

ZONING BOARD OF REVIEW MEETING MINUTES – May 16, 2019

State of Rhode Island

County of Washington

In Hopkinton on the sixteenth day of May, 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: Veronica Assalone, Esq. of Assalone & Associates;

Zoning Board Clerk: Elizabeth Monty; Alternate Zoning Board Clerk: Tiana

Zartman; Deputy Zoning Official: Sherry Desjardins

Conservation Commission: Gary Marsh

Absent: Town Council Member Barbara Capalbo; Alternate: Daniel Baruti

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.

MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE

YORK TO DISMISS PETITION I. ALL WERE IN FAVOR.

SO VOTED

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

Petition II – Hearing

A Petition for 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.

Filing fees have been paid and notice posted. Abutters' Certified Mail receipts on file.

Petitioner David Stal is present, along with Marco Tommasini from Tecton Architects

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

All fees have been paid.

All notices have been posted.

A transcript, as prepared by the Clerks, will be attached to these minutes detailing all testimony as related to Petition II.

MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY
MICHAEL GEARY TO CLOSE THE PUBLIC HEARING. ALL WERE IN
FAVOR.

SO VOTED

Member York asks the Board to discuss the Findings of Fact.

As discussed, the Findings of Fact would be:

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The existing church is 5,300 square feet.

The existing community hall is 2,800 square feet.

The proposed addition is 3,404 feet.

Section 28 – Off-street Parking of the Town Ordinance requires forty-seven spaces based on that square footage.

Marco Tommasini, an architect from Tecton Architects, express stringent calculations on the number of parking spaces, taking into account an acre of lawn-space.

The existing parking is fifty-eight spaces. Based on Mr. Tommasini’s calculation of three people per car, that would be about 175 people.

Pastor Stal counted sixty-one spaces, which is three more spaces or nine more people.

The frontage is considered Main Street since the property is a corner lot.

There’s over an acre of lawn that could accommodate approximately 100 cars.

The addition provides more adequate fellowship area, bathrooms, office space, and handicap accessibility to not only the addition, but to the church itself.

Exterior lighting will be dark sky lighting.

No new exterior signage will be added.

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY MICHAEL GEARY TO ADD THOSE SEVERAL ITEMS AS FINDINGS OF FACT. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK THAT ATTENDEES OF ANY LARGE EVENT BY THE CHURCH ARE DIRECTED TO PARK ON THE CHURCH’S LAWN RATHER THAN PARKING ON THE STREET.

The Board holds discussion regarding how to specifically word the motion because the Board does not have authority to police on-street parking. Member York clarifies he wishes to see the acre of lawn the church has be used rather than having cars parked on the street. The Board agrees that the church should make a good-

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faith effort to put cones in front of the neighbor's property/lawn to prevent parking in front of that house. The Board decides this should not be a condition on approval of the special use permit.

MEMBER YORK RESCINDS HIS MOTION.

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOSEPH YORK THAT, PRIOR TO THE ISSUANCE OF THE BUILDING AND PERMIT, THE SEPTIC SYSTEM GET APPROVAL FROM THE R.I.D.E.M. OF THE EXISTING SUITABILITY THAT EITHER THE EXISTING SEPTIC IS ADEQUATE TO THE PROPOSAL OR THEY GET AN APPROVED ON-SITE WASTE WATER TREATMENT SYSTEM APPLICATION APPROVED AND THAT THE DRAINAGE IS CONTAINED IN SOME SORT OF APPROVAL OR DRAWINGS FOR RAIN-GUARD OR UNDERGROUND STORAGE DRYWELL TO HANDLE THE ROOF DRAINAGE FROM THE PROPOSED ADDITION. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY DANIEL HARRINGTON THAT THE ZONING BOARD, BASED ON THE FINDINGS OF FACT AND CONDITIONS, FINDS THE PROPOSED USE TO BE COMPATIBLE WITH THE NEIGHBORING USES AND WILL NOT

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ADVERSELY AFFECT THE SURROUNDING NEIGHBORS' USE AND ENJOYMENT OF THEIR PROPERTY. ALL WERE IN FAVOR

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY DANIEL HARRINGTON THAT THE ZONING BOARD, BASED ON THE FINDINGS OF FACT AND CONDITIONS, FINDS THE PROPOSED USE WILL BE ENVIRONMENTALLY COMPATIBLE WITH NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY VALUES. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY MICHAEL GEARY THAT, BASED ON THE FINDINGS OF FACT AND CONDITIONS PROPOSED, THE ZONING BOARD FINDS THE PROPOSED USE WILL BE COMPATIBLE WITH THE ORDERLY GROWTH AND DEVELOPMENT OF THE TOWN AND WILL NOT BE ENVIRONMENTALLY DETRIMENTAL THEREWITH. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY RONNIE SPOSATO THAT, BASED ON THE FINDINGS OF FACT AND CONDITIONS PROPOSED, THE ZONING BOARD FINDS THE PROPOSED SPECIAL USE

SERVES THE PURPOSE OF THIS ORDINANCE AND COMPREHENSIVE PLAN FOR THE REASONS PREVIOUSLY STATED. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY RONNIE SPOSATO THAT, BASED ON THE FINDINGS OF FACT AND CONDITIONS PROPOSED, 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, WHICH INCLUDES CONSIDERATION OF SOIL EROSION, WATER SUPPLY PROTECTION, SEPTIC DISPOSAL, WETLAND PROTECTION, TRAFFIC LIMITATION AND SAFETY AND CIRCULATION. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY RONNIE SPOSATO THAT, BASED ON THE PREVIOUS FINDINGS OF FACT, TESTIMONY HEARD, AND DOCUMENTS RECEIVED, THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF THE ZONING BOARD OF REVIEW BY LEGALLY COMPETENT EVIDENCE THE PROPOSED USE IS COMPLIANT WITH THE INTENT AND PURPOSE OF THE ZONING ORDINANCE INTO THE PRESENT NON-CONFORMING DEVELOPMENT. ALL WERE IN FAVOR.

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SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY RONNIE SPOSATO THAT THE ZONING BOARD OF REVIEW APPROVE THE APPLICATION FOR THE SPECIAL USE PERMIT. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY RONNIE SPOSATO THAT THE MINUTES FROM THE APRIL 18, 2019 MEETING BE APPROVED. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY MICHAEL GEARY AND SECONDED BY JOSEPH YORK TO ADJOURN THE MEETING AT 8:15 PM. ALL WERE IN FAVOR.

SO VOTED

Respectfully Submitted,

Elizabeth Monty

Zoning Board Clerk

Next Meeting: June 20, 2019; 7:00 P.M.