

ZONING BOARD OF REVIEW MEETING MINUTES –December 20, 2018

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of December, 2018 A.D. the said meeting was called to order by Zoning Board of Review Chairman Jonathan Ure at 7:00 P.M. in the Town Hall Meeting Room with a moment of silent meditation and a salute to the Flag.

PRESENT: Jonathan Ure, Joe York, Michael Geary, Dan Harrington, Ronnie Sposato; Alternate: Dan Baruti; Solicitor: Matthew Reilly of Assalone & Associates LLC, Town Council Member: Barbara Capalbo.

Zoning Board Clerk: Elizabeth Monty

Absent: Deputy Zoning Official: Sherri Desjardins

Absent: Philip Scalise

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

Petition I – Determine completeness of application/consider waivers.

A Petition for a Dimensional Variance filed by Anthony Apice, with mailing address of PO Box 354, Hope Valley, RI 02832, on behalf of The Hope Valley Grange of 1116 Main Street, Hope Valley, RI 02832 for property owned and located at 1166 Main Street, Hope Valley, RI 02832, identified as AP 28, Lot 145 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.

Petition II – Determine completeness of application/consider waivers.

A Petition for a Special Use Permit filed by Anthony Apice, with mailing address of PO Box 354, Hope Valley, RI 02832, on behalf of The Hope Valley Grange of 1116 Main Street, Hope Valley, RI 02832 for property owned and located at 1116 Main Street, Hope Valley, RI 02832 identified as AP 28, Lot 145 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.

Filing Fees have been paid and notice posted.

Applicant and his Engineer are present; Anthony Apice and CJ Doyle, P.E.

Chairman Ure noted that both the Dimensional Variance and Special Use permit applications would be heard together, using the Special Use checklist, as it is more in depth and also covers the requirements of the Dimensional Variance checklist.

CJ Doyle spoke on behalf of the Applicant.

Sitting as Board for these motions: Ure, Harrington, York, Geary, Sposato

The Board went through the items on the checklist by letter:

Checklist item A: Three copies of site plan stamped by a professional engineer demonstrating nine requirements (per checklist)

A MOTION WAS MADE BY JOE YORK AND SECONDED BY RONNIE THAT THE REQUIREMENTS OF CHECKLIST ITEM A FOR THE SPECIAL USE AND DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

Checklist item B: Three copies of a separate map indicating all property owners within 200 feet, and/or all property abutters requiring notice per Section 45-24-53 RI GL, also depicting any zoning district boundary and uses of all neighboring properties.

Chairman Ure read through the property abutters per the list included from the Applicant, noting that a few properties were in the Town of Richmond: 5A10-10, 5A10-11 and 5A10-12

A MOTION WAS MADE BY JOE YORK AND SECONDED BY RONNIE SPOSATO THAT THE REQUIREMENTS OF CHECKLIST ITEM B FOR THE SPECIAL USE AND DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

Checklist Item C – Soil erosion & storm water control plan.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY DAN HARRINGTON TO GRANT A WAIVER OF CHECKLIST ITEM C.

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

OPPOSED: NONE

SO VOTED

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

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY MIKE GEARY THAT CHECKLIST ITEM D IS DEEMED COMPLETE.

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

OPPOSED: NONE

SO VOTED

Checklist Item E – Location of existing septic system.

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JOE YORK THAT THE REQUIREMENTS OF CHECKLIST ITEM E ARE COMPLETE.

SO VOTED

Checklist Item F – Traffic Study.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY TO GRANT A WAIVER OF CHECKLIST ITEM F.

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

OPPOSED: NONE

SO VOTED

Checklist Item G – Topography at two-foot intervals.

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY DAN HARRINGTON THAT THE REQUIREMENTS OF CHECKLIST ITEM G FOR THE SPECIAL USE PERMIT AND DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

Checklist Item H – Water quality & water quantity.

It was noted by CJ Doyle that there is no water to the gazebo itself. Dan Harrington noted that Town water is available to the building at the street.

