

ZONING BOARD OF REVIEW MEETING MINUTES – September 19, 2019

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of September, 2019 A.D., the said meeting was called to order by Zoning Board of Review Chairman Jonathan Ure at 7:15 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, Daniel Harrington, Ronnie Sposato, Alternate

Daniel Baruti

Zoning Board Clerk: Elizabeth Monty

Deputy Zoning Official: Sherry Desjardins (recused; member of audience)

Zoning Board Solicitor: Veronica Assalone, Esq., Solicitor, of Assalone &
Associates, LLC

Town Council Member: Barbara Capalbo

Planning Board Member: Carolyn Light

Absent: Michael Geary

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

Deputy Zoning Official Sherry Desjardins recused herself from this Petition

Petition I – Determine Completeness of application/consider waivers, Hold Hearing if complete

A Petition for a Special Use Permit filed by Norbert M Ansay Jr on behalf of himself, with mailing address of 63 Cedarwood Lane, Hope Valley RI 02832 and located at 999 Main St, Hope Valley, RI 02832, identified as AP 27, Lot 102, a NB Zone and filed in accordance with Sections 8C and 10 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Attorney George Comolli is present and representing the applicant.

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All fees have been paid.

All notices have been posted.

Chairman Ure states that the Board has a couple of items to be completed from the last meeting:

FROM CHECKLIST ITEM A: THE NAME AND ADDRESS OF PROPERTY OWNERS, THE DATE, PLAT AND LOT, ZONING DISTRICTS, SETBACKS, AND THE 911.

FROM CHECKLIST ITEM B: SUBMITTAL OF A NEW MAP INCLUDING THE 200 FOOT RADIUS.

ATTORNEY COMOLLI: (steps up to podium) Yes, Mr. Chairman. Attorney George Comolli, representing the petitioner, Norbert Ansay. Mr. Comolli stated that they submitted them (the items) in a file and made extra copies for the Board Members which was a circumference map and the actual plat map showing a. the preparer, etc.....

CHAIRMAN URE: Correct me if I am wrong, it looks like those items were the date, name and address of the property owners, the 9-1-1 address on the map I believe; all present in the newly submitted documents.

MEMBER HARRINGTON: It's all there. I MAKE A MOTION TO ACCEPT CHECKLIST ITEM A AS COMPLETE. MEMBER SPOSATO SECONDED. NO DISCUSSION. ALL WERE IN FAVOR.

SO VOTED

MEMBER YORK MADE A MOTION TO ACCEPT CHECKLIST ITEM B AS COMPLETE. MEMBER SPOSATO SECONDED. NO DISCUSSION. ALL WERE IN FAVOR.

SO VOTED

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CHAIRMAN URE: OK, the checklist is complete; on to the hearing...

HEARING:

ATTORNEY COMOLLI: Thank you Mr. Chairman, Members of the Board. I am Attorney George Comolli. I represent Norbert Ansay; he is the owner of 999 Main Street in the Village of Hope Valley. We are here before you tonight for a Special Use Permit to allow for an Art Gallery. The Zoning Ordinances were recently updated; pursuant to them, they have created Section 761, which allows for an Art Studio in Neighborhood Business by way of a Special Use Permit as long as it is non-caustic art materials in the type of art that is being shown. With that regard Mr. Ansay owns the property at plat 27, lot 102 zoned Neighborhood Business and he is proposing to use the existing structure which is about 1,600 sq. ft. He is proposing to do exterior improvements and interior improvements, to use it as an Art Gallery which will have shown art and art classes. With the Board's permission I have only one witness. I call Mr. Ansay.

CLERK MONTY swore in the Witness: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

MR. ANSAY: I do.

(HEARING CONTINUES):

ATTORNEY COMOLLI: Are you the current owner of 999 Main Street?

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MR. ANSAY: Yes.

ATTORNEY COMOLLI: When did you purchase it?

MR. ANSAY: About a year ago.

ATTORNEY COMOLLI: And the history of that project... What was it that the building used to be known for; What was there?

