

State of Rhode Island

County of Washington

In Hopkinton on the sixteenth day of March, 2017 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, Daniel Harrington, Jonathan Ure, Ronnie Sposato, Joseph York; Alternate: None; Town Solicitor: Veronica Assalone;

Zoning Board Clerk: Elizabeth Metcalf

Absent: Tim Ward

Sitting as Board: Scalise, Harrington, Ure, Sposato, York

Petition I – Certify complete and move to hearing.

A Petition for a Special Use Permit filed by Timothy Stedman , 28 Edgewood Avenue, Ashaway, RI 02804 for property owned by Timothy Stedman identified as AP 2, Lot 17M, Zoned RFR-80 to build a garage, with mudroom between the garage and the house. The application is filed in accordance with section 8C of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Petition II – Certify complete and move to hearing.

A Petition for a Dimensional Variance filed by Timothy Stedman , 28 Edgewood Avenue, Ashaway, RI 02804 for property owned by Timothy Stedman identified as AP 2, Lot 17M, Zoned RFR-80 to build a garage, with mudroom between the garage and the house. The application is filed in accordance with section 6 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Petition I and Petition II will be heard together as is customary in these cases.

Applicant Timothy Stedman is present, and green cards for certified mail have been given to clerk.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY
RONNIE SPOSATO THAT THE CHECKLIST BE DEEMED COMPLETE
FROM THE LAST MEETING, NOW THAT THERE IS A QUORUM.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

Jonathan Ure questioned the applicant about his plans for the garage. It will be a two car garage with storage underneath and a mudroom and laundry between the house and the garage.

It was noted that the applicant has an odd shaped lot, with a nonconforming front yard setback. It is also nonconforming in area; being under 10,000 feet. The applicant feels he is restricted to where he can put the garage due to the odd shape of the lot. There would be no alterations to septic or well. There will be open trusses in the garage, no living space.

It was noted that there were no objectors attending the meeting.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY
RONNIE SPOSATO TO OPEN THE DISCUSSION ON THE FINDINGS OF
FACT IN REGARDS TO THE SPECIAL USE PERMIT.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

After due consideration, the Zoning Board makes the following findings of fact in regards to this Special Use Permit Application:

1. The testimony of Mr. Tim Stedman who testified as follows: it is his desire to build a 28'x30' garage to the existing home to accommodate the needs of his family. The addition would consist of an attached two car garage with additional mud room/ laundry. His property is pre-existing nonconforming lot within an RFR 80 zone which has a front yard setback of 51' with 60' being required and lot area of 70,133 square feet with 80,000 square feet required. The unique and unusual configuration of the lot located at the end of the cul-de-sac along with site constraints due to the positioning of the existing house, well, septic and driveway as well as topography leaves him with little other option for locating the garage.
2. Site plan prepared by Alfred DiOrio, RLS. Depicting all current and proposed sight conditions and their locations on the property.
3. Copy of approved three bedroom DEM septic permit dated 5/28/1999.
4. No neighbors or abutters present opposing the proposal

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY
RONNIE SPOSATO TO APPROVE THE FINDINGS OF FACT FOR THE
SPECIAL USE PERMIT APPLICATION.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

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 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 28'x30' addition of a new two car garage with attached
mud/laundry room provides no change in use of the property which is residential
and is the same use as the surrounding neighborhood, which is zoned RFR 80.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

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 THAT THE PROPOSED USE WILL BE ENVIRONMENTALLY COMPATIBLE WITH NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY VALUES.

As the proposed addition to the applicant's residential home shall not diminish the neighboring property values as the proposal is compatible with the neighboring uses in that it is of the same residential use and style of the other homes in this RFR-80 zone. The septic is designed and approved by DEM to accommodate three bedrooms, which remains unchanged from the current use and no wetlands are present as would pertain to this application and no additional environmental permits are required.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

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 THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE ORDERLY GROWTH AND DEVELOPMENT OF THE TOWN, AND WILL NOT BE ENVIRONMENTALLY DETRIMENTAL THEREWITH.

As the construction of this garage with attached mud and laundry room shall have no impact on these criteria as the addition is for residential purposes within the appropriate RFR-80 zone. The use of the property shall remain unchanged from that of its current use as a single family residential home. And as previously stated there are no environmental permits required for this proposal.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

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 THAT THE PROPOSED SPECIAL USE SERVES THE PURPOSES OF THIS ORDINANCE AND THE COMPREHENSIVE PLAN.

For the reasons previously stated in the last three motions, also as testified here tonight by the applicant and as provided within accompanying documentation.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

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 THAT 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.

