

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of April 2016 A.D. the said meeting was called to order by Town Council Vice President Barbara Capalbo at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02832.

PRESENT: Barbara Capalbo, Sylvia Thompson, David Husband, Thomas Buck; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.
Absent: Frank Landolfi.

The meeting opened with a moment of silent meditation and salute to the Flag.

HEARINGS

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO SIT AS A LICENSING BOARD.

IN FAVOR: Capalbo, Thompson, Husband, Buck

OPPOSED: None

SO VOTED

CLASS A LIQUOR LICENSE TRANSFER

The Council opened a hearing on an application for the Transfer of a Class A Liquor License to change the location of Village Place Liquors from 999 Main Street, Hope Valley, RI 02832 to 26 Alton Bradford Road, Bradford, RI 02808 filed by Dennis Plante, President - D&M Liquors, Inc. d/b/a Village Place Liquors, 29 Wincheck Pond Road – P.O. Box 89, Rockville, RI 02873.

Attorney George Comolli was present representing the applicant. Fees had been paid, advertised notice had been posted in the newspaper and notice to abutters had been given. Attorney Comolli reported Dennis Plante was the sole owner, shareholder and officer of the D&M Liquors; he has owned liquor stores in the past: in Providence on Pontiac Avenue which he has sold; in Cranston where he had moved and built a shopping center which has been sold and the most recent one was Exeter Wine and Spirits and that has also been sold. He added Mr. Plante

had recently resided in Smithfield and has now taken up residence in Rockville. Attorney Comolli explained that Mr. Plante owns the Village Place package store license; that he had originally considered renovating the Village Place Liquors site located at 999 Main Street but had since decided he would like to transfer the license to 26 Alton Bradford Road, a new facility, near the intersection of Route 91 and Route 216. Attorney Comolli reported the property is owned by the Richard Grills Trust 2007. He explained the property consisted of a split zone of Neighborhood Business (NB) and Manufacturing, this property is a compilation of various undersized lots and preexisting homes and the Zoning Official has issued a letter that they have been merged, being in common ownership. They filed an appeal but rather than appealing this decision, Mr. Grills has decided to reconfigure all of the lots and the proposal will go before the Town Planner for approval; pending submittal of the survey plan. He submitted a copy of a site map for Council review. Once the property is reconfigured, the lots will be in conformance with zoning dimensions and the Zoning Official will be able to issue a zoning certificate. This proposal will also have to go to the Planning Board for Development Site Plan Review. He noted the location of the liquor store was to be in the existing Dutch Colonial residence on the site and he had an architectural drawing of how the building might appear meeting all the setback requirements in a Neighborhood Business Zone. He stated he understood there was a neighbor present who had some concerns and he noted they would address all concerns relative to ingress, egress, landscaping, dark sky compliant lighting and signage. He stated Mr. Grills had placed the property into his 2007 Trust and prior to that he donated close to 500 acres to the Land Trust and RIDEM but intentionally left this property out because he had a vision to somehow stimulate economic growth; part of that vision is what is before the Council tonight. Attorney Comolli suggested the Town Council make approval of the transfer subject to the approval of the Administrative Subdivision, the requirements of the Zoning Board of Review and Planning Board Development Site Plan Review which would meet all concerns of the neighbors. Attorney Comolli stated Mr. Plante felt that this was a very good site for the package store as Mr. Plante felt it would fill a void in this small neighborhood that once had a package store there owned by Mr. Grills

which had since moved to Ashaway. Attorney Comolli stated Mr. Plante's reasoning for having a liquor store at this site was that there are already two package stores located in the Hope Valley area close to Route 95 and the liquor store would fill a void in this neighborhood which is one of the requirements for neighborhood business. Attorney Comolli felt it addresses the concerns of the zoning enabling act; addresses the concerns of a Class A Liquor License and the immediate needs of that particular community. He felt Mr. Plante was not only a known commodity who has run a business for over two decades but he was now a resident of the Town.

