

State of Rhode Island

County of Washington

In Hopkinton on the twenty-seventh day of October 2016 A.D. the said meeting was called to order by Zoning Board of Review Chairman Philip Scalise at 7:00 P.M. in the Town Hall Meeting Room with a moment of silent meditation and a salute to the Flag.

PRESENT: Philip Scalise, Ronnie Sposato, Jonathan Ure, Timothy Ward & William Kazounis; Zoning Solicitor: Veronica Assalone; Zoning Board Clerk: Elizabeth Metcalf, Deputy Zoning Official: Sherri Desjardins.

Absent: Harry Bjorkland, Daniel Harrington

Sitting as Board: Scalise, Sposato, Ure, Ward & Kazounis

Petition I.

A Petition on an Appeal of the Zoning Official filed by Frank Turrisi, Manager, Eminel Holdings, LLC, 12 North Rd., Pawcatuck, CT 06379 for property owned by Eminel Holdings, LLC located at 95 High St., Ashaway, RI 02804 identified as AP 4, Lot 2 an RFR-80 Zone and filed in accordance with Section 20 (A) (1); Section 24 (A) (1); Section 24 (B) of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

A MOTION WAS MADE TO TABLE THIS PETITION UNTIL DECEMBER 15, 2016 BY RONNIE SPOSATO AND SECONDED BY JONATHAN URE.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

Petition II.

A Petition for a Special Use Permit to construct a new home with an attached accessory dwelling unit to replace original structure filed by Patricia Weber, Jason Proulx & Teri Segura, 17 Cayer Trl., Wood River Jct., RI for property located on

17 Cayer Trl. identified as AP 5 Lot 91A an RFR-80 Zone filed in accordance with Section 8C Non-conforming development (replacement) and Chapter 151 Section 5.2 Accessory Family Dwelling Unit of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Jason Proulx, Patricia Weber, and Teri Segura (Applicants) were present.

Petition III.

A Petition for a Dimensional Variance to construct a new home with an attached accessory dwelling unit to replace original structure filed by Patricia Weber, Jason Proulx & Teri Segura, 17 Cayer Trl., Wood River Jct., RI for property located on 17 Cayer Trl. identified as AP 5 Lot 91A an RFR-80 Zone. The applicants request a variance from the 12' shared wall between the in-law and main house to 8' of common wall and a variance from the main wall ingress/egress into the main living areas of both units. The application is filed in accordance with Chapter 151, Section 5.2-5C of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Jason Proulx, Patricia Weber, and Teri Segura (Applicants) were present.

The green certified mail cards were submitted.

As requested by the board, the applicants supplied the board with Assessor's Plat Map with lots 91A, 91B & 91F clearly designated.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO TO DEEM THE CHECKLIST COMPLETE.

IN FAVOR: Scalise, Sposato, Ure, Kazounis, Ward.

OPPOSED: None.

SO VOTED

Petitions II & III will be reviewed together since they are the same applicants.

The Board asked the applicants to comment on their building plans. Jason Proulx spoke on behalf of his family. The board asked why they decided to raze the home rather than renovate the home. Jason explained that the existing home is a mobile

home with an addition. They intend to replace the mobile home with a stick built home. They intend to have the main house and the in-law share the mudroom, the laundry room and the garage. The board noted the three means of egress and ingress for the in-law space.

The Board asked Sherri Desjardins, Deputy Zoning Official if Zoning had any issues with the wall size being 8 feet instead of 12 feet, or any other issues with the plans, to which she replied, “Not that I can foresee”.

The Board was pleased that the plans eliminate a mobile home in town.

Jonathan Ure asked if all the neighbors were family. The applicants responded, “Yes”.

The Board noted that the existing lot is non-conforming by dimension with less than required road frontage. They are meeting all the setbacks.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO TO OPEN DISCUSSION ON THE FINDINGS OF FACT ON THE DIMENSIONAL VARIANCE.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A copy of a site plan and septic design prepared by by Mr. Daniel Harrington III, PLS, dated 6/26/16 showing the location of the existing single family dwelling (a mobile home) on the property which shall be razed. The proposed location of the new single family home with accessory family dwelling unit is shown on the plan. Also the location of a new 4 bedroom septic system which is inclusive of the proposed accessory family dwelling unit, as well as the location of a new well.

Also a copy of building plans prepared by DLR Dimensions Inc., dated 8/01/16 showing layout and dimensions of the proposed home to include an accessory family dwelling unit and 3 car garage.

The existing lot is zoned RFR80 and the lot is pre-existing, non-conforming

by dimension due to less than required road frontage.

The razing of the existing home and its replacement which includes that of an Accessory Family Dwelling Unit is that of a residential use and shall remain unchanged from that of which it is currently being used for.

DEM has approved a new septic for 4 bedrooms total which is inclusive of the Accessory Family Dwelling Unit. A new well shall be installed to support the new home.