As the applicant shall adhere to all state and local building codes, no abutter, neighbors or others are present or objecting to the proposal. There are no wetlands present as relates to the proposal. No upgrades or alteration to the existing well or septic are needed, therefore additional permitting from DEM is not required,

along with the findings previously stated in Motions 1-4. And as testified here tonight by the applicant and as provided within accompanying documentation.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO, THAT BASED ON THE PREVIOUSLY STATED FINDINGS OF FACT, THE TESTIMONY HEARD AND DOCUMENTS RECEIVED, THE BOARD MOVES THAT THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF THE 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 NONCONFORMING DEVELOPMENT.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO, THAT BASED ON THE PREVIOUSLY STATED FINDINGS OF FACT, THE ZONING BOARD APPROVES THIS SPECIAL USE PERMIT FOR THE 28X30' FT ADDITION OF A TWO CAR ATTACHED GARAGE WITH LAUNDRY/MUD ROOM LOCATED AT 28 EDGEWOOD AVE, ASHAWAY -AP 2 LOT 17M ALLOWING THE OWNERS TO UPDATE THE PRESENT HOME MAKING IT MORE COMFORTABLE AND ACCOMMODATING FOR THE NEEDS OF THEIR FAMILY.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO, THAT AFTER DUE CONSIDERATION, THE ZONING BOARD INCORPORATE THE FINDINGS OF FACT THAT WERE PROVIDED IN THE ACCEPTED SPECIAL USE PERMIT PREVIOUSLY HEARD THIS EVENING AS IT REGARDS TO THIS DIMENSIONAL VARIANCE APPLICATION.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO, THAT AS STATED PREVIOUSLY THIS DIMENSIONAL VARIANCE IS BEING SOUGHT DUE TO THE UNIQUE AND UNUSUAL CONFIGURATION OF THIS PRE-EXISTING DIMENSIONALLY NONCONFORMING LOT WHICH SITS AT THE END OF A CUL-DE-SAC AND BECAUSE OF THE LOCATION OF THE HOME AS IT SITS ON THE LOT. THE HOME'S POSITIONING ON THE LOT ALONG WITH THE LOCATIONS OF THE EXISTING SEPTIC, WELL & DRIVEWAY AS WELL AS THE SURROUNDING TOPOGRAPHY WHICH ARE DEPICTED ON THE PROVIDED SITE PLAN MAKE IT IMPOSSIBLE FOR THE APPLICANT TO MEET CURRENT SIDE YARD SETBACKS. THE SIDE YARD SET BACKS REQUIRED PRESENTLY IN AN RFR 80 ZONE IS

40' WHILE THE PRE-EXISTING SIDE YARD IS 47.8' AND PROPOSED WOULD BE 10'. ALL BEING SAID THE POSITIONING OF THE EXISTING HOME LEAVES THEM WITH LITTLE OPTION TO UPDATE THE HOME FOR THE NEEDS OF THE FAMILY.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

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 pre-existing nonconformity of the subject property by area which is only 70,133sf where 80,000sf is required in this RFR-80 zone. Along with the lot's topography and location of the existing home, well, septic and driveway on this unusually shaped lot leaves the applicant little other room or option for placement of this proposed 28x30' two car garage with attached mud/laundry room.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

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 Zoning Board found that the applicant's proposal is merely for the comfort and enjoyment of their family. The construction of this attached garage with laundry/mud room is for residential purpose and only to update and modernize the existing home to today's standard of living.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO, THAT THE 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 Zoning Board found that the proposed 28'x34' addition of this two car attached garage with laundry room to the existing home will clearly be in harmony with the surrounding area as it is of the same use and style of that of the other residential homes in this RFR-80 zone. Also for the reasons previously stated in Motions 1-3 , and also as presented in testimony heard tonight and as

provided within accompanying documentation a 30' side yard setback variance is the least relief necessary. Thus allowing for a 10' side yard setback from the abutting property line to the south.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK 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 Zoning Board finds that for all the reasons stated previously, as the use of this attached two car garage with laundry/mud room is for the comfort and enjoyment of the applicant's family and is clearly not for profit. Due to the topography and unusual shape of the property, the less than required lot area and positioning of the existing home on the lot along with the location of the existing septic, well and driveway provides the Stedmans with little other alternatives as where to place their garage. The applicant exhausted all other options in meeting the intent and requirements of the towns zoning regulations. With that being said it would be more than a mere inconvenience for the applicant to relocate the proposed two car garage with laundry/mud room to another part of the property as the options are very limited on this unusually shaped pre-existing nonconforming lot.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

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 THEY APPROVE THIS DIMENSIONAL VARIANCE, ALLOWING THAT A 30' SIDE YARD VARIANCE IS THE LEAST RELIEF NECESSARY THUS ALLOWING FOR A 10' SIDE YARD SETBACK FROM THE ABUTTING PROPERTY LINE TO THE SOUTH.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

Petition III

A Petition on an Appeal of the Zoning Official's decision filed by George A Comolli, on behalf of Spicer Marketplace/Lorraine Morrone, 206 Main Street, Ashaway, RI 02804 identified as AP 25, Lot 259 a Neighborhood Business Zone and filed in accordance with section 24 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO TABLE THIS MATTER UNTIL MAY 18, 2017.

IN FAVOR: SCALISE, HARRINGTON, WARD, URE, YORK

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO TO APPROVE THE MINUTES FROM THE OCTOBER 27, 2016 ZONING BOARD MEETING, AS PRESENTED.

IN FAVOR: SCALISE, SPOSATO, URE

ABSTAINED: HARRINGTON, YORK

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY
RONNIE SPOSATO TO APPROVE THE MINUTES OF THE FEBRUARY 16,
2017 ZONING BOARD MEETING.

IN FAVOR: SCALISE, SPOSATO, URE, HARRINGTON

ABSTAINED: YORK

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY
DAN HARRINGTON TO ADJOURN THE MEETING AT 7:30PM.

Respectfully Submitted,

Elizabeth Metcalf

Deputy Zoning Board Clerk