Council Comment:

Councilor Husband asked if the building would strictly house a business or would it be a business and a residence at the same time and also asked if there would be any food or groceries sold there? Attorney Comolli responded it would be the business only and would sell liquor and snack food. Councilor Husband asked what would happen to the Hope Valley building (999 Main Street). Mr. Comolli indicated Mr. Plante did not own the building, he only owned the Class A license itself. Councilor Husband asked about the paperwork before them that listed the President as Patricia Plante. Attorney Comolli indicated he was informed that Mr. Plante was the sole officer of D&M Liquors, Inc. but he would look into his question. Councilor Husband asked how long before the doors would actually open. Attorney Comolli responded they hoped to have the Administrative Subdivision completed before coming to the Town Council this evening but the land surveyor was very busy. He reported they had met with the Town Planner and Zoning Official - both are waiting for the survey plans before giving approval. Attorney Comolli explained the Administrative Subdivision itself doesn't go before the Planning Board but Development Site Plan Review with the Planning Board will take 60 days and thereafter Mr. Plante will begin construction immediately. Councilor Husband expressed worry with the building in Hope Valley that has now been closed for one and a half years and sits empty; someone else could have established a liquor store there but instead Mr. Plante had held the license for a year and a half. He stated he had a problem with someone proceeding in this way as there were a limited amount of Class A

licenses available and it would be additional time until it would be used. Attorney Comolli stated Mr. Plante hadn't held the license for that long and he came before the board last fall for renewal and asked that it be held in abeyance as Mr. Plante was determined to either find a better location or renovate the existing store. He had made a business decision that he believes would satisfy the transfer requirements and addresses the needs of that small community – not in Ashaway, and not in Hope Valley where there are package stores in close proximity to each other. Attorney Comolli stated if the Town Council wanted to make the transfer approval conditional on the project being done in one year, they had no issue with that. Councilor Thompson commented on the number of Class A Liquor Licenses and received clarification that there were two Class A Liquor Licenses in total for Hopkinton. Councilor Thompson noted there were a number of different names involved - Sooz Booz, D&P, D&M and asked him to explain about those entities. Attorney Comolli explained Mr. Plante's business dealings date back two and one half decades starting in Cranston at Alpine Wine & Spirits and his wife is the President, Treasurer, Vice President and Secretary of D&P, Mr. Plante is the sole officer of D&M. Councilor Thompson asked which parcels had been merged? Attorney Comolli noted they hadn't merged as they had filed an appeal because the current owner wasn't sure what he wanted to do. He explained under the zoning ordinance, when there are substandard lots of record with common ownership there is an attempt to merge them. He stated because Mr. Grills has more than sufficient land, they will be reconfiguring the land into different size parcels, to come into conformance: 1 acre, 3.5 acres, 20 acres. He stated the parcels never merged because they filed an appeal; thereafter they met with the Planner and B/Z Official for their tentative blessing subject to the survey. Councilor Thompson asked about the appeal before the Zoning Board. Attorney Comolli responded it was to prevent the merger subject to the Administrative Subdivision. Councilor Thompson asked which parcels were involved with regard to the B/Z Official merger ruling. Attorney Comolli reviewed with the Council the map which shows the preexisting lots, or what exists now in land evidence records, and what lots are being reconfigured to bring them into compliance. Councilor Buck started off by saying he did not agree with the statement that

there was a need for a liquor store in that area. He asked if Chief Palmer had any issues or concerns for that location. Chief Palmer was present and stated he would have to go out to review the site to see how the traffic flow will be designed; if there would be one in and one out. Attorney Comolli stated the Planning Board will request a traffic study and they will address any concerns at that time.

Councilor Thompson asked about the parcels in the Neighborhood Business and Manufacturing zones on the map. Attorney Comolli explained it will be a split lot of Manufacturing and Neighborhood Business; the liquor store would be in the Neighborhood Business zoned parcel so the intent is to take some portion from the Manufacturing zone, the Comprehensive Plan would be adjusted to reflect the new lines between the two zones. Councilor Thompson asked if Mr. Ward's opinion was that they merge. Attorney Comolli noted a Neighborhood Business zone needs 40,000 square feet; the lot with the Dutch Colonial is currently not that size but there is sufficient land to take some from the other parcel and add to it with portion from the Manufacturing zone. All the lots would be reconfigured. The Neighborhood Business Zone will have 50,000 square feet, the vacant lot 40,000 square feet and a remaining lot that also had a house of 3.9 acres.