The proposed Accessory Family Dwelling Unit will meet all the requirements of Chapter 151 Sec 5.2 except for the two items of which the variance is being heard. Which are sub sec 5C the 12' shared common wall between the in-law and main house to 8' of common wall and a variance from the main wall ingress/egress into the main living area of both units.

-the total floor area will be 600 sq ft.

-only one bedroom is proposed for the unit.

-the unit shares utilities with that of the primary residence.

-2 means of egress & ingress shall be maintained as per code.

-Fire rated walls will be utilized on walls adjoining garage areas.

-The unit is required for the applicant's mother and shall not exceed two persons.

A guarantee of owner occupancy shall be received from the applicant and recorded into the land evidence records.

The testimony heard this evening from Mr. Jason Proulx stating that the relief being sought is to build a new home that can accommodate their family as well as provide accessible, private first floor living for their Mother/ In Law.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO TO APPROVE THE FINDINGS OF FACT ON THE DIMENSIONAL VARIANCE APPLICATION.

There was no discussion.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO THAT THE HARDSHIP FROM WHICH THE APPLICANT SEEKS RELIEF IS DUE TO THE UNIQUE CHARACTERISTICS OF THE SUBJECT LAND OR STRUCTURES AND NOT TO THE GENERAL CHARACTERISTICS OF THE SURROUNDING AREA; AND IS NOT DUE TO A PHYSICAL OR ECONOMIC DISABILITY OF THE APPLICANT:

The Board members agree that the hardship from which the applicant seeks relief is due to the 12' required shared wall between the in-law and main house only being 8' and that the main wall ingress/egress are not into the main living areas of both units. This is due to the floor design of the new home to provide for the family members to share the laundry and Mud-room area and entrance through the attached garage and also to provide privacy for their mother/in law as well as maintain the aesthetics of the home for themselves as well as their neighbors.

There was no discussion.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO THAT THE HARDSHIP IS NOT THE RESULT OF ANY PRIOR ACTION OF THE APPLICANT AND DOES NOT RESULT PRIMARILY FROM THE DESIRE OF THE APPLICANT TO REALIZE GREATER FINANCIAL GAIN.

The Board found that the applicant's proposal is merely to provide the family's immediate blood relative affordable, independent and secure housing while improving accessibility along with comfort and independence for their mother/in law.

There was no discussion.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO THAT IN 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 THIS ORDINANCE IS BASED; AND THAT THE RELIEF TO BE GRANTED IS THE LEAST RELIEF NECESSARY.

The Board found the accessory family dwelling unit not only provides affordable housing for direct blood relatives but also will clearly be in harmony with the surrounding neighborhood as the use is residential and integrating the unit into a residential home gives the appearance of what would normally be found in a residential neighborhood.

The audience was asked if anyone would like to speak in favor of or against the Petitions. Marie Burdick, an abutter, said she was in favor of the plan.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO, THE ZONING BOARD SHALL, IN ADDITION TO THE ABOVE STANDARDS, REQUIRE THAT EVIDENCE BE ENTERED INTO THE RECORD OF THE PROCEEDING SHOWING THAT IN GRANTING A DIMENSIONAL VARIANCE THAT THE HARDSHIP THAT WILL BE SUFFERED BY THE OWNER OF THE SUBJECT PROPERTY IF THE DIMENSIONAL VARIANCE IS NOT GRANTED SHALL AMOUNT TO MORE THAN A MERE INCONVENIENCE. THE FACT THAT A USE MAY BE MORE PROFITABLE OR THAT A STRUCTURE MAY BE MORE VALUABLE AFTER THE RELIEF IS GRANTED SHALL NOT BE GROUNDS FOR RELIEF.

The Board finds that for the reasons preciously stated earlier, the use of this accessory family dwelling unit is merely to keep the family together while providing affordable, independent and accessible living space for their mother/in-law and is clearly not for profit.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO THAT THE ZONING BOARD FINDS BASED ON THE PREVIOUS FINDINGS OF FACT THAT WE APPROVE THIS DIMENSIONAL VARIANCE OF 4' FROM THE REQUIRED 12' SHARED WALL BETWEEN THE ACCESSORY FAMILY DWELLING UNIT AND MAIN HOUSE TO 8' OF THE COMMON WALL AND A VARIANCE FROM THE MAIN WALL INGRESS/EGRESS INTO THE MAIN LIVING AREA OF BOTH UNITS TO THAT OF THE LAUNDRY/MUDROOM AREA AS SHOWN ON PROVIDED BUILDING PLANS FOR THIS PROPERTY LOCATED AT 17 CAYER TRAIL HOPKINTON AP 5 LOT 91A.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO THAT AFTER DUE CONSIDERATION, THE ZONING BOARD INCORPORATES THE SAME FINDINGS OF FACT IN REGARDS TO THIS SPECIAL USE PERMIT APPLICATION USED WITHIN THE PREVIOUS DECISION RENDERED FROM THIS BOARD THIS EVENING APPROVING THE DIMENSIONAL VARIANCES FOR THIS PROPOSAL.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO BASED ON THE FINDINGS OF FACT, THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE

WITH THE NEIGHBORING USES AND WILL NOT ADVERSELY AFFECT THE SURROUNDING NEIGHBORS' USE AND ENJOYMENT OF THEIR PROPERTY.

