



Town of South Kingstown

Zoning Board of Review Meeting

Meeting Minutes

Wednesday, May 21, 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 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; 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 Hang Ten LLC**, 895 Matunuck Beach Road, Wakefield, RI 02879 for a **One-Year Extension** under the Zoning Ordinance as follows: The applicant is requesting a one-year extension of the previously granted Special Use Permit to establish a ninety-two (92) seat exterior service area associated with the existing Restaurant with Alcohol (Use Code 56.1). The original SUP had a two-year expiration date and was granted on May 17, 2023 and recorded on May 31, 2023 in South Kingstown Land Evidence Book 1857 and Pages 338-339. The owner is Hang Ten LLC, for premises located at 895A Matunuck Beach Road, South Kingstown, Assessor's Map 92-3, Lot 2 and is zoned CN (Commercial Neighborhood). Applicant requests a one-year extension with an expiration date of May 31, 2026 pursuant to Section 908(B) of the Zoning Ordinance.
[Application 895 Matunuck Beach Road](#)

Mr. Cagnetta entered all documents into the record.

Attorney Matthew Landry was present for the applicant.

Mr. Landry stated that two (2) years ago his client was before the Board and was granted a Special Use Permit (SUP). His client, Kevin Finnegan, is present if the Board has any questions. They are asking for a one-year extension of that SUP. The Ocean Mist has operated with outdoor seating in that tented area for years, but due to Covid 19, special considerations were made for outdoor seating. The SUP granted a modification to the existing area to locate a new central service bar; additionally, there was no expansion of the number of seats, only a possible reconfiguration of seats. Over the past two (2) years, Mr. Finnegan has been engaged in a number of sight improvements on the property which may impact the overall design and layout of the SUP. In light of these sight improvements and some other proposed alterations, Mr. Finnegan is asking for a one-year extension to evaluate the impact on the site prior to going forward with proposed work under the original SUP.

Mr. Cagnetta asked Mr. Gorman if he would, if needed, review this project once it begins.

Mr. Gorman indicated that he would.

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

There was no one present who wished to speak.

There was no Board discussion.

The Motion is as follows:

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

Motion passed unanimously: 5-0 Vote in favor

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

At a meeting held on May 21, 2025, regarding the Petition of Hang Ten LLC, 895 Matunuck Beach Road, Wakefield, RI 02879, the request for a **One-Year Extension was Granted** under the Zoning Ordinance as follows: The applicant is requesting a one-year extension of the previously granted Special Use Permit to establish a ninety-two (92) seat exterior service area associated with the existing Restaurant with Alcohol (Use Code 56.1). The original SUP had a two-year expiration date and was granted on May 17, 2023, and recorded on May 31, 2023, in South Kingstown Land Evidence Book 1857 and Pages 338-339. The owner is Hang Ten LLC, for premises located at 895A Matunuck Beach Road, South Kingstown, Assessor's Map 92-3, Lot 2 and is zoned CN (Commercial Neighborhood). Applicant requests a one-year extension with an expiration date of May 31, 2026, pursuant to Section 908(B) of the Zoning Ordinance.

The following individuals spoke as representatives of the applicant:

- Attorney Matthew Landry

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:

- Cover Letter Dated March 24, 2025; Owner Authorization Form signed and notarized March 28, 2025; Zoning Decision granted on May 17, 2023, and recorded in South Kingstown Land Evidence on May 31, 2023. Book 1857 and Pages 338-339
- 200' Abutter's List and Radius Map; Legal Notice and Notarized Affidavit of Mailing

Findings of Fact:

The applicant met the criteria to grant a one-year extension of the original Special Use Permit.

Approval is conditional, subject to the following conditions:

- The one-year extension will have an expiration date of May 31, 2026.

II. Petition of Matunuck Market Place, 151 Old Tower Hill Road, Wakefield, RI 02879

For a **Second One-Year Extension** under the Zoning Ordinance as follows: The applicant is requesting a second one-year extension of the previously granted Special Use Permit to establish a one hundred forty-seven (147) seat Restaurant with Alcohol (Use Code 56.1) within the existing structure. The original SUP was granted on May 31, 2023 and recorded in South Kingstown Land Evidence on June 9, 2023, Book 1857 and Pages 763-765. The first one-year extension was granted April 24, 2024 and recorded in South Kingstown

Land Evidence on May 6, 2024, Book 1879 and Page 412. The owner is Matunuck Market LLC, for premises located at 151 Old Tower Hill Road, South Kingstown, Assessor's Map 57-2, Lot 51 and is zoned CH (Commercial Highway). Applicant requests a second one-year extension with an expiration date of June 9, 2026 **pursuant to Section 910(B) of the Zoning Ordinance.**
[Application 151 Old Tower Hill Road](#)

Mr. Cagnetta entered all the submitted documents into the record.

