

# Town of South Kingstown, Rhode Island

## BUILDING AND ZONING DEPARTMENT

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Date November 30, 2020

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INST# 10643  
TOWN OF SOUTH KINGSTOWN, RI

## NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

**The following motion, made by Mr. Mark and duly seconded by Mr. Daniels**

**Passed unanimously 5-0**

**(W. Mark-Aye, T. Daniels-Aye, W. Rosen-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)**

At a meeting held on November 18, 2020 regarding the Petition of 629 Succotash Road, LLC d/b/a Matunuck Oyster Bar, 629 Succotash 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 expand its liquor service area to the 1,500 square foot rooftop deck. The rooftop deck was previously constructed to accommodate the allocation of seating due to COVID-19 restrictions. Lot size is .8 Acres. A Special Use Permit is required per Zoning Ordinance Section 200E (Use by Variance, Special Exception or Special Use Permit) and Section 907C (Continuation or Extension of Special Uses). Owner of the property is PKW LLC for premises located at 629 Succotash Road, South Kingstown, RI, Assessor's Map 87-2, Lot 189 and is zoned CW (Commercial Waterfront).

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

- Elizabeth Noonan, Attorney for applicant
- Paige Bronk, AICP
- Perry Raso, property owner

### **The following spoke in opposition to the petition.**

- Paul Hooper

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

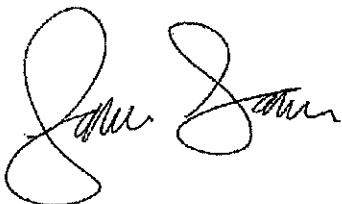
- Application with narrative signed and dated October 16, 2020; Owner Authorization Form signed and notarized October 16, 2020; Boundary Survey Plan prepared by DiPrete Engineering, Michael E. Gavitt PLS dated October 26, 2016; Previous Zoning Decision rendered December 21, 2011 and recorded in South Kingstown Land Evidence Book L1456 Page 311 - 314 on January 3, 2012.
- Radius Map, 200' Abutter's List, Legal Notice and Certified Mailing Receipts with Affidavit of Mailing
- Applicant's Exhibits 1-3 with cover letter from Adler Pollock & Sheehan PC dated November 6, 2020
  - Applicant's Exhibit 1, Resume of Paige R. Bronk, AICP
  - Written Report prepared by Paige R. Bronk, AICP dated November 5, 2020
  - Existing Roof Deck Framing Plan reflecting roof deck as currently built

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 200E (Use by Variance, Special Exception or Special Use Permit) and Section 907C (Continuation or Extension of Special Uses).
2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because under Section 907C, the Town had suspended certain requirements and approvals set forth for a Special Use Permit under the Ordinance and the applicant has adhered to all State guidelines regarding operating procedures during the COVID pandemic.
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; not applicable, this is an existing property with no change of use and no proposed increase in capacity.
  - (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; not applicable, this is an existing property with no change of use.
  - (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; not applicable, this is an existing property with no change of use.
  - (iv) Utilities, with reference to locations, availability and compatibility; not applicable, this is an existing property with no change of use.
  - (v) Screening and buffering with reference to type, dimensions and character; not applicable, this is an existing property with no change of use.
  - (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; all lighting will be dark sky compliant.
  - (vii) Required yards and other open space; not applicable
  - (viii) General compatibility with lots in the same or abutting zoning districts, this is not applicable because this is an existing business, in good standing, and no change of use has been requested.

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

- As a condition of approval there will be no music or amplified music allowed on the roof deck.

Respectfully,



James Gorman,  
Interim Building Official & Zoning Clerk  
Town of South Kingstown