MR ANSAY: It was a package store, and a pharmacy.

ATTORNEY COMOLLI: And how long to your knowledge has it been vacant?

MR ANSAY: Almost five years.

ATTORNEY COMOLLI: What improvements are you proposing for the particular structure?

MR ANSAY: On the outside I'd like to paint it, make it match the bakery, ... just fix it up so it looks nicer. Inside, I'd like to make it so that it's a studio and art gallery; the beginning front part - a gallery and at the back a studio.

ATTORNEY COMOLLI: What are the anticipated hours for the gallery and the studio?

MR ANSAY: Opposite the Bakery, it's actually from like 3:00 pm on.

ATTORNEY COMOLLI: And West Bakery closes at 3?

MR ANSAY: Yes.

ATTORNEY COMOLLI: Have you had the opportunity to discuss the current parking arrangements with the Owner?

MR ANSAY: Yes. I spoke to Colleen. And she gave us permission to park in front of the back...right where we want to.

ATTORNEY COMOLLI: Now an Art Gallery – We know that there's not droves of people there. If you were going to have a Studio, how many people would probably be at that studio for an evening class?

MR ANSAY: I would estimate 12 to 20 people per class.

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ATTORNEY COMOLLI: (Addressing the Board) And, we are currently discussing that with the Fire Chief to confirm the occupancy is sufficient to have those classes.

MR ANSAY: Yea. He looked it over and he was saying that the capacity was probably 50 to 60 people.

ATTORNEY COMOLLI: I suggested that this was non-caustic. What type of painting do you have?

MR ANSAY: Water based.

ATTORNEY COMOLLI: Ok. So if someone wants to sketch with a pencil, it's all non-caustic?

MR. ANSAY: Right.

ATTORNEY COMOLLI: Ok. Do you believe that this particular use would be compatible with the neighbor uses?

MR ANSAY: Absolutely.

ATTORNEY COMOLLI: Do you believe that it would have an adverse effect on any of the neighborhood uses and the value of their property?

MR ANSAY: I think it would increase their value.

ATTORNEY COMOLLI: Do you believe it is compatible with the orderly growth of Hopkinton and in particular the revitalization of the village of Hope Valley?

MR ANSAY: I do.

ATTORNEY COMOLLI: Do you believe every aspect of environmental compliance has been taken care of?

MR ANSAY: Yes

ATTORNEY COMOLLI: There are no issues with any caustic materials what so ever that could leach into the water supply?

MR ANSAY: There's nothing there.

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ATTORNEY COMOLLI: We have municipal water supply do we not?

MR ANSAY: We do.

ATTORNEY COMOLLI: I have no further questions of Norbert. At this time we welcome questions from the Board.

CHARIMAN URE: So Norb – you're just going to renovate the structure inside and out?

MR. ANSAY: Yes.

CHAIRMAN URE: About how late do you think you will have the shop open? Three until.....?

MR. ANSAY: Probably a couple hour classes; So – three until until nine o'clock maybe... nine or ten maybe.

CHAIRMAN URE: All the activities of the business will be on the interior?

MR ANSAY: Yes

CHAIRMAN URE: Anything going on outside?

MR ANSAY: I don't believe so.

CHAIRMAN URE: How much noise does painting make?

MR ANSAY: Honestly, usually pretty quiet but sometimes it's loud.

CHAIRMAN URE: Will they be playing music or anything like that?

MR ANSAY: I think there will be some music but you know, just like Ambiance.

CHARIMAN URE: Within reasonable noise level?

MR ANSAY: Yes. Right.

CHAIRMAN URE: The neighborhood around there; your neighbors are mostly NB not residential?

MR ANSAY: Correct

CHAIRMAN URE: With a few apartments above West Bakery. Most everybody in that vicinity, within a stone's throw is a business.

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MR ANSAY: Yes and a parking lot.

MEMBER SPOSATO: The one to the right over the river is probably the biggest problem.