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JOSEPH YORK TO GRANT A WAIVER REQUEST OF CHECKLIST ITEM H.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY DAN HARRINGTON TO DEEM THE APPLICATIONS FOR A SPECIAL USE PERMIT AND A DIMENSIONAL VARIANCE COMPLETE.

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

OPPOSED: NONE

Hearing date is set for next Zoning Board meeting: January 17, 2019.

Petitioner is to mail abutter notices at least 2 weeks prior to the next meeting via certified mail, with green cards being returned to the Town offices.

Petition III – Determine completeness of application/consider waivers.

A Petition for a Dimensional Variance filed by Edward & Julieta Sherman, with mailing address of 163 Canal St, Westerly, RI 02891, on behalf of themselves for property owned and located at 165 Ashaway Rd., Bradford, RI 02808, 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.

Petition IV – Determine completeness of application/consider waivers.

A Petition for a Special Use permit filed by Edward & Julieta Sherman, with mailing address of 163 Canal St, Westerly, RI 02891, on behalf of themselves for property owned and located at 165 Ashaway Rd, Bradford, RI 02808 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.

Filing Fees have been paid and notice posted.

Attorney for the Petitioners was present as well as Petitioner; Attorney George Comolli and Edward T. Sherman, respectively.

Petitions III & IV were heard together.

The Zoning Board used the Special Use Permit checklist which also covers the requirements for the Dimensional Variance.

Before discussing the application, Chairman Ure noted the importance of the Applicant being in compliance with the Consent Order previously filed in Superior Court. Attorney Comolli stated that they have submitted an affidavit to this fact and supporting photographs. The Board would go through this list to be sure all items were done before moving on with the new applications.

Backup was provided by Mr. Comolli via the requested Affidavit (Exhibit A) and photos (Exhibits B1 – B5). Mr. Comolli also presented the final version of the Court Order (Exhibit C). Mr. Ure presented photos he took this day at the site (Exhibits D1-D5) demonstrating further compliance.

Attorney Comolli presented the most updated version of the Consent Order which was distributed to the Board members. Attorney Comolli had in his possession the electronic copy of the final Consent Order. The Clerk copied it to distribute to the Board. They reviewed the document and compared it to the photos.

Upon completion of their review, the Board went through the Order and noted compliance with the first six items.

The remaining items on the Consent Order were to be addressed after the Petitioner applied for the Dimensional Variance and Special Use permit. These applications are the reason the parties are present. This is Item Seven.

Item 8 is on hold until the Town approves these pre-applications but the plan is to create a “Green Space” at the rear of the property and the culvert work is slated to begin as well per Attorney Comolli.

The Board moved forward to address the Checklist items using the Special Use Checklist running through both Special Use and Dimensional Variance applications at the same time.

Checklist item A- Site map (3) with required data.

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY RONNIE SPOSATO THAT THE REQUIREMENTS OF CHECKLIST ITEM A FOR THE SPECIAL USE PERMIT AND DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

Checklist item B-Separate map with abutting property owners.

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY RONNIE SPOSATO THAT THE REQUIREMENTS OF CHECKLIST ITEM B FOR THE SPECIAL USE PERMIT AND DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

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

OPPOSED: NONE

SO VOTED

Checklist Item C – Soil erosion & storm water control plan.

It was noted that the drainage swale and landscape berm were on map but the Applicant would not take any action until the Town approves this.

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY
RONNIE SPOSATO TO GRANT A WAIVER OF CHECKLIST ITEM C.

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

OPPOSED: NONE

SO VOTED

Checklist Items D & E – Letter from a biologist re: presence of wetlands

Wetlands (D) and Location of existing septic (E).

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY
RONNIE SPOSATO TO GRANT A WAIVER OF CHECKLIST ITEMS D & E.

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

OPPOSED: NONE

SO VOTED

Checklist Item F, G & H – Traffic Study (F), Topography at 2-foot intervals (G),

And Water quality & water quantity (H).

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY
RONNIE SPOSATO TO GRANT A WAIVER OF CHECKLIST

ITEMS F, G & H.