Councilor Thompson asked who owned the Manufacturing lot. Attorney Comolli stated all the properties involved belong to Richard Grills and the parcels will be reconfigured. Councilor Thompson asked what allowed them to do that. Attorney Comolli responded by the Administrative Subdivision that will be allowed and approved by the Town Planner when he sees that they were only changing lot lines to come into conformance with zoning. Council Vice President Capalbo confirmed the intent was to take the non-conforming lots and make them conforming, which follows the Comprehensive Plan. Councilor Thompson asked who decides whether it would be Manufacturing or Neighborhood Business zone? Attorney Comolli indicated the Council did. Councilor Thompson asked if that meant they would need to come before the Council for another meeting regarding that request. Attorney Comolli responded no and he explained that it had to do with the Comprehensive Plan relative to handling zone issues and where to place the zone lines. Council VP Capalbo stated liquor stores were allowed in Neighborhood Business Zone. Councilor Buck asked if it was allowed in a

Manufacturing Zone and that was not known. Councilor Husband stated he was still bothered by the house on the lot and the vacant lot to the south; that he could have taken a piece and expanded the lot, but instead they will leave the house up. His problem is the potential with a business abutting a residence. Attorney Comolli stated this parcel would only be used as a package store. Mr. Plante could have bought the vacant lot and would have preferred that but Mr. Plante fell in love with the Dutch Colonial design of the house. Attorney Comolli stated the Council could make it a condition that it is only to be used as a package store.

Public Comment:

Kendall Penado of 8 Grills Lane, lot 79 stated she welcomes the idea of a new business to stimulate the tax base as it was good for jobs and growth. She stated she was concerned about traffic flow as there were 13 children off of Grills Lane with bicycle and foot traffic to Pete's Grocery and the new gas station. She stated there have been a number of motor vehicle accidents at the intersection and there had been mention of a flashing light there. She hopes those traffic issues were looked at and were handled in a safe manner. Council VP Capalbo recommended she attend the Planning Board Meeting where those issues would be discussed.

Mark Silva of 38 Alton Bradford Road, lot 56 stated he supports the proposal. He felt it would generate revenue for the Town as taxes were high. The Hope Valley Package Store was not making much money at all and to somewhat use the architecture of the original house is great.

Council VP Capalbo felt the proposal aligns with zoning and with neighborhood business. Her concern is it has to go to Planning and Zoning and there were traffic concerns to deal with. She was concerned with giving a liquor license where there is no space. She would prefer to place it on hold until it has gone before Planning and Zoning, and has all State approvals, as they were not in place either. She felt it was a good proposal for the area and would generate more business than the site in Hope Valley and bring more business for the area. She noted there is within a distance of about a mile and a half, another liquor store relatively close. Councilor Thompson felt the matter should be postponed. Council VP Capalbo suggested holding the license in abeyance. Councilor Husband supported holding off on a

decision until it goes before Planning and Zoning as Mr. Plante still owns the license and when it is time, to transfer the license then. The Town Clerk stated the current Class A license was being held until all requirements are complied with and it did not appear there was an inclination to open the store in Hope Valley at this point. Attorney Comolli indicated he had no problem if they wished to continue the hearing to a date in June. It was the consensus of the Council to hold the license in abeyance. Councilor Thompson asked the Solicitor if the Council should continue the hearing. Solicitor McKallister noted the Council cannot control the time frame involved for Zoning Board action and Planning Board action and he advised postponing until that has been completed. Councilor Buck asked if abuttor notification would be required. Council VP Capalbo commented that abuttor notice would be sent when they are before the Towns Boards. The Town Clerk noted it would be an easy matter to notify the abuttors again. This matter was postponed.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO ADJOURN AS LICENSING BOARD AND RECONVENE AS COUNCIL.

IN FAVOR: Capalbo, Thompson, Husband, Buck

OPPOSED: None

SO VOTED

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of April 4, 2016; Town Council Meeting Minutes of March 21, 2016 with corrections; Set May 2, 2016 as a hearing date for a Special Event Permit for a ‘Bioblitz’ filed by the Friends of the Hopkinton Land Trust; Set May 2, 2016 as a hearing date for a Special Event Permit filed by Huck Finn Day filed by the Ashaway Sportsmen’s Club; Set May 16, 2016 as a hearing date to consider a Zoning Ordinance Text Amendment for property located at 1100 Main Street and owned by Home Loan & Investment

Bank; Accept the following monthly financial/activity report: Town Clerk;
Approve refund due to overpayment submitted by the Tax Collector.

IN FAVOR: Capalbo, Thompson, Husband, Buck

OPPOSED: None

SO VOTED

PUBLIC FORUM

Conservation Commission Chairman Harvey Buford was present. He stated one thing that wasn't considered when the farm viability ordinance was developed was alternative energy and there have been a couple of proposals floated for photovoltaic installations but no mechanism was in place to allow for it. He mentioned it may be something that was being worked on but suggested it be placed on a future agenda. Councilor Thompson commented that the Town Planner was working on the draft solar ordinance by splitting out the residential component from the commercial component and she expected a workshop would be scheduled in a couple of weeks.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO ADJOURN.

Elizabeth J. Cook-Martin

Town Clerk