Attorney Elizabeth Noonan was present for the applicant.

Ms. Noonan stated that her client is requesting a second one-year extension on a Special Use Permit (SUP) for a restaurant with alcohol service. Her client, Mr. Raso is present if the Board has any questions. She explained that Mr. Raso has had many other ventures going on, including the prioritizing of the building of the hatchery. Subsequently, this project has been delayed while working on his other ventures, so they are seeking an additional year as they sort through the overall business plan.

Board questions ensued.

Ms. Noonan indicated that there are no changes to the original 147-seat plan.

Mr. Gorman indicated that minor adjustments to the floor plan would not affect the SUP, as long as there was no additional seating and that all the original conditions, including parking, were met.

There was no further discussion.

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

There was no one present who wished to speak.

There was no Board discussion.

The Motion is as follows:

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

At a meeting held on May 21, 2025, regarding the Petition of Matunuck Market Place, 151 Old Tower Hill Road, Wakefield, RI 02879 a **Second One-Year Extension was Granted** under the Zoning Ordinance as follows: The applicant is requesting a second one-year extension of the previously granted Special Use Permit to establish a one hundred forty-seven (147) seat Restaurant with Alcohol (Use Code 56.1) within the existing structure. The original SUP was granted on May 31, 2023 and recorded in South Kingstown Land Evidence on June 9, 2023, Book 1857 and Pages 763-765. The first one-year extension was granted April 24, 2024 and recorded in South Kingstown Land Evidence on May 6, 2024, Book 1879 and Page 412. The owner is Matunuck Market LLC, for premises located at 151 Old Tower Hill Road, South Kingstown, Assessor's Map 57-2, Lot 51 and is zoned CH (Commercial Highway). Applicant requests a second one-year extension with an expiration date of June 9, 2026 pursuant to Section 910(B) of the Zoning Ordinance.

The following individuals spoke as representatives of the applicant:

- Attorney Elizabeth Noonan

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:

- Cover Letter Dated March 24, 2025; Owner Authorization Form signed and notarized March 31, 2025; Zoning Decision granted on May 31, 2023 and recorded in South Kingstown Land Evidence on June 9, 2023 Book 1857 and Pages 763-765; Zoning Decision granted on April 24, 2024 and recorded in South Kingstown Land Evidence on May 6, 2024 Book 1879 and Pages 412
- 200' Abutter's List and Radius Map; Legal Notice and Amended Legal Notice; and Notarized Affidavit of Mailings (2)
- Correspondence
 - Attorney Elizabeth Noonan dated May 20, 2025
 - Attorney Elizabeth Noonan dated May 21, 2025

Findings of Fact:

The applicant met the criteria to grant a second one-year extension of the original Special Use Permit.

Approval is conditional, subject to the following conditions:

- The extension request will have an expiration date of June 9, 2026.

- III. **Petition of Mariana Zotos and Gregory Raso**, 191B Wordens Pond Road, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing dwelling and construct a new dwelling 15.3' from the rear property line. The required rear yard setback is 35', therefore relief of 19.7' is requested. Lot size is .65 acres. A Dimensional Variance is required per Zoning Ordinance Section 205.B (Single Nonconforming Recorded Lots) and Section 907 (Standards of Relief). Owners of the property are Gregory Raso & Marianna Zotos for premises located at 191B Wordens Pond Road, South Kingstown, Assessor's Map 61, Lot 54 and zoned R80.
[Application 191B Wordens Pond Road](#)

Mr. Cagnetta entered all documents into the record.

Attorney Patrick Dougherty was present for the applicant.
Edward Pimentel, Urban Planner, was present and sworn in.

