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**TOWN OF HOPKINTON  
PLANNING BOARD MEETING**

**July 1, 2009  
7:00 P.M.**

**Ashaway School  
Hillside Avenue  
Ashaway, Rhode Island 02804**

**CALL TO ORDER:** The July 1, 2009 Hopkinton Planning Board meeting was called to order at 7:06 P.M. by Chairman Alfred DiOrio.

**MEMBERS PRESENT:** Alfred DiOrio, Howard Walker, Ray Cox, Hazel Douthitt, Joseph Escher and Donald Simmons.

Also present were: James Lamphere, Town Planner; Scott Levesque, Town Solicitor; Harvey Buford; Conservation Commission.

**APPROVAL OF MINUTES:**

MR. WALKER MOVED TO APPROVAL OF THE JUNE 3, 2009 AND THE JUNE 22, 2009 MINUTES AS CIRCULATED.

MS. DOUTHITT SECONDED THE MOTION.

Messrs. Walker, DiOrio, Escher, Cox and Ms. Douthitt approve.

*Motion passes.*

**NEW BUSINESS:** None

**OLD BUSINESS**

**Review/Update & Request for Extension of Preliminary – Major Subdivision – Kenney Hill Farm, Plat 20 – Lot 1A, Kenney Hill Road and Grassy Pond Road. Hopkinton Associates, Inc. LLC, applicant.**

Mr. Naccarato represented the new owner of the parcel, Aubleen Farm. He requested a continuation to the September meeting.

MR WALKER MOVED THAT THE REVIEW AND UPDATE BE CONTINUED TO THE SEPTEMBER 2, 2009 MEETING.

MS. DOUTHITT SECONDS THE MOTION.

Messrs. Walker, DiOrio, Escher, Cox and Ms. Douthitt approve.

*Motion passes.*

**Master Plan Public Informational Meeting, con't. – Major Land Development – Love's Travel Stop and Country Store, Plat 7 – Lot 59 Main Street. Love's Travel Stop and Country Store, applicant.**

**Town of Hopkinton Planning Board Meeting – July 1, 2009**

2        *A court stenographer was present to record the proceedings. A copy of the*  
3        *transcript is attached and made part of this record.*

4

5        Mr. DiOrio said the applicant has concluded their presentation. The Town Planner, Town  
6        Solicitor and the Planning Board will have the opportunity to question.

8

Mr. Lamphere submitted items received for the record as Board's Exhibits:

- 9        Board's Exhibit 1. A letter from Chira R. Johnston;
- 10       Board's Exhibit 2. A letter from Richard G. Prescott;
- 11       Board's Exhibit 3. A letter from Jose del Valle;
- 12       Board's Exhibit 4. A letter from the Hopkinton Historical Association;
- 13       Board's Exhibit 5. A letter to the Editor from Richard Prescott, President,  
14       Hopkinton Historical Association;
- 15       Board's Exhibit 6. An email from Steve Wilmes;
- 16       Board's Exhibit 7. Harvey Buford, Chairman, Hopkinton Conservation  
17       Commission;
- 18       Board's Exhibit 8. A letter from Thomas E. Buck, President, Hopkinton Town  
19       Council to Governor Carcieri;
- 20       Board's Exhibit 9. A letter from Thomas E. Buck, President, Hopkinton Town  
21       Council to Michael Lewis, Director, Rhode Island  
22       Department of Transportation;
- 23       Board's Exhibit 10. A letter from Lorraine Arruda;
- 24       Board's Exhibit 11. A letter from Malcolm J. Grant, President, Wood-  
25       Pawcatuck Watershed Association;
- 26       Board's Exhibit 12. Letter from Annie Costner, Clean Water Act of Rhode  
27       Island;
- 28       Board's Exhibit 13. Binder by Dorothy Gardiner and others;
- 29       Board's Exhibit 14. Binder by Dorothy Gardiner and others;
- 30       Board's Exhibit 15. Letter from Molly Clark, MPH, Manager of Health  
31       Promotion and Public Policy, American Lung Association in  
32       Rhode Island;
- 33       Board's Exhibit 16. Town Planner's Memo;
- 34       Board's Exhibit 17. Letter from Rex and Cynthia Faxler.

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Mr. Lamphere then reviewed the record of this application.

38

Mr. Levesque spoke regarding Mr. Lombardo's testimony on the Hopkinton Zoning  
Code. He also referred to Judge McGuirl's decision on the Comprehensive Plan as the  
40       Town's controlling document.

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Mr. DiOrio said the Board will need some time to form a decision.

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MR. WALKER MOVED TO GO DIRECTLY TO PUBLIC COMMENT.  
MR. ESCHER SECONDED THE MOTION.

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Messrs. Walker, DiOrio, Cox, Escher and Ms. Douthitt approve.  
*Motion passes.*

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Attorney Dan Prentiss representing the Wood-Pawcatuck Watershed Association and the  
Hopkinton Historical Association, both non-profit organizations with direct interest in  
this project, asked to speak.