CHAIRMAN URE: I stated at the last meeting that my parents DO own the property next door. And, if there are issues, I can step down. It didn't seem like anyone had any last time.

(There was no response from anyone.)

CHAIRMAN URE: It's town water and you have private septic there. You have to get us the site suitability.

MR ANSAY: Yes we are working on that.

CHAIRMAN URE: Any decision we give tonight will be subject to DEM approval on the septic.

MR ANSAY: OK.

MEMBER HARRINGTON: Where will you store the paint, Norbert? Just out of curiosity?

MR ANSAY: On shelves; inside

MEMBER HARRINGTON: Curious on my part – So non-caustic, as George pointed out, is water based, what would be an example of something that is toxic? Lead based paint? I'm just curious....

MR ANSAY: I'm not really sure what they are considering caustic, You know what I mean?....but I know what we're using isn't.

MEMBER HARRINGTON: Anybody know? I'm just kind of curious. What separates this?

CHAIRMAN URE: I don't know for certain, lacquers?...(motions to Attorney Comolli).

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ATTORNEY COMOLLI: Certain acrylic paints are caustic and certain paint cleaners...heavy based paints.

PB MEMBER LIGHT: I think it's a petroleum based issue. You know – these are derivatives.

MR ANSAY: We're using water based paints.

MEMBER HARRINGTON: Probably one thing you might want to think about is the septic. You need a place where you're going to clean the paint before. If it's just water based, you want to double check that. You don't want to hurt the septic system. Right? Just based on volume that you don't clean brushes.....?

MR ANSAY: Ok.

MEMBER HARRINGTON: And signage?

MR ANSAY: Signage is outside on the front....we'll put a sign on that...of course where the sign was for Village Place Package Store.... I don't even think it would need to be as big as the ones they had. Neaten it up. Maybe we would put lights on it. It is wired for one. A regular sign; whatever meets zoning.

MEMBER HARRINGTON: It's not neon or anything like that?

MR ANSAY: No. Regular sign.

MEMBER YORK: So none of the paint supplies would be flammable?

MR ANSAY: No. All would be water based.

CHARIMAN URE: Signage will be compatible with our other sign owners. Is any exterior lighting going to be added?

MR ANSAY: Not added; the lighting that is there is going to be utilized. Some of it is not working. It is there.

MEMBER SPOSATO: Not much you can say about an Art Gallery. I'm not really sure why they're here.

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CHAIRMAN URE: So just for the record, so I have this square in my head: We know the Zoning Official is your Wife? Right?

MR ANSAY: True.

CHAIRMAN URE: You're claiming her. So, she went to the State Ethics Board because she works for this Board and the Town. So they diverted her to the Council because they thought it was best that she not come before this Board. They recommended that it go before the Council and the Council voted.....

ATTORNEY COMOLLI: The Planning Board suggested that it go through the whole vetting process in terms of the Zoning Board and the Planning Board. Thereafter it came right back to the Zoning Board because the ordinance allowed it to do so. I represent other Zoning Inspectors and their wives in other towns. When they appear before the Zoning Board they just recuse themselves. They constantly do this. It's almost denying their Democratic Rights. It can become an issue.

MEMBER BARUTI: I don't think anyone has a problem with the Zoning Official. I don't think she has participated in this application to the best of my knowledge in any way, shape or form. He is here on his own accord, making his own case.

CHAIRMAN URE: We are an objective Board. She has done her due diligence by going in front of this Board. She has followed the path that they suggested as well as the Council who brought this back to the correct Board. The use of paints and I think it's ironic that the school system is in the same zone and pre-schools at churches are within the same zone, use worse paints and some businesses use worse paints, and to have a new business come into get a Special Use Permit to use water based paints is kind of funny.

MEMBER BARUTI: I think that the proposed use would certainly be good for the neighborhood, and I would imagine that the traffic in and out of there as well as cars in and out of there would be far less. I am happy to hear that you have

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addressed the parking situation because quite frankly, I am going to assume that you are going to maintain enough containment that we shouldn't have to worry about any type of hazardous waste or anything along those lines even if it was present. My only concern was about the parking and how you were going to address that and you did that to my satisfaction.

