

ZONING BOARD OF REVIEW MEETING MINUTES – April 18, 2019

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of April 18, 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, Ronnie Sposato; Solicitor: Matthew Reilly, Esq. of Assalone & Associates, LLC; Town Council Members present: Barbara Capalbo

Alternate Zoning Board Clerk: Tiana Zartman

Present: Building Official: David Rodio

Absent: Alternate: Daniel Baruti; Zoning Board Clerk: Elizabeth Monty; Deputy

Zoning Official: Sherry Desjardins

Sitting as Board for Petition I: Ure, York, Geary, Sposato, Harrington

Petition I – 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.

A MOTION WAS MADE BY MICHAEL GEARY AND SECONDED BY JOE YORK TO CARRY PETITION I OVER TO THE MAY 16, 2019 ZONING BOARD MEETING. ALL WERE IN FAVOR.

SO VOTED

Sitting as Board for Petition II: Ure, Harrington, York, Geary, Sposato

Petition II – Determine completeness of application/consider waivers.

A Petition of a Special Use Permit filed by Pastor David Stal on behalf of Hopkinton First Seventh Day Baptist Church, with mailing address of 8-A Church Street, Ashaway, RI 02804, for property owned by them and located at 8-A Church Street, Ashaway, RI 02804 identified as AP 24, Lot 94 in 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, Pastor David Stal, is present.

Filing fees paid and notices posted.

Chairman Ure explains to the applicant that the Board will go through the checklist to be sure they have all the documentation required for the Application so that this matter can continue to a Hearing.

Pastor Stal stated they wish to build an addition to the side of the church for an extended fellowship area/foyer for extra bathrooms and handicap accessibility.

Mr. Ure stated that Joe will read off the list and the Board will ask questions.

CHECKLIST ITEM A:

- Three copies of the site plan, prepared by, signed and stamped by a Professional Engineer or Personal Land Surveyor with a scale of 1 inch to 40 foot, showing:
 - o Name and Address of the Property Owner. Yes
 - o Date, North arrow, map scale, lot dimensions and area. Yes

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- Plat and Lot, Zoning district(s) and set-backs. Yes
- Existing and proposed structures and their relationship and distances from lot boundary lines. Yes
- Existing and proposed parking areas and sidewalks/walkways. Yes

Chairman Ure asked for clarification from the applicant as to whether any additional parking is being proposed. Pastor Stal stated that no additional parking areas are being proposed. Since there is no increase to the number of seats to the church, they are not expecting a change to the number of people in the space. David Rodio questioned if the number of parking spaces would be reduced. Pastor Stal stated there are no changes being made to the parking. Mr. Rodio asked how many parking spaces are currently at the location. Pastor Stal stated there were about 60 spaces. If additional spaces are required, Pastor Stal mentioned there is additional room in the footprint to allow them. Chairman Ure asked what the existing community hall would be used for. Pastor Stal stated it was a Parish community hall and that would be used for large community gatherings such as dinners, other events like those. The upstairs of the hall is office space and would continue to be utilized as office space. The proposed addition would be used for church gatherings for the fellowships.

There was discussion amongst the board what would be considered the front and side regarding the setback requirements.

There was discussion amongst the board regarding which plan would be used for a site plan.

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Mr. Rodio stated that per the ordinance, parking requirements for public assembly is one space for every three seats or for every three persons of capacity. Pastor Stal stated capacity is a complicated number because of the pews and benches, but they roughly estimate and use 200 as a capacity number.

There was discussion amongst the board and the Building Official regarding additional parking spaces and if they would be required due to the Fire District requirements.

- Existing and proposed landscaping as it relates to the request. Yes
- Existing streets, 9-1-1 address, well, and septic system. Yes
- List of names and addresses of all property owners within 200 feet of subject property. Yes
- Any peculiar site conditions or features. No

A MOTION WAS MADE BY JOE YORK AND SECONDED BY RONNIE SPOSATO TO FIND CHECKLIST ITEM A WAS COMPLETE. ALL WERE IN FAVOR.

SO VOTED

CHECKLIST ITEM B:

- Three copies of a separate 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 R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.

The Board looked at the map one by one and went through to ensure all neighboring properties were noted.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY RONNIE SPOSATO TO FIND THAT CHECKLIST ITEM B WAS COMPLETE. ALL WERE IN FAVOR.

SO VOTED

There was discussion amongst the board regarding frontage for a corner lot. Mr. Rodio commented since it was a corner lot, the frontage could be decided by the board as long as the other three yards meet. The board discussed whether the frontage should be Main Street or Church Street. The Board decided the frontage should be considered Main Street.

CHECKLIST ITEM C:

- A soil erosion and storm-water control plan with supporting calculations based standards approved by the USDA Soil Conservation Service and in conformity with the R.I. Erosion and Sediment Control Handbook.

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOE YORK TO GRANT A WAIVER OF CHECKLIST ITEM C. ALL WERE IN FAVOR.

SO VOTED

CHECKLIST ITEM D:

- A letter from a biologist indicating that there are no freshwater wetlands on or in proximity to the site such that the application is regulated by the R.I. Freshwater Wetlands Act. In those instances where the application is regulated by the R.I. Freshwater Wetlands Act, a physical alteration permit issued by the R.I.

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Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY RONNIE SPOSATO TO GRANT A WAIVER FOR CHECKLIST ITEM D. ALL WERE IN FAVOR.

SO VOTED

CHECKLIST ITEM E:

- Location of existing septic system. Where construction requires approval by R.I.D.E.M.
- Division of Land Resources for an ISDS (individual sewage disposal system) or change of use permit for the proposed activity, attach a copy to the application.

