

ZONING BOARD OF REVIEW MEETING MINUTES – July 18, 2019

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of July, 2019 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, Joe York, Michael Geary, Daniel Harrington; Solicitor: Matthew Reilly, Esq. of Assalone & Associates, LLC.

Alternate Zoning Board Clerk: Tiana Zartman

Deputy Zoning Official: Sherry Desjardins

Absent: Ronnie Sposato, Alternate Daniel Baruti, Zoning Board Clerk Elizabeth Monty

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

Petition I – 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.

Applicant was not present.

JOE YORK MADE A MOTION TO ACCEPT THE WITHDRAWAL WITHOUT PREJUDICE. MICHAEL GEARY SECONDED. ALL WERE IN FAVOR.

SO VOTED

ZONING BOARD OF REVIEW MEETING MINUTES – July 18, 2019

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

Sitting as Board for Petitions II & III: Ure, York, Geary, Harrington

Petition II – Determine completeness of application/consider waivers

A Petition for a Special Use Permit filed by Industrial Sales & Distribution, Inc. on behalf of themselves, with a mailing address of PO Box 394, Westerly, RI 02891 and located at 337 Main St, Ashaway, RI 02804, identified as AP 4, Lot 13A, a Commercial 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 III – Determine completeness of application/consider waivers

A Petition for an Aquifer Protection Permit filed by Industrial sales & Distribution, Inc. on behalf of themselves with mailing address of PO Box 394, Westerly, RI 02891, and located at 337 Main Street, Ashaway, RI 02804, identified as AP 4, Lot 13A, a Commercial Zone and filed in accordance with Appendix A – Zoning District Use Table, Use Category #465, Overlay Secondary – “A = Aquifer Protection Permit”.

Applicant is present.

All fees have been paid.

All notices have been posted.

Chairman Ure explains to the applicant that the Board will go through the checklist to be sure they have all documentation required for the Application so that this matter can continue to a Hearing. Chairman Ure stated that Joe will read off the list and the Board will ask questions.

CHECKLIST ITEM A:

- Four (4) copies of a site plan prepared by, and signed and stamped by, a professional engineer or professional land surveyor at a scale of no less than one (1) inch = forty (40) feet clearly showing:
  - o Name and Address of property owner(s). Yes
  - o Date, north arrow, graphic scale, lot dimensions and area. Yes
  - o Plat & Lot, zoning district(s), and setbacks. Yes
  - o Existing and proposed structures, and their relationship and distances from lot boundary lines. Yes

ZONING BOARD OF REVIEW MEETING MINUTES – July 18, 2019

- Existing and proposed parking areas and walkways, existing and proposed landscaping, as it relates to the request. Yes
- Existing streets, 911 address, wells, septic system. Yes
- List of names and addresses of all property owners within 200 feet of subject property. Yes
- Best Management Practice work-plan where required. Yes
- Any peculiar site conditions or features. Yes

There was discussion amongst the board regarding the hazardous materials stored on site and the handling procedures. Chairman Ure stated the applicant included a brief description on how spills will be handled.

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

SO VOTED

CHECKLIST ITEM B:

Four (4) 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 use of all neighboring properties.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY DANIEL HARRINGTON THAT CHECKLIST ITEM B WAS COMPLETE. ALL WERE IN FAVOR.

SO VOTED

ZONING BOARD OF REVIEW MEETING MINUTES – July 18, 2019

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 RI Erosion and Sediment Control Handbook.

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOE YORK TO GRANT THE WAIVER REQUESTED FOR 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. department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.

Member Harrington: Per Wetland Application 17-0162, that was already approved.

Chairman Ure: When we approved this in the past, there are wetlands in the back. We know that they're there.

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

SO VOTED

ZONING BOARD OF REVIEW MEETING MINUTES – July 18, 2019

CHECKLIST ITEM E:

Location of existing septic system. Where construction requires approval by R.I. DEM- 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.

Member Harrington: And that's shown on the plan, again on the application 0714-0535, that the approved application has adequate septic for 24 employees.

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

SO VOTED

CHECKLIST ITEM F:

Traffic Study addressing the potential impacts of the proposed activity.

Member Harrington: I can't imagine they would have gone through all that with the planning board just to get approved. Do you anticipate a lot traffic?

Mr. Brennan: No.

Member York: Right, you're a wholesaler.

Chairman Ure: Again, briefly, it's off a state highway.

Member Harrington: Well, it's off of Wellstown.

Chairman Ure: Well, the property is off of Wellstown, which leads into an industrial complex in the back. The activities there are one and the same. It's wholesale. It's not a retail point of sale. The traffic should not be an issue. It's not like he's going to have a hundred cars coming in and out. Hopefully you wouldn't.

ZONING BOARD OF REVIEW MEETING MINUTES – July 18, 2019

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOE YORK TO GRANT THE WAIVER REQUEST 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 (2) foot intervals.

Member Harrington: They have it on the site plan already. I'd grant the waiver based on the fact it's already submitted. I don't see any need for anything additional.

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOE YORK TO GRANT THE WAIVER FOR CHECKLIST ITEM G. 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.

CHAIRMAN URE: It's an existing well, it's use is normal. How many employees do you have?

MR. BRENNAN: Three to four of us. Most of the time three.

CHAIRMAN URE: It's basic use is the bathroom.

ZONING BOARD OF REVIEW MEETING MINUTES – July 18, 2019

A MOTION WAS MADE BY DANIEL HARRINGTON AND SECONDED BY JOE YORK TO WAIVE CHECKLIST ITEM H AS REQUESTED. ALL WERE IN FAVOR.

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MICHAEL GEARY TO DEEM THE AQUIFER PROTECTION PERMIT AND SPECIAL USE PERMIT CHECKLISTS CONDITIONALLY COMPLETE SUBJECT TO A FULL QUORUM. ALL WERE IN FAVOR.

SO VOTED

Chairman Ure mentioned that next month, the Board will hold a hearing and Mr. Brennan was instructed by Mr. Ure to work on notification of the neighbors and return the green cards to the Zoning Board Clerks (AKA Assessor's Office) in time for the next meeting on August 15, 2019. All abutters within 200 feet are required to be notified.

A MOTION WAS MADE BY MICHAEL GEARY AND SECONDED BY JOE YORK TO APPROVE THE MINUTES FROM THE MAY 16, 2019 ZONING BOARD OF REVIEW MEETING. ALL WERE IN FAVOR.

SO VOTED

Chairman Ure ratified the First Seventh Day Baptist Church decision.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY DANIEL HARRINGTON TO ADJOURN THE MEETING AT 7:28 P.M. ALL WERE IN FAVOR.

SO VOTED

ZONING BOARD OF REVIEW MEETING MINUTES – July 18, 2019

Respectfully submitted

Tiana Zartman

Alternate Zoning Board Clerk

Next Meeting: August 15, 2019; 7:00 P.M.