

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of May, 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: Michael Geary; Solicitor: Veronica Assalone

Zoning Board Clerk: Elizabeth Metcalf

Deputy Zoning Official: Sherri Desjardins

Absent: Tim Ward

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

Petition I – Determine completeness of application/consider waivers.

A Petition on an Appeal of the Zoning Official filed by Kelly M Fracassa, Attorney on behalf of Richard Mann of 194 Potter Hill Road, Westerly, RI 02891 for property owned and located at 60 Chase Hill Road, Ashaway, RI 02804 identified as AP 1, Lot 10 an RFR-80 Zone and filed in accordance with Section 24 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Applicant Richard Mann and Attorney Kelly Fracassa are present.

Attorney Fracassa spoke on behalf of his client Richard Mann regarding the legality of a second residential structure on the property stating it has been a nonconforming use since the 1940s.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON THAT THE REQUIREMENTS OF APPEAL CHECKLIST BE DEEMED COMPLETE.

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

OPPOSED: NONE

SO VOTED

Petition I has been continued to the June 15, 2017 Zoning Board Meeting.

Petition II - Determine completeness of application/consider waivers.

A Petition on an Appeal of the Zoning Official filed by Patrick J McBurney, Attorney on behalf of Gregory Cooper of Cann Cure Cultivation, LLC for property located at 0 Wich Way, Hope Valley, RI 02832 and owned by CTG Properties, LLC, identified as AP 7, Lot 17A an RFR-80 Zone and filed in accordance with Section 24 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Attorney Patrick J McBurney is present on behalf of Gregory Cooper of Cann Cure Cultivation, LLC.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY  
RONNIE SPOSATO THAT THE REQUIREMENTS OF APPEAL CHECKLIST  
BE DEEMED CONDITIONALLY COMPLETE PENDING ADDITION OF  
LOT 10 ON ABUTTER'S LIST FOR NOTIFICATION.

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

OPPOSED: NONE

SO VOTED

Petition II has been continued to the June 15, 2017 Zoning Board Meeting.

Petition III – Certify complete and move to hearing.

A Petition for a Special Use Permit has been filed by Paul Azzinaro Architects, Inc. on behalf of Ashaway Public Library for property owned and located at 15 Knight Street, Ashaway, RI 02804, identified a AP 25, Lot 273 an R-1 Zone and filed in accordance with Section 8C of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Applicant Paul Azzinaro and Attorney Thomas Capalbo III are present on behalf of Ashaway Public Library. The filing fees had been paid and notice had been posted in the newspaper. The green cards have been received, including lot 291 as requested at the April 20, 2017 Zoning Board of Review meeting.

Attorney Capalbo briefly described the history of the building, the programs the library currently offers and how the proposed expansion will benefit the community. Mr Azzinaro then testified as to the design of the proposed building

and its compliance with the Zoning ordinances. The plans include the expansion of the Community Room, an ADA compliant ramp and a covered porch. All improvements will be made within the footprint of the current building. No changes in outdoor lighting are proposed. Parking issues were discussed. The current parking area will be lined after the addition is complete, possibly adding two spaces.

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. Copies of a Sept 4th 2016 site plan for AP 25 Lot 273 zoned R-1, prepared by Mr. Alfred Diorio PLS detailing the existing location of any and all proposed structures and improvements on the subject property and their relationship to the neighboring properties.
2. Copies of an Oct 18th 2016 plan detailing the existing and proposed floor plan, elevation and preliminary site plans all prepared by Azzinaro & Larson Architects.
3. The property is in an R-1 zone located in the center of Ashaway Village. The library had its inception in 1871 and obviously predates zoning as a pre-existing nonconforming use.
4. The presentation this evening from Mr Thomas Capalbo III, attorney for the applicant and Mr Paul Azzinaro, architect, representing the Ashaway Public Library stating that the proposed addition of a 700 sq ft community room and necessary ADA improvements of a wheelchair ramp and covered walkway is much needed for the programs offered by the library to better serve the community. And that the proposal shall meet the town's parking requirements, generate no additional traffic, noise, parking, or environmental concerns. He also noted that much care was given in the design of the addition and made corrections to the roofline to make it more aesthetically pleasing and to keep it in character with the original structure and surrounding neighborhood.
5. Copies of a 200' radius map and abutting neighbors list.