As the proposed accessory family dwelling unit is a residential use and thus by nature compatible with other neighboring uses within this RFR 80 zone. The property being located on a private road shall in and of itself have no bearing on noise and traffic, yet regardless traffic shall not increase. And as stated before the proposed use is residential and only to provide affordable and accessible first floor living for their immediate blood relative.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO THAT BASED ON THE FINDINGS OF FACT, THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE ENVIRONMENTALLY COMPATIBLE WITH NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY VALUES.

As the applicant has applied for and received all applicable DEM permits such as a new ISDS System and will also be installing a new well and water service.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO THAT BASED ON THE FINDINGS OF FACT, THAT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE ORDERLY GROWTH AND DEVELOPMENT OF THE TOWN, AND WILL NOT BE ENVIRONMENTALLY DETRIMENTAL THEREWITH.

For the reasons previously stated and as provided within accompanying documentation and the previous decision rendered from this board this evening approving the dimensional variances for this proposal.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO THAT BASED ON THE FINDINGS OF FACT , THAT THE ZONING BOARD FINDS THE PROPOSED SPECIAL USE SERVES THE PURPOSES OF THIS ORDINANCE, AND THE COMPREHENSIVE PLAN.

As stated earlier the proposal is compatible within this RFR80 zone and the proposed use meets the intent of the Accessory Family Dwelling Unit ordinance by providing affordable opportunities for town residents to house immediate blood relatives in an independent and secure manner, while removing an outdated mobile home and installing a new stick-built structure increasing the town's tax base.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO BASED ON THE FINDINGS OF FACT THAT THE ZONING BOARD FINDS THE PROPOSED USE WILL BE COMPATIBLE WITH THE BEST PRACTICES AND PROCEDURES TO MINIMIZE THE POSSIBILITY OF ANY ADVERSE EFFECTS ON NEIGHBORING PROPERTY, THE TOWN, AND THE ENVIRONMENT ALL OF WHICH INCLUDES CONSIDERATION OF SOIL EROSION, WATER SUPPLY PROTECTION, SEPTIC DISPOSAL, WETLAND PROTECTION, TRAFFIC LIMITATION, SAFETY AND CIRCULATION.

For the reasons previously stated and as provided in the testimony heard tonight and within the accompanying documentation and previous decision rendered from this board this evening approving the dimensional variances for this proposal.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO THAT THE BOARD FINDS THAT THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF THE ZONING BOARD OF REVIEW BY LEGALLY COMPETENT EVIDENCE THAT THE PROPOSED USE MORE CLOSELY ADHERES TO THE INTENT AND PURPOSES OF THE ZONING ORDINANCE THAN THE PRESENT NON-CONFORMING DEVELOPMENT. THEREFORE THE ZONING BOARD FINDS THAT BASED ON THE PREVIOUS FINDINGS OF FACT THAT WE APPROVE THIS SPECIAL USE PERMIT FOR THE APPLICANT TO RAZE THE EXISTING HOME ON THE PROPERTY LOCATED AT 17 CAYER TR AP 05 LOT 91A AND BUILD THEIR NEW HOME WITH ACCESSORY FAMILY DWELLING UNIT AS SHOWN ON THE BUILDING PLANS AS SUBMITTED WITHIN THE APPLICATION.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

MINUTES & TRANSCRIPT:

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO TO APPROVE THE MINUTES OF SEPTEMBER 15th, 2016 ZONING BOARD OF REVIEW MEETING, AS AMENDED.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY
RONNIE SPOSATO TO APPROVE THE MINUTES OF MAY 19, 2016
ZONING BOARD OF REVIEW MEETING, AS PRESENTED.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY
RONNIE SPOSATO TO APPROVE THE MINUTES OF JUNE 16, 2016
ZONING BOARD OF REVIEW MEETING, AS PRESENTED.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY
WILLIAM KAZOUNIS TO APPROVE THE MINUTES OF THE JULY 14TH,
2016 SPECIAL ZONING BOARD OF REVIEW MEETING AND THE
TRANSCRIPT FROM ALLIED COURT REPORTERS, INC OF THE SPECIAL
ZONING BOARD OF REVIEW MEETING JULY 14, 2016 AS THE RECORD
PERTAINING TO THE PATRICK & KAREN BECK APPEAL, AS
PRESENTED.

IN FAVOR: Scalise, Sposato, Ure, Ward, Kazounis

OPPOSED: None

SO VOTED

Zoning Ordinance Re-write.

No discussion.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY
RONNIE SPOSATO TO ADJOURN THE MEETING AT 8:00 PM.

RESPECTFULLY SUBMITTED,

Elizabeth Metcalf

Zoning Board Clerk