CHAIRMAN URE: On the subject of parking and in 35 years of working in that vicinity when the package store was operational; people parking at the fire station...constantly running across the street back and forth; it was a constant in and out between cigarettes and there was a lot of pedestrian traffic too because people uptown were walking to the package store. There was a lot of darting across the street.

MEMBER YORK: So would you say it's a much better fit now?

CHAIRMAN URE: I tell you what...It's a much much better fit for the neighborhood. It's going to be a nice quiet neighbor. And I for one think its phenomenal because the building has been sitting in dis-repair since the package store left . And even when the package store was there it was on its down side...It will be nice to see it come back to life.

MEMBER SPOSATO: The one thing I want to clarify that the nine o'clock – that it's what is allowed by zoning.... If it goes past nine o'clock just stick to what is allowed in zoning. If people are having a good time in painting class it's just what is allowed by Zoning. We're not holding you to nine o'clock...It may run over....

CHAIRMAN URE: It's a quiet activity...

MR ANSAY: My Wife is in charge. She'll take care of it. I don't get away with anything....

MEMBER HARRINGTON: It's a painting class and retail sales?

MR ANSAY: Yes

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MEMBER HARRINGTON: It's going to be a true gallery.

MR ANSAY: Yes. Gallery in the front, and not necessarily half, but another section...

CHAIRMAN URE: Something that's nice with having an art gallery is we have a current activity going on in Hopkinton which is HOP ARTs in October. It's too bad this wasn't up and running for that because. It ties in exactly with what's going on. I think in the future it will get a lot of activity and a lot of notes.....

MR ANSAY: I was actually looking forward to HOP ARTS....

MEMBER SPOSATO: Hope Valley is really up and coming. We (Ashaway) don't have an Art Studio.....

CHAIRMAN URE: Do we have any questions?

MEMBER SPOSATO: My only question is -Do you still have to go back to the Planning Board now?

ATTORNEY COMOLLI: No.

MEMBER SPOSATO: Thank God. OK.

CHAIRMAN URE: Ok – why don't we gather our findings of fact:

1. Size of the building: 1.600 sq. ft.
2. They're going to share parking with the bakery....opposite the bakery; sharing those spaces....No parking issue
3. Capacity is figured to be between 12-20 people. Maximum capacity of the building – 50-60 people. They will be well within capacity
4. All painting will be non-caustic, non-flammable; no hazards there no issues.
5. No new construction - Only interior and exterior renovation...
6. He did discuss his hours and parking with the abutting proeprties. There are no issues with them.
7. Gallery/studio hours will be 3 p.m.

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MEMBER SPOSATO interjected that they will not hold them to those hours....This Board states that it anything that fits within the Town Ordinance.

If sales are good, we're not holding him to it. I am only stating this for the record because if ten years down the road someone has a complaint; I want them to know that this Board said anything that fits within the Town Ordinance – timewise.....

CHAIRMAN URE: (continuing the Findings of fact...)

8. All activities inside.
9. Noise will be minimal
10. They are going to use existing lighting on the exterior
11. Pending new signage will meet the Town requirements.

MEMBER SPOSATO: (continuing the Findings of fact...)

12. I would just add that they are going to obey all Town Ordinances.

CHAIRMAN URE: (continuing the Findings of fact...)

13. The owner did go to the Ethics Council or Board and discussed that she is an official with the Town and this board. And that she has followed the correct path which led her back here.

MEMBER YORK MADE A MOTION TO ACCEPT THOSE (ABOVE) AS FINDINGS OF FACT. IT WAS SECONDED BY MEMBER SPOSATO. THERE WAS NO DISCUSSION. ALL WERE IN FAVOR.

