



## Town of South Kingstown, Rhode Island

### BUILDING AND ZONING DEPARTMENT

180 High Street  
Wakefield, RI 02879  
Tel (401) 789-9331 x1225

April 6, 2021

Linda & Franklin Frucce  
62 Settlement Road  
Amston, CT 06231

At a meeting of the Zoning Board of Review held March 17, 2021, your petition for a Special Use Permit was granted for premises located at 35 Maple Drive, South Kingstown, Tax Assessor's Map 90-1, Lot 109.

Please be further advised that there is a One-year Expiration. Any variance or special use permit shall expire one year after the date of the filing of the decision in the office of the Town Clerk, unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction, or obtain a certificate of occupancy when no legal building permit is required. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised nor noticed, per South Kingstown Zoning Ordinance Section 910.

If you have to apply for a building permit, this Decision must be presented to the Building Official's office at the time you make application for your building permit.

Regards,

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



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 B/P:1785/Pgs 783 - 784; (2 pgs)  
 INST# 13792  
 TOWN OF SOUTH KINGSTOWN, RI



# Town of South Kingstown, Rhode Island

**BUILDING AND ZONING DEPARTMENT**  
 180 High Street  
 Wakefield, RI 02879  
 Tel (401) 789-9331 x1224  
 Fax (401) 789-9792

April 6, 2021

## NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Jurczak and duly seconded by Mr. Charkowick  
 Motion passed unanimously: Vote 5-0  
 (R. Jurczak-Aye, C. Charkowick-Aye, T. Daniels-Aye, W. Rosen-Aye, R. Cagnetta-Aye)

At a meeting held on March 17, 2021 regarding the Petition of Linda and Franklin Frucce, 62 Settlement Road, Amston, CT 06231 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 10'5" x 7' one-story addition to the dwelling located in the northwest corner of the property. There are two residential structures located on this property, rendering the use nonconforming. A Special Use Permit is required for any addition, enlargement, expansion or intensification of a non-conforming use. Lot size is .56 Acres. A Special use permit is required per Zoning Ordinance Section 203 (Special Use Permit for addition, enlargement, expansion or intensification) and 907 (Standards of Relief). Owner of this property is Linda & Franklin Frucce, Frucce Family Irrevocable Trust, for premises located at 35 Maple Drive, South Kingstown, Assessor's Map 90-1, Lot 109 and is zoned R-80.

The following individuals spoke as representatives of the applicant:

- Franklin Frucce, applicant
- Jonathan Frucce

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

The following materials were entered into the record:

- Application signed and dated January 15, 2021; Owner Authorization Form signed and notarized January 20, 2021; 200' Radius Map and Abutter's List; Drawings (3 pages); Existing Conditions Survey, Fontaine Land Surveying, Michael Fontaine PLS stamped and dated November 11, 2020
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
  - Russell Berube, 15 Maple Drive dated March 12, 2021 with response from Building Official dated March 12, 2021
  - Sara Davis, 55 Maple Drive received March 15, 2021

### 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 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 the applicant through given testimony met all of the criteria set forth, additionally the proposed addition does not exceed 50% of the existing structure, has not exceeded the maximum allowable lot coverage and does not require any dimensional relief.
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; existing property with existing means of ingress and egress already established.
- (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
- (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; not applicable
- (iv) Utilities, with reference to locations, availability and compatibility; existing utilities are already in place.
- (v) Screening and buffering with reference to type, dimensions and character; not applicable, this is an existing developed lot
- (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, maximum lot coverage will not be exceeded.
- (viii) General compatibility with lots in the same or abutting zoning districts, because this is an existing structure that the applicant simply wishes to improve and expand upon there will be no significant change to the general compatibility with neighboring properties.

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

- There are no conditions upon this approval.

Respectfully,



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