms. Mack, Ms. Axelrod and Ms. Wilson.

Recorded 02/13/2026 - B/P: 1926/Pgs 8-10

C. Land Use:

1. Discussion and possible action on an Advisory to the South Kingstown Town Council regarding amendments to the Rental Registration Ordinance.

Mr. Teitz explained the request for a recommendation by the Planning Board to the Town Council. Discussion ensued.

Motion: "The South Kingstown Planning Board has found the proposed amendments to the Rental Registration Ordinance consistent with the purposes of zoning and consistent with the Comprehensive Plan, and recommend that they are approved by the South Kingstown Town Council."

Said motion made by Ms. Wilson and duly seconded by Ms. Axelrod, passed 6-0 as follows:

Aye: Mr. Monaco, Ms. Pothier, Ms. Karp, Ms. Mack, Ms. Axelrod and Ms. Wilson.

2. Old Tower Hill Road (Form Based Code)

Mr. Rabbitt reviewed the previous discussions and handouts. Discussion ensued regarding the Form Based Code.

Ms. Mack informed the Board members of the Town Council's plan to meet with Able City East on February 26, 2026, to discuss Old Tower Hill Road and the Form-Based Code. Although not a joint work session, Mr. Rabbitt encouraged all Planning Board members to attend this meeting. Discussion ensued.

D. Planning Board Liaison Activities: Updates from Planning Board members acting as liaison to various Board, Committees, projects, and activities.

Mr. Wagner stated that before the start of tonight's meeting, he had distributed a letter from the Affordable Housing Committee regarding the Lots on Fairgrounds project. No discussion ensued.

E. Update from Planning Department Staff - General update from Planning Director regarding Planning Department staffing and activities including Budget Process and Capital Improvement Program.

1. Legislative Update

None discussed.

F. Update on Legal Issues - Update from Special Legal Counsel for Planning and Zoning relative to any new or ongoing legal issues.

1. Upcoming training.

Mr. Teitz reported that the statewide advisory council for training will be meeting on February 22 to schedule upcoming training sessions; the three-hour online training is still available; future plans for one hour update training modules; and

in-person training by himself or Amy Goins will be in the spring, somewhere in the West Bay Area.

2. Land Use Legislation — Regulatory implications to local regulations.

Both Mr. Teitz and Mr. Rabbitt stated changes will be coming.

G. Adjournment:

Upon **Motion** made by Ms. Wilson, duly seconded by Ms. Karp, the meeting was adjourned at 9:02 p.m., by unanimous vote.