SO VOTED

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MEMBER YORK: BASED ON THE FINDINGS OF FACT, I MOVE THAT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE NEIGHBORING USES AND WILL NOT ADVERSELY AFFECT THE SURROUNDING NEIGHBOR'S USE OR ENJOYMENT OF THEIR PROPERTY. MEMBER HARRINGTON SECONDED. THERE WAS NO DISCUSSION. ALL WERE IN FAVOR.

SO VOTED

CHAIRMAN URE: Asked if there were any comments from the audience.

COUNCIL WOMAN BARBARA CAPALBO: I am so glad you are doing this.

And I hope you open at 9 o'clock because you also have to set up everything for those people at three o'clock and I hope you are open until ten or eleven o'clock And I hope you have wonderful parties. That is a great time for me to come visit. I think it's wonderful.

PB MEMBER LIGHT of Forest Glen: There won't be any nude stuff going on?

All Comment that "Art was Art"..... Seeing that there were no further comments, Chairman Ure thanked all for the comments, and asked to go back where they were....

MEMBER YORK: BASED ON THE FINDINGS OF FACT, I MOVE THAT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE ENVIRONMENTALLY COMPATIBLE WITH NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY VALUES. MEMBER HARRINGTON SECONDED. THERE WAS NO DISCUSSION. ALL WERE IN FAVOR.

SO VOTED

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MEMBER YORK: I MOVE THAT BASED ON THE FINDINGS OF FACT, THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE ORDERLY GROWTH AND DEVELOPMENT OF THE TOWN AND WILL BE ENVIRONMENTALLY DETRIMENTAL THEREWITH. MEMBER HARRINGTON SECONDED. THERE WAS NO DISCUSSION. ALL WERE IN FAVOR.

SO VOTED

MEMBER YORK: BASED ON THE FINDINGS OF FACT, I MOVE THAT THE ZONING BOARD FINDS THAT THE PROPOSED SPECIAL USE SERVES THE PURPOSE OF THIS ORDINANCE AND THE COMPREHENSIVE PLAN FOR THE REASONS PREVIOUSLY STATED. MEMBER HARRINGTON: SECONDED. THERE WAS NO DISCUSSION. ALL WERE IN FAVOR.

SO VOTED

MEMBER YORK: I MOVE BASED ON THE FINDINGS OF FACT THAT 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 LIMITATIONS AND SAFETY CIRCULATION. MEMBER HARRINGTON: SECONDED. THERE WAS NO DISCUSSION. ALL WERE IN FAVOR.

SO VOTED

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MEMBER YORK: BASED ON THE FINDINGS OF FACT, THE TESTIMONY HEARD AND DOCUMENTS RECEIVED, THE BOARD MOVES THAT THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF THE BOARD REVIEWED THE LEGAL COMPETENCE EVIDENCE THAT THE PROPOSED USE MORE CLOSELY ADHERES TO THE INTENT AND PURPOSES OF THE ZONING ORDINANCES THAN THE PRESENT VACANT BUILDING DOES, AND LASTLY I MOVE THAT THE ZONING BOARD FINDS BASED ON THE PREVIOUS FINDINGS OF FACT WE APPROVE THIS SPECIAL USE PERMIT. MEMBER HARRINGTON: SECONDED. NO DISCUSSION. ALL WERE IN FAVOR.

SO VOTED

CHARIMAN URE: Congratulations and good luck!

APPLICANT: Thank you!

CHAIRMAN URE: I'd like to put on record that I ratified the decision from last month.

A MOTION WAS MADE BY JOE YORK AND SECONDED BY RONNIE SPOSATO TO APPROVE THE MINUTES FOR THE ZONING BOARD OF REVIEW MEETING ON AUGUST 15, 2019. ALL WERE IN FAVOR.

SO VOTED

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A MOTION WAS MADE BY JOE YORK AND SECONDED BY RONNIE SPOSATO TO ADJOURN THE MEETING AT 7:43 P.M. ALL WERE IN FAVOR.

SO VOTED

Respectfully Submitted,

Elizabeth Monty

Zoning Board Clerk

Next Meeting: October 17, 2019; 7:00 P.M.