

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of January 17, 2019 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, Alternate: Dan Baruti; Solicitor: Matthew Riley, Esq. of Assalone & Associates LLC, Town Council Member: Barbara Capalbo.

Zoning Board Clerk: Elizabeth Monty

Alternate Zoning Board Clerk: Tiana Zartman

Absent: Deputy Zoning Official: Sheri Desjardins

Absent: Philip Scalise

Sitting as Board for Petition I: Ure, York, Geary, Baruti

Petition I – Determine completeness of application/consider waivers.

A Petition for a Dimensional Variance filed by Kelly Fracassa, Esq. on behalf of Thurston F. and Cherie J. Ponte, with mailing address of 25 Keith Drive, Hope Valley, RI 02832, for property owned by them and located at 25 Keith Drive, Hope Valley, RI 02832 identified as AP 18, Lot 65 an R-1 Zone and filed in accordance with Sections 9 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Applicant & representative present.  
Filing fees paid and notice posted.

Attorney Kelly Fracassa spoke on behalf of the Ponte's. He stated they are looking for a 13.17 yard variance, to sanction a pre-existing barn that was present upon their purchase. They are looking for waivers of items C (letter from a Biologist), D (septic), + E (Topography). The basis for all of these is the same – we are not adding to the property at all. We want to do literally do nothing.

Mr. Ure mentions that the barn was pre-existing.

Ure notes that the Board will go through the checklist and if all is in order the Applicants will return next month.

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

Checklist item A: Joe York read:

Three copies of site plan stamped by a professional engineer (per checklist):

Name and address of property owners

Date, North arrow, graphic scale, lot dimensions and area

Plat and lot number, Zoning district and setbacks

Existing and proposed structures and their relationship & distances from lot boundary lines

Existing and proposed walkways

Existing and proposed landscaping, as it applies to the request

Existing streets, 9-1-1 address, wells and septic (Fracassa mentions septic is separate)

Any peculiar site conditions or features

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

IN FAVOR: URE, YORK, GEARY, BARUTI

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, and sought clarification on some lots from Attorney Fracassa. All appeared to be in order.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT THE REQUIREMENTS OF CHECKLIST ITEM B FOR THE DIMENSIONAL VARIANCE HAVE BEEN SATISFIED.

IN FAVOR: URE, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A waiver of checklist item C, D, & E was requested – Soil erosion & storm water control plan, Septic, and Topography, respectively

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY TO GRANT A WAIVER OF CHECKLIST ITEMS C, D, & E.

IN FAVOR: URE, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY TO DEEM THE APPLICATION FOR A DIMENSIONAL VARIANCE COMPLETE.

IN FAVOR: URE, YORK, GEARY, BARUTI

OPPOSED: NONE

Hearing date is set for next Zoning Board meeting: February 21, 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.

Chairman Ure stated that Petitions II & III will be heard together.

Petition II – 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 9 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Petition III – 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. Abutters' Certified Mail receipts on file with the Clerk.

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

All fees have been paid.

All notices have been posted.

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

CJ Doyle, PLE, spoke on behalf of the Applicant. She is the Project Engineer for the project. She said that Anthony Apice, representing Hope Valley Grange and Chariho Athletic Association is also here. She presented the Plan on the easel. "The proposed project is to add a 16 X 24 gazebo in the rear of the Grange building and because the lot is only 70 feet wide we can't meet the 40 foot set back on either side to the new building... So we are asking for relief – we need 24 feet to the easterly property line for 16 foot relief and to the west would be 30 feet off the property line so we need 10 feet of relief. We situated the building closer to the Chariho Athletic Assoc by a small amount rather than the residents to the west. There was also a fence put up between the Grange parcel and residents to the West to help to separate the two uses. The existing building is non-conforming as well for setbacks. Therefore there is a need for Special Use Permit

Septic has been updated from a cesspool to a bottomless sand filter.

The building itself has been connected to the Town water system and is no longer an on-site well

We have appropriate permits from freshwater wetlands for the project

The roof of the building was addressed as far as water column volume with these areas – so each downspout will have its own QPA for the water falling volume

You have two building plans for the gazebo in the package.

We meet the requirements in terms of height.

It is a pretty simple building."

She asked if there were questions.

Mr. Ure asked if there was lighting?

Mr. Apice: "We have lighting inside – just dim light."

Ms. Doyle: "There will be some down lighting within the building."

Mr. Harrington: "There be handicapped parking and accessibility to the ramp? "

Ms. Doyle: "Correct, there will be marked handicapped spaces and an accessible ramp."

Mr. Ure: “Electricity? Solar? Or regular?”

Mr. Apice: “There is electricity next door where they can take out a line from underground.”

