

State of Rhode Island

County of Washington

In Hopkinton on the twenty-fourth day of May, 2018 A.D. the said meeting was called to order by Zoning Board of Review Chairman Jonathan Ure at 7:10 P.M. in the Town Hall Meeting Room with a moment of silent meditation and a salute to the Flag.

PRESENT: Jonathan Ure, Ronnie Sposato, Joseph York, Michael Geary, Dan Harrington; Alternate: Dan Baruti; Solicitor: Veronica Assalone

Zoning Board Clerk: Elizabeth Metcalf

Deputy Zoning Official: Sherri Desjardins

Absent: Philip Scalise

Sitting as Board: Ure, Sposato, York, Geary, Baruti

Discussion to change the date of the June Zoning Board meeting from June 21 to June 28, 2018 due to a scheduling conflict.

It was noted that all Zoning Board members were in agreement to reschedule the June Zoning Board Meeting to June 28, 2018.

Petition I – Determine completeness of application/consider waivers.

A Petition for an Appeal of the Zoning Official's decision filed by Attorney Kelly Fracassa on behalf of Jeffrey C Tefft of 158 Spring Street, Hope Valley, RI 02832 for property owned and located at 158 Spring Street, Hope Valley, RI 02832 identified as AP 31, Lot 9 an R-1 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 the Petitioner.

Checklist item A: Copies of all documents filed with the official or agency from which the appeal is taken.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE
GEARY TO DEEM CHECKLIST ITEM A COMPLETE.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Checklist item B: Copies of all decisions of the official or agency from which the appeal is taken.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE
GEARY TO DEEM CHECKLIST ITEM B COMPLETE.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Checklist item C: The record of any proceeding from which the appeal is taken.

A MOTION WAS MADE BY DAN BARUTI AND SECONDED BY MIKE
GEARY TO DEEM CHECKLIST ITEM C NOT APPLICABLE.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Checklist item D: Three copies of a map indicating all property owners within 200 feet of the subject property, and/or all those property owners and entities which require notice under Section 45-24-53 RIGL, also depicting any zoning district boundary.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE
GEARY TO DEEM CHECKLIST ITEM D COMPLETE.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY TO DETERMINE THE CHECKLIST FOR THE APPEAL BE DEEMED COMPLETE.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

The Zoning Board then reviewed the abutter's list and map.

A MOTION WAS MADE BY MIKE GEARY AND SECONDED BY JOE YORK TO DETERMINE THE ABUTTER'S LIST COMPLETE.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Chairman Jonathan Ure then asked Attorney Fracassa what the grounds were for the appeal. Attorney Fracassa said he has no idea, but they have been doing this for thirty years. Chairman Jonathan Ure then asked Attorney Fracassa if his client was aware of the \$500 daily fine, and Attorney Fracassa said yes, he was aware of it and his client would be reminded of it. Jonathan Ure said, "Are they aware that just because you've done something for thirty years, doesn't mean that they necessarily have a right to?" Attorney Fracassa replied that it's tough convincing other people of that.

The Board is going to confer with the Ethics Commission noting that at least three board members get oil from their (Tefft's) service. The Board doesn't know if it's a conflict or not, but they are going to check into it.

This Petition has been continued to the June 28, 2018 Zoning Board of Review meeting.

Re: Chalifoux Special Use Permit Petition from the April 19, 2018 Zoning Board of Review meeting. Correct the record to include Motions for the Special Use Permit.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY TO UPDATE THE RECORD TO INCLUDE MOTIONS FOR THE SPECIAL USE PERMIT FOR THE CHALIFOUX PETITION.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT BASED ON THE FINDINGS OF FACT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE NEIGHBORING USES AND WILL NOT ADVERSELY AFFECT THE SURROUNDING NEIGHBORS' USE AND ENJOYMENT OF THEIR PROPERTY.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT BASED ON THE FINDINGS OF FACT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE ENVIRONMENTALLY COMPATIBLE WITH NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY VALUES.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT BASED ON THE FINDINGS OF FACT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE ORDERLY GROWTH AND DEVELOPMENT OF THE TOWN AND WILL NOT BE ENVIRONMENTALLY DETRIMENTAL THEREWITH.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT BASED ON THE FINDINGS OF FACT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE BEST PRACTICES AND PROCEDURES TO MINIMIZE THE POSSIBILITY OF ANY ADVERSE EFFECTS ON NEIGHBORING PROPERTY, THE TOWN, AND THE ENVIRONMENT ALL OF WHICH INCLUDES CONSIDERATION OF SOIL EROSION, WATER SUPPLY PROTECTION, SEPTIC DISPOSAL, WETLAND PROTECTION, TRAFFIC LIMITATION, SAFETY AND CIRCULATION.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT BASED ON THE FINDINGS OF FACT THE ZONING BOARD FINDS THAT THE PROPOSED SPECIAL USE SERVES THE PURPOSES OF THIS ORDINANCE AND THE COMPREHENSIVE PLAN.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK THAT THE CRITERIA FOR THE SPECIAL USE PERMIT HAS BEEN ENTERED INTO THE RECORD AS CORRECTED.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Re: Sherman Special Use Permit Petition from the April 19, 2018 Zoning Board of Review meeting. Make a motion to clarify the intentions of the Board regarding the “Best practices and procedures” motion.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT BASED ON THE FINDINGS OF FACT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL NOT BE COMPATIBLE WITH THE BEST PRACTICES AND PROCEDURES TO MINIMIZE THE POSSIBILITY OF ANY ADVERSE EFFECTS ON NEIGHBORING PROPERTY, THE TOWN, AND THE ENVIRONMENT ALL OF WHICH INCLUDES CONSIDERATION OF SOIL EROSION, WATER SUPPLY PROTECTION, SEPTIC DISPOSAL, WETLAND PROTECTION, TRAFFIC LIMITATION, SAFETY AND CIRCULATION.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MIKE GEARY THAT THE ZONING BOARD RATIFIES THE CHALIFOUX AND SHERMAN DECISIONS.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Chairman Jonathan Ure then signed the documents to ratify the Sherman Decision and the Chalifoux decision from the April 19, 2018 Zoning Board of Review meeting.

Chairman Jonathan Ure recognized the members of the audience and asked if they had anything to add.

Karin Liese of 171 Ashaway Road asked about the steps going forward after the denial of the Sherman appeal. Zoning Board Attorney Veronica Assalone explained the process the Petitioner could pursue with an appeal denial from the Hopkinton Zoning Board.

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY RONNIE SPOSATO TO APPROVE THE MINUTES OF THE APRIL 19, 2018 ZONING BOARD OF REVIEW MEETING.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY MIKE GEARY TO ADJOURN THE MEETING AT 7:45 PM.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Metcalf

Deputy Zoning Board Clerk