

State of Rhode Island

County of Washington

In Hopkinton on the twenty first day of September, 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, York, Sposato

Petition I – 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.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO CONTINUE THIS MATTER TO THE OCTOBER 26, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

Petition II – 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 MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO CONTINUE THIS MATTER TO THE OCTOBER 26, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

It was later determined that Petitions I & II will be continued instead to the October 19, 2017 Zoning Board of Review meeting, if the parties require a meeting at that time.

Petition III - 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 IV - 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.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO CONTINUE PETITIONS III & IV TO THE OCTOBER 26, 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.

Robert W Sharkey is present representing Environmetals, LLC and green cards for certified mail have been given to clerk.

Mr Sharkey is the owner of Environmetals. They manufacture a metal puck for the aluminum master alloy industry. They wash the high value metals, compact them into a hockey puck, dry them and sell them all over the world, doing business in fourteen countries. The pucks are used as an alloy addition. They are made of different types of high value metals.

Everything would be taking place inside the building. No changes would be made to the exterior of the building. The only chemical used is a detergent. The wash water generated goes into a 250 gallon tote and the liquid is hauled away by a licensed waste hauler. The detergent is Brulin. It is noncorrosive and cleans the dirt, oil and grease off of the metal. There will be 60 gallons of Hydraulic fluid in the two machines. Incidental household chemicals such as Simple Green, alcohol, spray lubricant (ex WD-40) and paint would be used in the building. The hydraulic machine sits within a dike to contain any leaks.

The concrete floors in the building are painted /sealed. They keep five spare gallons of hydraulic fluid, which is stored in a cart. There are no floor drains in the building. There are no external discharges of any kind to a sewer or outdoors. There is no storage of any other petroleum products. The detergent comes in fifty-five gallon drums that are stored inside the building. Mr Sharkey noted that he has an extensive background in Environmental Health & Safety and in working with environmental regulators. The building has propane heat.

There will be no storage vehicle parking overnight. There may be an occasional late night delivery where a driver may sleep in his truck, but it's not very common. There will be dumpsters for typical trash and recycling. The dumpsters must have drain plugs in case of any spills.

No heavy metals are shedded during the cleaning process, and there are no hazardous metals used in the manufacturing of the product. The machine is a self-contained unit. There are no mists or sprays emitted during the process. The use does not require a state or federal hazardous materials permit. There is no special licensing required for working with these metals.

After due consideration, the Zoning Board makes the following findings of fact in regards to this Aquifer Protection Permit application:

1. Copy of a site plan for the subject property located at 405 Main St. AP 7 Lot 7A.
2. The subject property is zoned manufacturing.
3. The building, well and septic on the property are all pre-existing.
4. Copy of a Best Management Practices Work Plan detailing any and all methods to be utilized to mitigate any potential threats or adverse effects to the aquifer from the proposed use.
5. To accept the testimony heard this evening from Mr. Robert Sharkey owner of Environmetals LLC stating ;
 - a. His company will be leasing the existing facility that he wishes to use for his metal manufacturing company where they specialize in manufacturing “ alloy metal hockey pucks”
 - b. All work is to be inside of the building.
 - c. There are no floor drains in the facility.
 - d. The flooring in the work area is sealed concrete.
 - e. There are no chemicals being used that would create any discharge or fumes that might be detrimental to either the neighbors or the environment.
 - f. Their proposed use will not require any discharge of liquid waste or waste water particles on site.
 - g. There are no underground storage tanks on the property and none are proposed.
 - h. There will be no parking of any vehicle used for storage of fuel oil, gasoline, or other liquid petroleum products or hazardous materials for more than a 2 hour period.
 - i. All dumpsters will have covers and drain plugs as to eliminate any potential leakage of waste.
 - j. The use proposed does not require state or federal permitting for any hazardous materials.
 - k. Chemicals or petroleum type products being used are detailed within the provided B.M.P. They are listed as; Brulin 815MX detergent 4-55gal drums, 60 gallons of hydraulic oil, waste water from detergent cleaning contained in 250ga IBC totes. Along with incidental quantities of "household chemicals".
 - l. All measures detailed in the B.M.P. shall be adhered to and all maintenance wastes will be disposed of offsite by a license waste provider.
 - m. They shall abide by all requirements and prohibitions as set forth in the Aquifer Protection regulations.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY

RONNIE SPOSATO TO APPROVE THE FINDINGS OF FACT FOR THE

AQUIFER PROTECTION PERMIT.