Mr. Ure: “Will there be Signing?”

Mr. Apice: “There will be a sign for the Wetlands permit and a sign pointing to the fishing dock and the gazebo as required by DEM.”

Ms. Doyle: “The Wetlands Permit sign will come down once it is built.”

Mr. Harrington: “You are out of the Flood Plain.”

Ms. Doyle: “The Grade there is 8 and we are building at 8.”

Mr. Ure: “What is the Use of the Gazebo?”

Mr. Apice: “For the community. A seating area kids and for small get-togethers and for people to stop at the new ramp, stop and have lunch, use the bathrooms. There will be port-o-johns for bathrooms. Basically that’s what it’s for – if we want to have a little get-together with Grange people down by the river. Board had discussion.....project was pretty basic.”

Mr. Ure asked if there were other questions.

Barbara Capalbo of Hopkinton, RI: She stated that he is happy it will be community accessible. As she works with the aging community and the elderly for the state - asked if there would be a bench or an area where a grandfather could teach a child how to fish. i.e. for the elderly to be encouraged to be by water and obviously you have the ramp, but a way to work with the Children and to teach them to fish?

Mr. Apice: “This is the first phase and is planned around the Gazebo. The second phase plan is to clean the river. All the set-up to the river is accessible. There will be benches inside the gazebo and there will be picnic tables. There will be a ramp to the dock area. If they get more grant money there will be a phase two expanding these uses.”

Mr. Ure: Clarified that they are here for the Gazebo tonight, but that would be a point for the future. He clarified that the gazebo will have seats.

Mr. Ure asks the Board to discuss “Findings of Fact”.

So the Findings of Fact would be:

They have hedged the building away from the Residential areas

There is Fencing along the residential side to separate the uses

There will be electricity and low level lighting

They obtained all necessary DEM Permits

Improved the Septic

They will have outhouses for port-o-johns

They already have their own private ball field

They have proposed parking - 3 spaces

Handicapped accessible  
Done their best with the minimal lot width to keep it away from residential  
They've applied for all permits  
Minimal lighting  
It's well under the height requirements of the Town  
Septic is updated  
Addressed the Flood Plain

DAN HARRINGTON MADE A MOTION TO ACCEPT THESE FINDINGS OF FACTS. JOE YORK SECONDED.

ALL WERE IN FAVOR

SO VOTED

The Board had discussion finding no conditions necessary.

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

ALL WERE IN FAVOR

SO VOTED

JOE YORK MADE A MOTION THAT BASED ON THE FINDINGS OF FACT THE ZONING BOARD FINDS THE PROPOSED USE WILL BE ENVIRONMENTALLY COMPATIBLE WITH NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY VALUES AS THE IMPROVEMENT OF THIS PROPERTY WILL BETTER SERVE THE COMMUNITY BY PROVIDING A SAFE ACCESS POINT FOR FISHING AND BOATING. DAN HARRINGTON SECONDED.

ALL WERE IN FAVOR

SO VOTED

JOE YORK MADE A MOTION THAT BASED ON THE FINDINGS OF FACT THE ZONING BOARD FINDS THE PROPOSED USE COMPATIBLE WITH THE ORDERLY GROWTH AND DEVELOPMENT OF THE TOWN AND WILL NOT BE ENVIRONMENTALLY DETRIMENTAL THEREWITH AS PROVEN BY THE RI DEM ALTERATION PERMITS KNOWING THAT THERE IS INSIGNIFICANT ALTERATION TO WETLANDS ON THE PROPERTY. MIKE GEARY SECONDED.

ALL WERE IN FAVOR.

SO VOTED

JOE YORK MADE A MOTION THAT BASED ON THE FINDINGS OF FACT THE ZONING BOARD FINDS PROPOSED SPECIAL USE SERVES THE PURPOSE OF THIS ORDINANCE AND COMPREHENSIVE PLAN FOR THE REASONS PREVIOUSLY STATED AND ALSO AS TESTIFIED HERE TONIGHT BY THE APPLICANT AND ENGINEER AND AS PROVIDED WITH ACCOMPANYING DOCUMENTATION. DAN HARRINGTON SECONDED.

ALL WERE IN FAVOR.

SO VOTED

JOE YORK MADE A MOTION 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 PROPERTIES, THE TOWN AND THE ENVIRONMENT  
ALL OF WHICH INCLUDES CONSIDERATION OF SOIL EROSION,  
WATER SUPPLY PROTECTION, SEPTIC DISPOSAL, WETLAND  
PROTECTION, TRAFFIC LIMITATION AND SAFETY CIRCULATION.

DAN HARRINGTON SECONDED.

ALL WERE IN FAVOR.

