



100 Westminster Street, Suite 1500
Providence, RI 02903
p: 401-274-2000 f: 401-277-9600
hinckleyallen.com

Christine E. Dieter
cdieter@hinckleyallen.com

July 17, 2024

Via Hand Delivery

James D. Rabbitt, AICP
Planning Director, Town of South Kingstown
180 High Street
Wakefield, RI 02879

RE: Application of Paul Masse Chevrolet South, Inc. for Pre-Application Concept Review, 4087 Tower Hill Road, South Kingstown, Rhode Island

Dear Mr. Rabbitt,

On behalf of Paul Masse Chevrolet South, Inc., or its designee, (the “Applicant”), and working with DiPrete Engineering, we have prepared this project narrative to provide a general description of the proposed repurposing of Assessor’s Plat 42-2, Lot 26, commonly known as 4087 Tower Hill Road (the “Property”), in South Kingstown, Rhode Island. The Applicant proposes to use the Property as an outdoor lot to store overflow inventory of new vehicles in connection with the Applicant’s nearby car dealerships. This use will involve minimal or no changes to the Property. The Applicant would propose to add landscaping along the Property line abutting Tower Hill Road, thereby beautifying and rehabilitating a difficult site that is already nonconforming and burdened with historic environmental conditions. The Applicant’s proposed use of the Property is uniquely suited to put the site to a beneficial purpose.

The Applicant submits this request for a pre-application concept review as the first step to obtain any necessary permits or approvals from the Town.

Existing Conditions

The Property is a 1.59-acre parcel located in the Rural Residential Low Density District (R-80). The Property is currently improved with paved driveways and parking, two small sheds used for the storage of equipment, a canopy associated with a former gas station, and a chain link fence.



Figure 1: September 2023 image depicting site conditions at the Property

The Property does not and has never conformed to the R-80 zoning requirements. Historically, the Property has had several nonconforming commercial uses. Specifically, from 1950 to approximately 2008 the Property was used as a retail gas station. The Property also has been used for the sale of liquefied gas, and for truck and trailer rental services. Most recently, M&S Property Managements Associates LLC used the Property to park home heating oil delivery trucks.

The Property has two reportable releases listed with the Rhode Island Department of Environmental Management (“RIDEM”). These were attributable to former underground storage tanks on the Property. The initial release notification to RIDEM occurred in 2000, and several phases of remediation subsequently occurred at the Property. Five underground storage tanks have been removed from the Property; two tanks were removed in April 2009, and three tanks were removed in October 2014. Between 2009 and 2015, over 4,300 tons of petroleum-impacted soil were excavated and transported offsite for disposal.

Proposed Project

The sole use of the Property would be to store approximately 40-50 new vehicles in an outdoor lot. The Applicant or its affiliates owns and operates two auto dealerships within a few miles of the Property. Paul Masse Buick GMC South is located 2.3 miles north of the Property, at 2909 Tower Hill Road, and Paul Masse Chevrolet South is located 3.2 miles south of the Property, at 399 Main Street. The Applicant proposes to use the Property to store overflow inventory of new vehicles for these dealerships. The stored vehicles would be new, and would not include tanker trucks, tow trucks, junk cars, or the like. Moreover, no commercial transactions would occur at the Property, and no customers would travel to the site. Rather, dealership employees would travel to the Property to retrieve inventory as needed and drive the new vehicle to one of the nearby dealerships. No other activity is anticipated to take place at the Property.

In connection with the Applicant's repurposing of the site for use as an outdoor lot, the Applicant proposes install landscaping along the Property line abutting Tower Hill Road. Doing so will require approval from the Rhode Island Department of Transportation to locate plantings within the right-of-way. The Applicant recently undertook a similar development at its Buick GMC South location, also located along Tower Hill Road, to create a new vehicle storage lot adjacent to that dealership. Photographs showing the landscaping at this vehicle storage lot are below:



Figure 2-A: Vegetative screen along Tower Hill Road, Buick GMC South



Figure 2-B: Vegetative screen along Tower Hill Road, Buick GMC South

James D. Rabbitt, Planning Director

July 16, 2024

Page 4 of 5

As shown on the accompanying plans, the Property will remain essentially the same. The Applicant does not propose any changes in lot coverage and intends to limit the vehicle storage to essentially the existing fenced-in area.

Although the Applicant's proposed use of vehicle storage is not permitted in the R-80 district, the proposed use will conform to the Property's decades-long use as a commercial automotive facility. Since at least 1950, the Property has been used for commercial purposes, including primarily as a gas station and also for the retail and parking of commercial vehicles. The Applicant's proposed use fits within the contours of these prior nonconforming uses, and in fact decreases the nonconformance, as no commercial transactions will take place at the Property. Moreover, the prior releases at the Property limit the Property's ability to adopt a residential use but make the Property well-suited to the Applicant's minimally invasive proposed project.

Requested Relief

The Applicant anticipates requesting relief from certain requirements of the Zoning Ordinance. The Applicant intends to work with the Town to establish a mechanism for the proposed use to proceed under the Zoning Ordinance. First, the Applicant's proposed continued commercial use of the Property constitutes the continuation of the longstanding nonconforming use. *See* Zoning Ordinance Art. 2. Second, the unique circumstances and history of the Property warrant granting a use variance for the Property to permit the proposed use. Specifically, the Property has never been used for residential purposes since the Zoning Ordinance was adopted in January 1951, and instead has been put to various commercial, retail, and storage uses, including as a retail gas station, for truck and trailer rental services, and for parking of oil delivery trucks. The Property cannot yield any beneficial use as a residential site due to its location and the environmental conditions on site. Accordingly, because the Property has only been put to commercial uses in the preceding seventy-plus years, allowing the Property to be used for the outdoor storage of new vehicles will not alter the character of the surrounding area or impair the intent and purpose of the Zoning Ordinance.

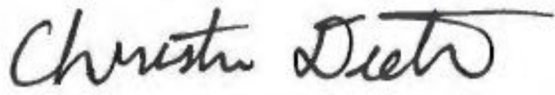
As the proposed project moves forward, the Applicant may identify additional dimensional relief necessary to advance the project and will coordinate closely with the Town.

* * *

The Applicant's proposed project will improve the Property and put it to a beneficial use in a manner consistent with the Zoning Ordinance. Please let me know if you any additional information. We look forward to discussing this project with you further at your earliest possible opportunity.

Sincerely,

James D. Rabbitt, Planning Director
July 16, 2024
Page 5 of 5

A handwritten signature in black ink that reads "Christine Dieter". The signature is written in a cursive style with a long horizontal stroke at the end of the last word.

Christine E. Dieter