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOE YORK TO APPROVE CHECKLIST ITEM E SUBJECT TO THE APPLICANT PROVIDING D.E.M. APPROVAL ON THE SEPTIC. ALL WERE IN FAVOR.

SO VOTED

CHECKLIST ITEM F:

- Traffic Study addressing the potential impacts of the proposed activity.

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOE YORK TO GRANT THE WAIVE REQUESTED FOR CHECKLIST ITEM F. ALL WERE IN FAVOR.

SO VOTED

CHECKLIST ITEM G:

- On a separate site plan, indicate existing and proposed topography at two foot intervals.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY DANIEL HARRINGTON THAT CHECKLIST ITEM G HAS BEEN FULFILLED BY THE WELLHEAD RADIUS PLAN. ALL WERE IN FAVOR.

SO VOTED

CHECKLIST ITEM H:

- Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is of drinking water quality.

Member Harrington stated that since it was a public well, it should be tested regularly and asked the applicant how often it was tested. Pastor Stal stated it was tested on a quarterly basis.

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOE YORK THAT CHECKLIST ITEM H IS SATISFACTORY. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOE YORK TO FIND THE APPLICATION CHECKLIST COMPLETE SUBJECT TO THE APPLICANT PROVIDING A BOUNDARY SURVEY AND PROOF

THAT THE EXISTING SEPTIC IS SATISFACTORY OR PROVIDE APPROVAL FROM THE D.E.M. FOR THE EXISTING SEPTIC. ALL WERE IN FAVOR.

SO VOTED

Mr. Ure mentioned that next month the Board will hold a hearing and the Pastor was instructed by Mr. Ure to work on notification of the neighbors and return of the green cards to the Zoning Board Clerks (AKA Assessor's office) in time for the next meeting on May 16, 2019. All abutters within 200 feet are required to be notified, removing lot numbers 7 and 9.

Petition III – Determine completeness of application/consider waivers.

A Petition for a Special Use Permit filed by Louis Raymond and Richard Ericson on behalf of themselves, with permission from property owner Robert McKay, with mailing address of 2160 Rowley Way, Ballston Spa, NY 12010 and located at 1 Clarks Falls Rd, Hopkinton, RI 02833, identified as AP 26, Lot 10 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.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MICHAEL GEARY TO APPROVE THE CONTINUANCE REQUEST UNTIL THE JULY 18, 2019 MEETING. ALL WERE IN FAVOR.

SO VOTED

Petition IV – Decision, continued from March 21, 2019.

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.

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Chairman Ure stated that the decision was not made at the previous meeting because the applicant had not yet complied with the consent order. He asked Mr. Sherman to state where he was at with compliance. Mr. Sherman stated that the trees were planted, the sheds were removed, and the greenhouse is stripped. He had donated the greenhouse to someone in North Stonington and removed the plants from that greenhouse. Chairman Ure asked how long the greenhouse would be there. Mr. Sherman stated the greenhouse will be picked up on Saturday. Chairman Ure asked for clarification on the shed in the front corner. Mr. Sherman stated that was the yellow shed at the front and it has been removed.

Chairman Ure provided pictures of the property taken back in December and presented pictures of the property that were more current. These pictures were shown to the applicant and entered into evidence as Exhibit #1 (December), #2 (Current), #3 (Current) + #4 (Current).

The Board discusses the consent order and goes through each item of the consent order.

Chairman Ure summarizes that Items 1-6 of the consent order have been complied with, Item 7 is mostly complied with, and Item 8 is complied with.

The Board discusses how to limit the size of the Bobcat-type machinery in weight or horsepower.

A MOTION WAS MADE BY MICHAEL GEARY AND SECONDED BY DANIEL HARRINGTON THAT THE TYPE OF EQUIPMENT ALLOWED TO

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BE UTILIZED ON THE PROPERTY IS NO MORE THAN 6 TONS OR 12,000 POUNDS. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY MICHAEL GEARY AND SECONDED BY DANIEL HARRINGTON THAT THE PROPERTY OWNER CAN MAINTAIN NO MORE THAN A TOTAL OF 100 YARDS OF MULCH AND NO MORE THAN 20 YARDS OF SCREENED LOAM. ALL WERE IN FAVOR.

SO VOTED

The applicant officially withdrew his application for a Special Use Permit.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK STATING THAT ONCE THE BUILDING OFFICIAL DAVID RODIO HAS VERIFIED THAT THE GREENHOUSE HAS BEEN REMOVED AND THE SHED HAS BEEN MOVED WITHIN THE PROPER SETBACKS, THE PROPERTY OWNER CAN THEN BRING THE MULCH AND LOAM ONTO THE PROPERTY. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY MICHAEL GEARY TO ACCEPT THE MINUTES FROM THE MARCH 21, 2019 ZONING BOARD OF REVIEW MEETING. ALL WERE IN FAVOR.

SO VOTED

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Chairman Ure stated he had already ratified the Ponte decision.

The board asked Attorney Reilly whether they were allowed to enter into an executive session. Attorney Riley stated he will look into it.

Councilwoman Barbara Capalbo asked for clarification regarding if a property wanted to change the use, if that property owner would have to appear before the Zoning Board of Review. It was explained that most times the applicant needs to appear before the Zoning Board. Each would be discussed on their case by case basis and what is allowed in the Zone as to whether the applicant is to go before the Zoning Board or the Town Council for the approvals. Hypothetical examples were discussed.

A MOTION WAS MADE BY MICHAEL GEARY AND SECONDED BY JOE YORK TO ADJOURN THE MEETING AT 8:39 P.M. ALL WERE IN FAVOR.

SO VOTED

Respectfully Submitted,

Tiana Zartman

Alternate Zoning Board Clerk

Next meeting: May 16, 2019; 7:00 P.M.