

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of July, 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, Michael Geary, Joseph York; Alternate: none; Solicitor: Veronica Assalone

Zoning Board Clerk: Elizabeth Metcalf

Deputy Zoning Official: Sherri Desjardins

Town Planner: Jim Lamphere

Absent: Tim Ward, Ronnie Sposato

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

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

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO APPROVE THE MINUTES OF THE JUNE 15, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO APPROVE THE TRANSCRIPT OF THE JUNE 15, 2017 ZONING BOARD OF REVIEW MEETING.

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

OPPOSED: NONE

SO VOTED

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.

Philip Scalise: Based on where we are today and based on the fact that Mr Sposato is not here tonight and that the alpacas are no longer there and no longer a controversy, I'd like a motion to vacate the decision.

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY JOSEPH YORK TO VACATE THE DECISION, REMOVE IT FROM THE LAND EVIDENCE RECORDS AND DISMISS THE APPEAL.

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

OPPOSED: NONE

SO VOTED

Petition I – Determine completeness of application/consider waivers.

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.
Mr Sharkey amended the original map with the new owner's name and address.

Checklist item A- Site map (4) with required data.

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

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

OPPOSED: NONE

SO VOTED

Checklist item B- Separate map (4) with abutting property owners.

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

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 TO GRANT A WAIVER OF CHECKLIST ITEM C.

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

OPPOSED: NONE

SO VOTED

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

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JONATHAN URE 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 MIKE GEARY TO DEEM CHECKLIST ITEM E COMPLETE.

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 JOSEPH YORK 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 JOSEPH YORK THAT CHECKLIST ITEM G BE DEEMED COMPLETE.

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 MIKE GEARY TO GRANT A WAIVER OF CHECKLIST ITEM H.

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

OPPOSED: NONE

SO VOTED

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

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

OPPOSED: NONE

SO VOTED

This matter was scheduled for the August 17, 2017 Zoning Board Meeting and later amended to August 24, 2017. The applicant has been notified of the date change.

Petition II – 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.

Attorney George Comolli is present representing the applicants. Based on the actions of the Hopkinton Town Council during Monday night's meeting they are withdrawing the appeal with prejudice.

Petition III – Determine completeness of application/consider waivers.

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.

Attorney George Comolli is present representing the applicants.

The applicant has added the locations of the wells and septic on the master map.

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 BE DEEMED CONDITIONALLY COMPLETE SUBJECT TO THE EXISTING AND PROPOSED LANDSCAPING.

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 DAN HARRINGTON AND SECONDED BY JOSEPH YORK THAT THE REQUIREMENTS OF CHECKLIST ITEM B BE DEEMED COMPLETE WITH THE ADDITION OF MAP 23, LOT 100.

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 DAN HARRINGTON TO GRANT A WAIVER OF CHECKLIST ITEM C.

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

OPPOSED: NONE

SO VOTED

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

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JONATHAN URE 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 DAN HARRINGTON TO DEEM CHECKLIST ITEM E COMPLETE WITH THE AMENDED SITE PLAN.

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 DAN HARRINGTON 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 MIKE GEARY TO GRANT A WAIVER OF CHECKLIST ITEM G.

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 DEEM CHECKLIST ITEM H COMPLETE BASED ON BEING AN EXISTING BUSINESS AND HISTORICALLY THE WATER SUPPLY HAS BEEN PROVEN.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JONATHAN URE AND SECONDED BY DAN HARRINGTON TO DETERMINE THE CHECKLIST FOR THE SPECIAL USE PERMIT BE DEEMED COMPLETE SUBJECT TO THE APPEAL DECISION ON THE EXISTING/PROPOSED LANDSCAPE.

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

OPPOSED: NONE

SO VOTED

This matter is continued to the August 24, 2017 Zoning Board of Review meeting.

Ronnie Sposato joined the Zoning Board at this time and Michael Geary became an alternate.

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

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.

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

Attorney George Comolli is present representing the applicants. The abutter's certified mail cards have been given to the clerk.

This matter is continued to the August 24, 2017 Zoning Board of Review meeting.

Petition V – 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 made part of the record.

This matter is continued to the September 21, 2017 Zoning Board of Review meeting.

No action was taken on the following matters:

Zoning Board Reorganization:

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

These matters are to be continued to August 24, 2017 meeting.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY DAN HARRINGTON TO ADJOURN THE MEETING AT 10:05 PM.

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

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Metcalf

Deputy Zoning Board Clerk