Mr. Dougherty stated this property was previously granted relief of 25.9' back in December 2022, and they are now seeking less relief due to changes under the statewide zoning law. The original Dimensional Variance (DV) was granted a one-year extension back in November 2023. Unfortunately, they missed the deadline to apply for a second one-year extension, so they have to come back before the Board again to seek a new DV. Part of the reason for the delay is that they realized during the design process that the existing building is in such disrepair that they would not be able to salvage it and now need to demolish the old structure and start from scratch. They have now come up with a plan that necessitates less relief being granted than was originally sought under the first DV.

Mr. Dougherty requested that Mr. Pimentel be recognized as an expert witness in community planning.

Mr. Cagnetta recognized Mr. Pimentel as an expert witness in planning.

Mr. Dougherty noted that they are now seeking much less relief than previously granted DV, and they have received no opposition from any of the abutting neighbors. The property is zoned R80 and is extremely substandard at .65 acres. Mr. Pimentel can give a narrative of his report if the Board would like.

Mr. Pimentel stated that as they delved into the project that it was not feasible to save the existing structure, especially with standards set forth under the new energy code. They are looking to take advantage of where the foundation is located to create minimal disturbance on this already substandard lot. They have one actual neighbor, and they have moved the design as far away from that neighbor as possible. They are predominantly surrounded by extremely large parcels of land. The lot is substandard, and they are managing the pre-existing conditions of the lot, the pre-existing conditions of the old house, and the location of the OWTS in an effort to not create a further area of disturbance. A denial would require a total redesign of the project and would amount to more than a mere inconvenience.

Board questions ensued.

Mr. Dougherty stated that there are only three (3) abutters, one (1) residential and the other two (2) being the Boy Scouts and RI DEM. The original house is still in place and has not yet been torn down. It was realized during the design process that there was no viability in saving the existing home. It is basically an old camp house.

Mr. Dougherty had nothing further to add.

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

There was no one present who wished to speak.

Board discussion ensued.

Whereas a motion was made.

The Motion is as follows:

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

Motion passed unanimously: 5-0 in favor

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

At a meeting held on May 21, 2025, regarding the Petition of Mariana Zotos and Gregory Raso, 191B Wordens Pond Road, South Kingstown, RI 02879 for 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 15.3' from the rear property line. The required rear yard setback is 35', therefore relief of 19.7' is requested. Lot size is .65 acres. A Dimensional Variance is required per Zoning Ordinance Section 205.B (Single Nonconforming Recorded Lots) and Section 907 (Standards of Relief). Owners of the property are Gregory Raso & Marianna Zotos for premises located at 191B Wordens Pond Road, South Kingstown, Assessor's Map 61, Lot 54 and zoned R80.

The following individuals spoke as representatives of the applicant:

- Patrick Dougherty, Attorney
- Edward Pimentel, Urban Planner

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 submitted April 17, 2025; Owner Authorization Forms signed and notarized July 7, 2022; RI DEM Freshwater Wetlands Permit dated October 2, 2024; Narrative prepared by Frisella-Balch & Associates dated April 17, 2024; RI DEM OWTS Construction Permit dated July 14, 2021; Floor Plans and Elevations (A1.1 – A1.2 & A2.1-A2.2) prepared by FKA and dated December 6, 2024; Location Plan prepared by Frisella-Balch & Associates dated October 13, 2023; Planning Report and CV prepared by Edward Pimentel dated April 21, 2025

- 200' Abutter's List and Radius Map; Legal Notice 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 extremely substandard in area. Additionally, the existing structure is not salvageable and will need to be demolished.
2. The Board finds that the hardship is not the result of any prior action of the applicant, because the applicant is not able to utilize the existing structure as originally proposed and will now have to tear down and rebuild an entirely new structure.
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 applicant is simply looking to construct a new home in the same vicinity as the existing home, creating the least amount of area disturbance.
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 home is beyond repair and without relief the applicant would not be able to live in the existing home as it currently stands.

Approval is conditional, subject to the following conditions:

- There are no conditions upon this approval.

D. Other Items

I. Approval of the April 16, 2025 Zoning Board of Review Minutes

Mr. Daniels made a motion to approve the April 16, 2025 minutes.
Whereas a voice vote was taken and all members (5-0) were in favor.

April 16, 2025 minutes approved.

II. Attendance for June 18, 2025 Zoning Board of Review

All members, except for Mr. Daniels are available for the June 18, 2025, meeting.

III. Discussion

There was no additional discussion.

IV. Adjournment

Mr. Cagnetta made a motion to adjourn.

All members were in favor (5-0)

Meeting adjourned at 7:34