52

**Town of Hopkinton Planning Board Meeting – July 1, 2009**

2 Barbara Capalbo spoke on signage; the town not having any 24 hour business operations  
4 in town; the ramp off of Route 95; the single entrance into the rear of the building; and,  
neighboring commercial properties that are non-intrusive.

6 Ann Renehan said the public needs the opportunity to speak.

8 The public gave their time to speak to Mr. Prentiss who questioned Dan Varin, Planning  
10 Consultant and past Director for 28 years of Statewide Planning. Mr. Varin's resume was  
presented (BOARD'S EXHIBIT 18).

12 Mr. Varin said the Town's Comprehensive Plan is the Town's controlling document. He  
14 also said that this proposal is not a gas service station.

16 Mr. Naccarato cross-examined Mr. Varin.

18 Mr. Brainsky presents a Writ of Tertiorari. (APPLICANT'S EXHIBIT 19A). He cross-  
examines Mr. Varin. He also presented a letter dated April 1, 2009 from the law offices  
20 of Michael A. Kelly, PC (APPLICANT'S EXHIBIT 20A).

22 Richard Prescott, President of the Hopkinton Historical Association, presented his  
findings regarding a possible cemetery on the site. (BOARD'S EXHIBIT 19)

24 At 9:30, the applicant said they would not give an extension of the application for the  
26 Board, the public, and others, to question the Applicant's witnesses.

28 The Board called for a break and returned at 9:45.

30 MR. WALKER MADE AN EXTENSIVE MOTION TO DENY THE MASTER PLAN  
APPLICATION.

32 MS. DOUTHITT SECONDED THE MOTION.

Messrs. DiOrio, Walker, Cox, Escher and Ms. Douthitt approve the motion.

34 *Motion passes.*

36 **PLANNER'S REPORT:** None

38 **CORRESPONDENCE AND UPDATES:** None

40 **PUBLIC COMMENT:** None

42 **DATE OF NEXT REGULAR MEETING:** August 5, 2009

44 **ADJOURNMENT**

MR. WALKER MOVED TO ADJOURN THE MEETING.

46 MR. COX SECONDS THE MOTION.

All approve.

48 The meeting adjourned at 10:45 P.M.

50 Attest: \_\_\_\_\_  
Lynda St. Amour, Planning Board Clerk

52 Approved: August 5, 2009

Town of Hopkinton Planning Board Meeting – July 1, 2009

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
TOWN OF HOPKINTON  
PLANNING BOARD

\* \* \* \* \*  
PROCEEDINGS AT HEARING & SET:  
Under OLD BUSINESS: \*  
MASTER PLAN - MAJOR LAND DEVELOPMENT DAY 3  
LOVE'S TRUCK STOP AND COUNTRY STORE  
\* \* \* \* \*

July 1, 2009  
7:00 P.M.  
Ashaway School  
Hillside Avenue  
Ashaway, Rhode Island

BEFORE: ALFRED DIORLO, CHAIRMAN  
HOWARD WALKER  
RAY COX  
HAZEL DOLIBERT  
JOSEPH ESCHER, FIRST ALTERNATE  
DONALD SIMMONS, SECOND ALTERNATE  
  
JAMES LAMHERE, TOWN PLANNER  
LYNDA ST. AMOR, PLANNING BOARD CLERK

APPEARANCES:

FOR THE  
APPLICANT ..... BACCARATO & FRACCASSA  
BY: VINCENT L. BACCARATO, ESQUIRE

FOR THE TOWN  
OF HOPKINTON ..... TOWN ENGINEER  
BY: SCOTT LEVESQUE, ESQUIRE

FOR THE  
GINGER-BELAS ..... LAW OFFICES OF MICHAEL KELLY  
BY: ERIC S. BRAINSKY, ESQUIRE

RHODE ISLAND COURT REPORTING  
747 North Main Street - Providence, R.I. 02904

RHODE ISLAND COURT REPORTING (401) 437-3366

RHODE ISLAND COURT REPORTING, INC.  
(401) 437-3366

ORIGINAL

1 Q. But you cannot look at a use table for this  
2 particular property, or any other property put in  
3 mixed use village, and say that's a permitted use  
4 or that's not a permitted use?

5 A. That's correct.

6 MR. NACCARATO: That's correct. Right.  
7 Okay. Thank you.

8 MR. D'ORIO: Mr. Naccarato, let me  
9 interrupt. How much more time would you like to  
10 spend doing this?

11 MR. NACCARATO: I'll try to be as brief as  
12 possible.

13 MR. D'ORIO: I will remind you again in  
14 another few minutes.

15 MR. NACCARATO: Okay, okay. I know  
16 Mr. Brainsky has also asked to inquire.

17 MR. D'ORIO: Looking forward to that.

18 MR. NACCARATO: You've interrupted my  
19 train of thought.

20 MR. D'ORIO: I have my own train of  
21 thought.

22 Q. Now, I think you've also testified, Mr. Varin, that  
23 this application, I think your testimony was, it  
24 was not consistent with the zoning ordinance, is