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

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY RONNIE
SPOSATO TO DETERMINE THE APPLICATIONS FOR A SPECIAL USE

PERMIT AND A DIMENSIONAL VARIANCE BE DEEMED COMPLETE.

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

OPPOSED: NONE

SO VOTED

The Board noted these applications will continue to Hearing on January 17, 2019.

Applicants are to mail notice by certified mail to the abutters two weeks prior.

Green cards are to be returned to the Town offices.

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JOE YORK TO TAKE A FIVE MINUTE RECESS.

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

OPPOSED: NONE

SO VOTED

Following the break:

Petition V - Determine completeness of application/consider waivers.

A Petition for a Special Use Permit filed by Kevin Ward, with mailing address of 568 Main St, Hopkinton, RI 02833, on behalf of himself and his spouse, for property owned and located at 568 Main St, Hopkinton, RI 02833 identified as AP 10, Lot T86 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.

Applicant, Kevin Ward, is present.

Filing fees paid and notice posted.

Mr. Ure inquired as to proper mailing address for applicant. He noted that he will be residing in the trailer upon its approval due to personal circumstances.

Checklist item A- Site map (3) with required data.

Discussion followed as to nature of replacement dwelling. It was determined that the Mobile Home would really be replaced with a Manufactured Home, closer to that of a Modular dwelling due to its arrival in two halves. Mr. Baruti cited the Hopkinton Zoning Ordinances defining a Mobile Home. The Board agreed that the replacement would be more similar to that of a Manufactured or Modular

home. Mr. Ward gave details that the dwelling would be tied down to a permanent slab and the halves would be united, with finish work to be done on site. The floors and walls are all 2 X 6 construction. The structure included a 30-year roof. The new structure would have dimensions of approximately 28 X 48 feet, 28 X 50 or 28 X 52 versus the previous one at 12 X 60 pending final decision. Mr. Ure noted that the Town discouraged enlargement of Mobile Homes, but encouraged replacement of Mobile Homes with residential structures. The Board felt this project falls into the second category. The Board asked Mr. Ward to go back and re-do his site map to include the structure's updated dimensions and to show that there is enough room for all set back requirements, especially at the left side, which requires a seven foot shift in placement of the dwelling. Additionally once the new type of dwelling was placed the Applicant will give up the right to maintain a Mobile Home at the site. The Applicant understood. Additional discussion took place regarding the type of septic system at the site. The Board encouraged Mr. Ward to research the septic on the State of RI's DEM website for the OSWTS Certificate, and that final approval of the septic was at the discretion of Building and Zoning. Mr. Ward is not aware of the year the septic system was installed, but he will maintain the dwelling as a two bedroom, the same as it is currently. (The current trailer was made in 1972.)

Mr. Sposato noted that the Applicant does need a Special Use permit because it is a non-conforming lot and to allow the Applicant to go from a Mobile Home Site to a House site.

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY
RONNIE SPOSATO TO CONDITIONALLY APPROVE THE

REQUIREMENTS OF CHECKLIST ITEM A SUBJECT TO ADEQUATE SEPTIC AND A NEW SITE MAP SHOWING THE ACTUAL DIMENSIONS OF THE MANUFACTURED/MODULAR DWELLING, ITS PROPER PLACEMENT ON THE SITE, SHOWING ACCEPTABLE SET-BACK REQUIREMENTS, AND SUBJECT TO ADEQUATE SEPTIC, WITH FINAL SEPTIC APPROVAL AT THE DISCRETION OF THE BUILDING AND ZONING OFFICIAL.

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

OPPOSED: NONE

SO VOTED

Checklist item B-Separate map with abutting property owners.

This item was shown to be incomplete in that there was an abutters' map presented, but it lacked names of the abutting Owners. Applicant was asked to provide this before his next scheduled meeting with the Board and to provide notice of his intentions to the abutters within 200 feet via certified letters with the green cards to be returned to the Town offices. The Board will revisit Checklist Item B prior to the Hearing at the follow up meeting with this applicant.

NO MOTION WAS MADE

Items C, D, F, G & H were requested to be waived and would be examined individually per Mr. Ure.