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

OPPOSED: NONE

SO VOTED

Based on the findings of fact, the Zoning Board finds that the proposed use will not result in concentrations of pollutants in the groundwater that will adversely affect the groundwater as a source of potable water or its classification as GAA (suitable for public or private drinking water use without treatment) or GA (may be suitable for public or private drinking water use without treatment) as promulgated in the RIDEM “Rules and Regulations for Groundwater Quality” in accordance with Chapter 46-13.1 of the General Laws of R.I. 1965, as amended. As the applicant has provided legally competent evidence showing that as proposed Environmetals poses no risk to the Aquifer. Whereas the applicant has provided this board with an acceptable BMP in which this plan details all methods to be used to prevent and mitigate any potential threats or adverse effects to the Aquifer.

Therefore the Zoning Board finds that based on the testimony heard and documents received that we approve this Aquifer Protection Permit for Environmetals LLC, located at 405 Main St. AP 7 Lot 7A.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK THAT BASED ON THE FINDINGS OF FACT THAT THE BOARD APPROVE THE AQUIFER PROTECTION PERMIT.

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

OPPOSED: NONE

SO VOTED

Petition VI - Determine completeness of application/consider waivers. A Petition for a Dimensional Variance has been filed by Hopkinton Industrial Park, LLC for property owned and located at 0 Gray Lane, Ashaway, RI 02804, identified as AP 4, Lot 13 a Commercial Zone and filed in accordance with Section 6 and Section 9 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Attorney Steven Surdut is present representing Hopkinton Industrial Park LLC. The application has been modified to a 16.2 foot 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 A DIMENSIONAL VARIANCE HAS BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

Checklist item B-Separate map with abutting property owners.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK THAT THE REQUIREMENTS OF CHECKLIST ITEM B HAVE BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

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

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

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

OPPOSED: NONE

SO VOTED

Checklist Item D – Location of existing septic system.

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

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

OPPOSED: NONE

SO VOTED

Checklist Item E – Topography at two-foot intervals.

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

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

OPPOSED: NONE

SO VOTED

The applicant has changed the original application which listed a waiver for item E.

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

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

OPPOSED: NONE

SO VOTED

This matter has been continued to the October 26, 2017 Zoning Board of Review meeting.

Petition VII–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 is present representing Cann Cure Cultivation, LLC. A stenographer is present and a copy of the transcript will be attached to the minutes and be made part of the record.

This matter has been continued to the October 26, 2017 Zoning Board of Review meeting.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO CONTINUE THIS MATTER TO THE OCTOBER 26, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY RONNIE SPOSATO TO APPROVE THE MINUTES OF THE AUGUST 24, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON TO APPROVE THE ALLIED COURT REPORTERS TRANSCRIPT OF THE AUGUST 24, 2017 ZONING BOARD OF REVIEW MEETING PERTAINING TO THE PATCEEZ 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 DAN HARRINGTON AND SECONDED BY PHIL SCALISE TO NOMINATE JONATHAN URE AS CHAIRMAN AND RONNIE SPOSATO AS VICE CHAIRMAN.

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

OPPOSED: NONE

SO VOTED

Philip Scalise will sit as Chair for the Cann Cure Cultivation, LLC Petition.

Jonathan Ure will sit as Chair for all other Petitions going forward.

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY DAN HARRINGTON TO ADJOURN THE MEETING AT 8:45 PM.

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

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Metcalf

Deputy Zoning Board Clerk