

State of Rhode Island

County of Washington

In Hopkinton on the twenty fourth day of August, 2017 A.D. the said meeting was called to order by Zoning Board of Review Chairman Philip Scalise at 7:08 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: Matthew Riley from Attorney Assalone's office;

Zoning Board Clerk Substitute: Elizabeth Monty

Deputy Zoning Official: Sherri Desjardins

Absent: Tim Ward

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

Petition I - Hearing

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 II - Hearing

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.

Petitions I & II were heard together.

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

Kevin Delaney and John Champ from Industrial Tower and Wireless made the presentation before the Zoning Board. They reviewed the site plan details for the 175' tower. They will subdivide the property and use 13 acres out of the original 18.1 acres for the site. They will construct a 10' wide driveway, with a length of 600 feet. There will be a security gate off the road. There will be an 80' x 80' compound. The proposed tower will be in the center of the square. There will be minimal tree cutting. The utilities to the site will be underground. There will be an 8' high chain link fence surrounding the compound with a turnaround area inside the fence. There will be a 10' wide gate to enter the 80' x 80' compound. Within the compound there will be 6" of ¾" crushed stone.

The tower will be a free standing lattice style tower with no guide wires, 175' in height, no lights, no beacon required. They have filed with the FAA and received an approval of determination of no hazard, meaning lighting was not required for this facility.

Propagation Study: The purpose of the tower is to fill in the coverage gap on Route 138 for cell coverage.

There are currently two cell towers in Hopkinton.

Industrial Tower does most of the work in house. They use their own crews and have control over who goes in and out of the facility. No one climbs the towers except Industrial Tower employees.

Philippe Scalise: There was no other pole existing to use?

Mr Delaney: No, nothing to provide coverage within that gap.

Philippe Scalise: Lattice structures; are they stronger than the monopoles?

Mr Delaney: Not necessarily, but they are safer to work on, and visually less intrusive. Wind ratings are the same. They are built to exceed the wind requirements by 10 mph. They are built to withstand storms in this area. More than 90 mph plus.

Dan Harrington: The fall radius for the tower, if there was a failure?

Mr Delaney: It would fall within the property.

Dan Harrington: You said there are no lights on top of the tower. Are there lights at the enclosures?

Mr Delaney: Typically on the equipment shelters there will be a light at the door that would be shielded and on a sensor, so it wouldn't come on unless somebody was there.

Jonathan Ure: So you have a 175' tower. How did you determine that height?

Mr Delaney: By running propagation studies to see what the need is. You need to consider the need of not only the person that's on the top of the tower but there are the five major wireless carriers that have licenses in this area: Verizon, AT&T, T-Mobile, Sprint and Metro PCS. We need to make sure there is enough space to for all those carriers to provide coverage for the gap in service.

Jonathan Ure: That is the maximum height that our ordinance allows. Is there a formula that you use to determine how many carriers can go on that?

Mr Delaney: It is designed for five carriers, plus additional infrastructure for whip antennas and GPS locators.

Jonathan Ure reviewed some of the details of the site plan.

Jonathan Ure: Our ordinance requires a balloon test.

Mr Delaney: We can do that if the Board requires it.

Discussion ensued about whether the balloon test is required if they are not applying for a Special Use Permit.

Discussion ensued about the design aspects of the tower and there was input from the neighbors. Mr Jastremski spoke on behalf of his son who couldn't be here tonight. His son is worried about the design and how it might affect their enjoyment of the property. Mr Jastremski wanted to know what happens if they don't like it. The chairman of the Zoning Board stated that federal law prohibits the town from denying the tower if the applicants provide proof of a coverage gap in service. Mr Jastremski asked about the possibility of installing a monopine- a monopole that resembles a tree.

It was decided that counsel will look into what latitude a homeowner in Hopkinton might have relative to a monopole, not a monopole, height based on their need compared to our ordinance.

Rosita Hopper spoke to the Zoning Board. She is the daughter of Stella Penzer, who currently owns the property. She noted the property owned by Mr Jastremski's son is wetlands and is unbuildable. She also mentioned that the owners ride dirt bikes on the property and are fairly intrusive neighbors.

Jonathan Ure: You asked for a variance for 135' for the height, we only allow 40'. Looking at setbacks, our ordinance says tower shall be setback a distance of three

times the height from any residential structure, zoning district boundary or lot line, whichever is closer.

