

ZONING BOARD OF REVIEW MEETING MINUTES – June 15, 2017

State of Rhode Island

County of Washington

In Hopkinton on the fifteenth day of June, 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

Town Planner: Jim Lamphere

Absent: Tim Ward

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

Petition I- Hearing

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 BY JONATHAN URE AND SECONDED BY DAN HARRINGTON TO CONTINUE THIS MATTER TO THE AUGUST 17, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

Petition II - Determine completeness of application/consider waivers.

A Petition for a Use Variance has been filed by Industrial Tower & Wireless, LLC for property owned by Stella Penzer and located at 346 Spring Street, Hope Valley, RI 02832, identified as AP 16, Lot 38 an RFR-80 Zone and filed in accordance with Section 5 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Petition III - Determine completeness of application/consider waivers.

A Petition for a Dimensional Variance has been filed by Industrial Tower & Wireless, LLC for property owned by Stella Penzer and located at 346 Spring Street, Hope Valley, RI 02832, identified a AP 16, Lot 38 an RFR-80 Zone and filed in accordance with Section 5 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Ronnie Sposato recused himself as he has a business relationship with the applicant.

Sitting as Board for Petitions II & III: Scalise, Harrington, Ure, York, Geary

Petitions II & III were heard together.

Attorney Nicholas Gorham was present representing Industrial Tower and Wireless, LLC. Also present were Kevin Delaney, John Champ and Rick Felicico from Industrial.

After discussion by the Zoning Board, it was determined that Industrial Tower and Wireless will submit an application for a Special Use Permit as needed in an RFR80 Zone and will resubmit their advertisement to include all three applications.

The Zoning Board used the Use Variance checklist which covers the requirements for the Dimensional Variance.

Checklist item A- Site map (3) with required data.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON THAT THE REQUIREMENTS OF CHECKLIST ITEM A FOR USE VARIANCE AND DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

Checklist item B-Separate map with abutting property owners.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON THAT THE REQUIREMENTS OF CHECKLIST ITEM B FOR USE VARIANCE AND DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

Checklist Item C – Soil erosion & storm water control plan.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK THAT THE REQUIREMENTS OF CHECKLIST ITEM C FOR USE VARIANCE AND DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

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

OPPOSED: NONE

Industrial Tower & Wireless, LLC added waivers to their applications for items D, E, F and H.

SO VOTED

Checklist Item D – Letter from a biologist re: presence of freshwater wetlands.

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JOSEPH YORK TO GRANT A WAIVER OF CHECKLIST ITEM D.

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

OPPOSED: NONE

SO VOTED

Checklist Item E – Location of existing septic system.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO GRANT A WAIVER OF CHECKLIST ITEM E.

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

OPPOSED: NONE

SO VOTED

Checklist Item F – Traffic Study.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY MICHAEL GEARY TO GRANT A WAIVER OF CHECKLIST ITEM F.

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

OPPOSED: NONE

SO VOTED

Checklist Item G – Topography at two-foot intervals.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON THAT THE REQUIREMENTS OF CHECKLIST ITEM G FOR USE VARIANCE AND DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

Checklist Item H – Water quality & water quantity.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON TO GRANT A WAIVER OF CHECKLIST ITEM H.

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

OPPOSED: NONE

SO VOTED

The Zoning Board reviewed additional requirements: The inventory of existing towers in Hopkinton within eight miles of proposed location including location, height, design and capacity meets the requirements per section 3A (4).

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON TO DETERMINE THE APPLICATIONS FOR A USE VARIANCE AND A DIMENSIONAL VARIANCE BE DEEMED COMPLETE.

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

OPPOSED: NONE

SO VOTED

Open discussion occurred concerning the advertising of the Petitions two weeks prior to the meeting.

Petition IV - Determine completeness of application/consider waivers.

A Petition on an Appeal of the Zoning Official filed by George A Comolli, Attorney on behalf of Edward C and Julieta G Sherman of 163 Canal Street, Westerly, RI 02891 for property owned and located at 165 Ashaway Road, Ashaway, RI 02804 identified as AP 23, Lot 4 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 Surdut from George Comolli's office is present and is representing the applicant.

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

The Zoning Board asked Attorney Surdut to add AP 23, Lot 100 to the abutter's list for notification.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON TO DETERMINE THE CHECKLIST FOR THE APPEAL BE DEEMED COMPLETE.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JONATHAN URE TO CONTINUE THIS MATTER TO THE JULY 20, 2017 ZONING BOARD MEETING.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO RECESS FOR FIVE MINUTES.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON TO RECONVENE.

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

OPPOSED: NONE

SO VOTED

Petition V – Hearing

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.

Attorney Kelly Fracassa is present representing Richard Mann.

A stenographer is present and a copy of the transcript will be attached to the minutes and made part of the record.

Petition VI – Certify complete and move to hearing

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, Ashaway, RI 02804 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, Attorney Benjamin Rackliffe, and Gregory Cooper of Cann Cure Cultivation, LLC are present. A stenographer is present and a copy of the transcript will be attached to the minutes and made part of the record.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOSEPH YORK TO CONTINUE THIS MATTER TO THE JULY 20, 2017 ZONING BOARD MEETING.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON TO APPROVE THE MINUTES OF THE MAY 18, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

No action was taken on the following matters:

Zoning Board Reorganization:

1. Elect Chairperson.
2. Elect Vice-Chairperson.

Ratify the Ashaway Public Library Decision from the May 18, 2017 Zoning Board of Review meeting.

These matters to be continued to July 20, 2017 meeting.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY DAN HARRINGTON TO ADJOURN THE MEETING AT 10:25 PM.

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

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Metcalf

Deputy Zoning Board Clerk