SO VOTED

JOE YORK MADE A MOTION THAT BASED ON THE PREVIOUS  
FINDINGS OF FACTS THE ZONING BOARD APPROVES THIS SPECIAL  
USE PERMIT. DAN HARRINGTON SECONDED.

ALL WERE IN FAVOR.

SO VOTED

At this point Chairman Ure stated that they need to go through this same  
procedure for the variance findings as well.

DAN HARRINGTON MADE A MOTION THAT THE ZONING BOARD  
ACCEPT THE SAME FINDINGS USED FOR THE SPECIAL USE PERMIT  
FOR THE APPROVAL OF THE DIMENSIONAL VARIANCE. JOE YORK  
SECONDED.

ALL WERE IN FAVOR

SO VOTED

JOE YORK STATED THAT IN GRANTING A VARIANCE, THE ZONING  
BOARD SHALL PROVIDE EVIDENCE SATISFYING THE FOLLOWING  
STANDARDS BE ENTERED INTO THE RECORD OF PROCEEDINGS.

JOE YORK MADE A MOTION THAT FIRST THE HARDSHIP FROM  
WHICH THIS APPLICANT SEEKS RELIEF IS DUE TO THE UNIQUE

CHARACTERISTICS OF THE SUBJECT LAND OR STRUCTURES AND NOT A GENERAL CHARACTERISTIC OF THE SURROUNDING AREA AND IS NOT DUE TO THE PHYSICAL OR ECONOMIC DISABILITIES OF THE APPLICANT.

SECONDED BY DAN HARRINGTON.

ALL WERE IN FAVOR.

SO VOTED

JOE YORK MADE A MOTION THAT THE HARDSHIP IS NOT THE RESULT OF ANY PRIOR ACTION OF THE APPLICANT AND DOES NOT RESULT PRIMARILY FROM A DESIRE FROM THE APPLICANT TO REALIZE GREATER FINANCIAL GAIN. DAN BARUTI SECONDED.

ALL WERE IN FAVOR.

SO VOTED

JOE YORK MADE A MOTION THAT IN GRANTING OF THE REQUESTED VARIANCE WILL NOT ALTER THE GENERAL CHARACTER OF THE SURROUNDING AREA OR IMPAIR THE INTENT OR PURPOSE OF THE ZONING BOARD OR THE COMPREHENSIVE PLAN UPON WHICH THIS ORDINANCE IS BASED AND THAT THE RELIEF TO BE GRANTED IS THE LEAST RELIEF NECESSARY.

DAN HARRINGTON SECONDED.

ALL WERE IN FAVOR.

SO VOTED

JOE YORK MADE A MOTION THAT THE ZONING BOARD SHALL IN

ADDITION IN THOSE STANDARDS REQUIRE THAT EVIDENCE BE ENTERED INTO THE RECORD OF THE PROCEEDINGS SHOWING THAT IN GRANTING A DIMENSIONAL VARIANCE OF THE HARDSHIP TO BE SUFFERED BY THE OWNER OF THE SUBJECT PROPERTY THE DIMENSIONAL VARIANCE IF NOT GRANTED SHALL AMOUNT TO MORE THAN A MERE INCONVENIENCE FOR THE FACT THAT A USE MAY BE MORE PROFITABLE OR THAT A STRUCTURE MAY BE MORE VALUABLE SHALL NOT BE GROUNDS FOR RELIEF.

DAN HARRINGTON SECONDED THE MOTION

ALL WERE IN FAVOR

SO VOTED

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

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT BASED ON THE PREVIOUS FINDINGS OF FACT THE ZONING BOARD APPROVES THIS DIMENSIONAL VARIANCE.

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

OPPOSED: NONE

SO VOTED

Petition IV – 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 9 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Petition V – 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. Abutters' Certified Mail receipts on file.

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

Petitions III & IV were heard together at the December 20, 2018 meeting. This evening will be the public hearing for the same.

All Green card receipts for Abutter notifications are on file with the Clerk.

All fees have been paid.

All notices have been posted.

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

Attorney George Comolli spoke on behalf of the Applicant.

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\*\*A transcript, as prepared by the Clerks, will be attached to these minutes detailing all testimony as related to Petitions IV & V.\*\*

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

A MOTION WAS MADE BY MIKE GEARY AND SECONDED BY JOE YORK TO APPROVE THE MINUTES OF THE DECEMBER 20, 2018 ZONING BOARD MEETING.

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

OPPOSED: NONE

SO VOTED

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

A MOTION WAS MADE BY DAN HARRINGTON AND SECONDED BY

JOE YORK TO ADJOURN THE MEETING AT 10:15 P.M.

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

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Monty

Zoning Board Clerk

Next meeting: February 21, 2019; 7:00 P.M.