Attorney Gorham said the ordinance is ambivalent. Is it permitted with a Special Use Permit? Without a Special Use Permit, we wouldn't need to do a balloon test or meet setbacks.

Discussion ensued with regards to the need for a Special Use Permit.

The Zoning Board discussed the 2006 cell tower decision as a precedent.

Details about the balloon test were discussed; running it Friday through Tuesday to cover the weekend. They discussed waivers for the setbacks which would be under a Special Use Permit. Details about the dates of the tests will go through Sherri at Building and Zoning. The phone number for Building and Zoning was given to the members of the audience.

It was decided that counsel would review the cell tower ordinance requirements and communicate with Sherri from Building and Zoning, and will then contact Industrial. The Balloon Test will occur.

Jonathan Ure: Signage?

Mr Delaney: There will be a small sign at the gate, 11 x 8, that identifies the site is owned by Industrial Communications, with phone number and FCC ID on it.

No other advertisements will be on the sign. No water will be going to the site. No wetlands are on the site where they will be working. No fumes or heat or glare are generated by the tower. The tower will be made of galvanized steel. It will not generate any noxious fumes. Industrial will allow the Town of Hopkinton to put its EMS apparatus on the property.

Industrial Tower intends to purchase the lot. Minimal tree cutting will occur. No solar farms will be put on the property.

Mr Jastremski asked if the tower could be painted with camouflage paint. Phil Scalise spoke about the problems associated with painting the tower.

Mr Delaney said they will work with Sherri on the balloon test. Outstanding issues about the Special Use Permit will be reviewed between counsel and Sherri.

Industrial will fly the balloon and then drive around and see where it's visible from and take pictures from those locations. They will do a photo simulation to get an idea of what the tower will really look like.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO CONTINUE THIS MATTER TO THE SEPTEMBER 21, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

Petition IV will be heard before Petition III- the Special Use Permit.

Petition IV - Hearing

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.

Petition III – Hearing

A Petition for a Special Use Permit 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 Sections 8C and 10 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

A stenographer is present and a copy of the transcript will be attached to the minutes and made part of the record for Petitions III & IV.

Sitting as Board for Petitions III and IV: Scalise, Harrington, Ure, York, Sposato

Attorney Steven Surdut from George Comolli's office is present representing the applicants for Petitions III & IV.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO CONTINUE THIS MATTER TO THE SEPTEMBER 21, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

Petition V – Hearing

A Petition for an Aquifer Protection Permit filed by Robert W Sharkey, on behalf of Environmetals, LLC, 5 Cross Street, Charlestown, RI 02813 for property owned by J & T Seaside Realty and located at 405 Main Street, Ashaway, RI 02804, identified as AP 7, Lot 7A, Zoned Manufacturing. The application is filed in accordance with Chapter 131 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Continued to September 21, 2017 Zoning Board of Review meeting.

Petition VI- 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.

Continued to November 16, 2017 Zoning Board of Review meeting. (Parties are working towards a resolution in the matter. Shall not be heard unless and until necessary.)

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JONATHAN URE TO APPROVE THE MINUTES OF THE JULY 20, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JONATHAN URE TO APPROVE THE ALLIED COURT REPORTERS TRANSCRIPT OF THE JULY 20, 2017 ZONING BOARD OF REVIEW MEETING PERTAINING TO THE PATCEEZ APPEAL.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JONATHAN URE TO APPROVE THE ALLIED COURT REPORTERS TRANSCRIPT OF THE JULY 20, 2017 ZONING BOARD OF REVIEW MEETING PERTAINING TO THE CANN CURE CULTIVATION, LLC APPEAL.

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

OPPOSED: NONE

SO VOTED

Zoning Board Reorganization:

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

A MOTION WAS MADE BY PHIL SCALISE THAT JONATHAN URE BECOME THE CHAIRPERSON OF THE ZONING BOARD.

IT WAS NOT SECONDED.

DISCUSSION ENSUED.

A MOTION WAS MADE BY RONNIE SPOSATO TO TABLE THIS MATTER UNTIL NEXT MONTH.

IT WAS NOT SECONDED.

DISCUSSION ENSUED.

ALL PARTIES OPPOSED FURTHER ACTION ON THIS MATTER AT THIS TIME.

These matters are to be continued to September 21, 2017 meeting.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY
DAN HARRINGTON TO ADJOURN THE MEETING AT 10:20 PM.

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

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Metcalf / Elizabeth Monty

Deputy Zoning Board Clerk/Substitute