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 DISCUSSION AND FINDINGS OF FACT, AS WELL AS THE TESTIMONY HEARD AND THE DOCUMENTS RECEIVED 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 addition of a 30'x 23'7" (700sqft) community room and ADA compliant wheelchair ramp and covered walkway are only to provide easier access and services to all members of the community and as the use of the library remains unchanged from its current use as a free library.

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 DISCUSSION AND FINDINGS OF FACT, AS WELL AS THE TESTIMONY HEARD AND THE DOCUMENTS RECEIVED THAT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE ENVIRONMENTALLY COMPATIBLE WITH

NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY  
VALUES.

As just stated the use of the library remains unchanged from its current use as a free library which is a very quiet passive use to the surrounding neighborhood. Care has been taken to make the proposed improvements more visually appealing and keep in character to that of the surrounding neighborhood. The septic and well require no upgrading as the use remains unchanged.

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 DISCUSSION AND FINDINGS OF  
FACT, AS WELL AS THE TESTIMONY HEARD AND THE DOCUMENTS  
RECEIVED, 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.

The construction of the proposed community room and wheelchair ramp with covered walkway shall have no impact on these criteria. There are no environmental permits required and no wetlands are present on the property. The improvements proposed are only to provide better access and programs to the community which it has served faithfully for over 146 years.

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 DISCUSSION AND FINDINGS OF  
FACT, AS WELL AS THE TESTIMONY HEARD AND THE DOCUMENTS

RECEIVED 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 within the preceding motions and also as testified here this evening by the applicant and as provided within accompanying documentation received.

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 DISCUSSION AND FINDINGS OF FACT, AS WELL AS THE TESTIMONY HEARD AND THE DOCUMENTS RECEIVED, 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.

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. No upgrades or alterations to the existing well or septic are needed. The traffic and parking shall remain unchanged.

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 DISCUSSION AND FINDINGS OF FACT, AS WELL AS THE TESTIMONY HEARD AND THE 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.

For the reasons previously stated within the preceding motions and also as testified here this evening by the applicant and as provided within accompanying documentation received.

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 THAT BASED ON THE DISCUSSION AND FINDINGS OF FACT, AS WELL AS THE TESTIMONY HEARD AND THE DOCUMENTS RECEIVED THAT WE APPROVE THIS SPECIAL USE PERMIT FOR THE ASHAWAY FREE LIBRARY TO CONSTRUCT A 700 SQFT COMMUNITY ROOM ALONG WITH THE ADA COMPLIANT WHEELCHAIR RAMP WITH COVERED WALKWAY AS PRESENTED THIS EVENING AT 15 KNIGHT ST. ASHAWAY RI ASSESSORS PLAT 25 LOT 273.

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

OPPOSED: NONE

SO VOTED

Petition IV – Hearing

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.

Continued to July 20, 2017 Zoning Board of Review Meeting.

In re: Amber Preston vs. Zoning Board of Review, Case No.:2014-127-M.P./C.A. File No.: WC2012-0151, involving the Petition on an Appeal of the Building & Zoning Official's decision filed by Todd and Tina Sposato of 129 North Road, Hopkinton, RI 02808 for property located at 129 North Road, identified as AP 10 Lot 30 H an R-1 Zone and filed in accordance with Chapter 134, Section 24 of the Zoning Code of Ordinances of the Town of Hopkinton, as amended.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY

RONNIE SPOSATO, TO TABLE THIS MATTER UNTIL THE JULY 20, 2017

ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY

JOSEPH YORK TO APPROVE THE MINUTES OF THE APRIL 20, 2017

ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

There was discussion about the possible resignation as the Zoning Board Chair by Philip Scalise and the possibility of him sitting as an alternate on the Zoning



Board until the current Petitions are resolved. A vote electing a new Zoning Board of Review Chair will take place at the June 15, 2017 Zoning Board of Review meeting.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY DAN HARRINGTON TO ADJOURN THE MEETING AT 8 PM.

Respectfully Submitted,

Elizabeth Metcalf

Deputy Zoning Board Clerk