Checklist Item C – Soil erosion & storm water control plan. Mr. Ure asked if there were wetlands on the property Applicant responded “No.”

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JOSEPH YORK TO GRANT A WAIVER OF CHECKLIST ITEM C, SOIL EROSION AND STORMWATER CONTROL PLAN.

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

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 JOSEPH YORK TO GRANT A WAIVER OF CHECKLIST ITEM D AS THE APPLICANTS STATES THERE ARE NO WELANDS ON THE PROPERTY.

IN FAVOR: URE, SPOSATO, YORK, GEARY, DAN HARRINGTON

OPPOSED: NONE

SO VOTE

Checklist Item F – Traffic Study.

It was felt that the project would not increase traffic.

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JOSEPH YORK TO GRANT A WAIVER OF CHECKLIST ITEM F DUE TO THE FACT THAT THERE IS ALREADY A MOBILE HOME THERE AND SHOULD NOT AFFECT TRAFFIC.

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

OPPOSED: NONE

SO VOTED

Checklist Item G – Topography at two-foot intervals.

Mr. Harrington stated that the site was flat and not a wet area. The fact that they

would be adding a slab versus a foundation there would be very little disturbance to the topography based on knowledge of the property.

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JOSEPH YORK TO GRANT A WAIVER OF CHECKLIST ITEM G.

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

OPPOSED: NONE

SO VOTED

Checklist Item H – Water quality & water quantity.

Mr. Harrington inquired of Mr. Ward if the water supply at the site was adequate.

Mr. Ward stated it was and that the well was perfect and the pump is only a few days old.

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY JOSEPH YORK TO GRANT A WAIVER OF CHECKLIST ITEM H.

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

OPPOSED: NONE

SO VOTED

Mr. Ure asked to return to discussion of Checklist Item E.

Checklist Item E – Location of existing septic system.

Discussion took place as to whether an approved OSWTS was on file for the property. The Board advised Mr. Ward to research at the RI DEM website and with the Building Inspector, Mr. Assalone for evidence of the system's approval.

The Applicant was instructed that this application will sit in limbo for now, and that he needs to provide the following:

1. New Site map delineating the property lines versus placement of dwelling,
2. Abutters' list,
3. Abutters' cards proving notice
4. Septic information

The Board noted that this application would be continued until the February 21, 2019 Zoning Board meeting, where the Board would close out the Pre-Application at the Public meeting and continue with the Hearing at that time.

Dan Baruti presented information to Mr. Ure from the Hopkinton Code defining a Mobile or Manufactured Home is a detached residential unit transported on except for minor unpacking and hook up to local utilities.....so the fact that it comes in two parts. This reference seems to categorize the dwelling as a manufactured/modular home versus mobile home. Dan Harrington mentioned that once the roof is erected no one would take it apart to move the dwelling.

Dan H asked Kevin to come up with his specifications and the dimensions between now and the next meeting. Mr. Ure mentioned that some plans are welcome so the Town can have these on hand. Applicant will bring these to Building Official. Mr. Harrington requests the floor plans and across sections of the construction.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK TO CARRY THIS PRE-APPLICATION AND HEARING OVER TO THE FEBRUARY 21, 2019 ZONING BOARD MEETING.

IN FAVOR: URE, HARRINGTON, YORK, GEARY AND SPOSATO

OPPOSED: NONE

SO VOTED

Sitting as Board for this motion: Ure, Harrington, York, Geary, Sposato

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY TO APPROVE THE MINUTES OF THE NOVEMBER 15, 2018 ZONING BOARD MEETING.

IN FAVOR: URE, HARRINGTON, YORK, GEARY AND SPOSATO

OPPOSED: NONE

SO VOTED

Sitting as Board for this motion: Ure, Harrington, York, Geary, Baruti

A MOTION WAS MADE BY JOE YORK AND SECONDED BY DAN HARRINGTON TO ADJOURN THE MEETING AT 8:30 PM.

IN FAVOR: URE, HARRINGTON, YORK, SPOSATO AND GEARY

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Monty

Zoning Board Clerk

Next meeting: January 17, 2019; 7:00 P.M.