

ZONING BOARD OF REVIEW MEETING MINUTES – December 19, 2019

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of December 19, 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, Daniel Harrington, Michael Geary, Ronnie Sposato,
Alternate Daniel Baruti

Zoning Board Clerk: Elizabeth Monty

Deputy Zoning Official: Sherry Desjardins

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

Town Council Member: Barbara Capalbo

Absent: Veronica Assalone, Esq., Solicitor, of Assalone & Associates, LLC

Board Member: Joseph York recused himself from Petition I

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

Petition I – Determine completeness of application/consider waivers.
A Petition for a Dimensional Variance filed by Attorney George A Comolli on behalf of Hopkinton Industrial Park, LLC, with mailing address of 401 Main Street, Ashaway, RI 02804, for property owned by Hopkinton Industrial Park, LLC and located at 15 Gray Lane, Ashaway, RI 02804, and identified as AP 4 Lot 12 a Manufacturing Zone and filed in accordance with Section 9 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

All fees have been paid.

All notices have been posted.

ZONING BOARD OF REVIEW MEETING MINUTES – December 19, 2019

Applicants, Ray Quinlan & Lydia Teixeira and their Attorney, Steve Surdut, Esq. were present.

Chairman Ure stated that the Board would review the checklist to make sure everything is in order.

Attorney Surdut is at the podium.

Chairman Ure asked Mr. Surdut if he would like to lead in with anything or should the Board just go through the checklist?

Mr. Surdut asked Mr. Ure to please go through the checklist. He continues to state that he believed everyone here knows Miss Teixeira and Ray, who are here. He stated that he just wanted to make sure that the Board Members saw them here this evening.... As the Petition says, they are looking to add on to their existing facility to service more people in town and to continue to operate.

Mr. Ure continues by reading the checklist. The application for the Dimensional Variance for Zoning Board of Review must be accompanied with the following information...

Checklist Item A:

1. Three copies of site plan that has been prepared by and signed and stamped by a Professional Engineer or a Professional Land Surveyor with a scale of no less than 1 inch to 40 feet clearly showing:
 - a. the name and address of property owners. Mr. Ure asks if everyone sees this? The Board all agreed.
 - b. Dated, North Arrow, graphic scale lot dimension and area. All agreed all were present.
 - c. Plat and Lot. All agreed.
 - d. Zoning Districts and set-backs. All agreed.

ZONING BOARD OF REVIEW MEETING MINUTES – December 19, 2019

- e. Existing and proposed structures and their relationship and distance from lot boundaries and lines.
- f. Existing and proposed parking areas and walk-ways. All agreed.
- g. Existing and proposed landscaping as it relates to the request. Member Sposato noted that although this is not spelled out there may be a separate landscaping plan. Additionally, knowing the site- it is sufficient. They are going to leave it just the way it is which is grass and woods. It's mostly field on the side. All agreed.
- h. Existing streets 9-1-1 address, well and septic systems? Member Sposato noted the well was public. Septic is on the plan. 9-1-1 is present.
- i. List of names of all property owners within 200 feet of the property? All agreed this was present.
- j. Any peculiar site conditions or features? No – said by Member Sposato. All agreed.

Mr. Ure asked for a motion that Checklist item A is complete.

MEMBER SPOSATO MADE A MOTION, SECONDED BY MEMBER GEARY, THAT CHECKLIST ITEM A WAS COMPLETE. ALL WERE IN FAVOR. NO DISCUSSION.

SO VOTED.

Checklist Item B: Three (3) 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 RIGL, also depicting any zoning district

ZONING BOARD OF REVIEW MEETING MINUTES – December 19, 2019

boundary and use of all neighboring properties.

Member Harrington noted they had the map. Ronnie asked Mr. Surdut if they were going to waive the traffic study. Mr. Surdut said that although it's not on the form to be waived the applicant would like the traffic study to be waived.

The Board discussed the Biologist's letter. Member Harrington noted they should take care of this first and asked Mr. Surdut about freshwater wetlands – did the applicant file an application? Mr. Surdut said they are not going into the wetland buffers; they are staying outside of them he believes....so they are not required to do that. Mr. Quinlan interjected on the side to his attorney to note that there is a wetland plan from Sergio Cherenzia. Mr. Surdut reiterated to the Board that he apologized; the applicant has filed a Wetlands Plan from Sergio Cherenzia Engineering even though they are not going into the wetlands buffer.

Mr. Geary read the numbers of all the surrounding lots: Lot number 6, 8, 8A, 12A, 14A 15, 21, 22, 21A, 21F, T5 (in corner/on the line). The Board discussed abutters in CT and the fact that they are not required to notify those owners.

Chairman Ure asked to entertain a motion that checklist item B is complete.

MEMBER SPOSATO MADE A MOTION, SECONDED BY MEMBER GEARY, THAT CHECKLIST ITEM B IS COMPLETE. ALL WERE IN FAVOR. NO DISCUSSION.

SO VOTED.

(Mr. Ure read the checklist further) Checklist item C is 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 RI Freshwater Wetlands Act. In those instances where the application is regulated by the RI Freshwater Wetlands Act, a physical alteration permit

ZONING BOARD OF REVIEW MEETING MINUTES – December 19, 2019

issued by the RI Department of Environmental Management, and where applicable, the US Army Core of Engineers, shall be required.

Member Sposato inquired of Attorney Surdut if the applicant mentioned that he is getting this?

Mr. Surdut stated – Yes. Sergio Cherenzia of Cherenzia Engineering will testify to the details at the Public Hearing.

Mr. Ure stated that this checklist item's (C) approval will be subject to testimony. No motion was made.

Mr. Ure moved on the checklist item D: Location of existing septic system. Where construction requires approval by RI DEM – Division of Land Resources for an ISDS or change of use permit for the proposed activity, attach a copy to the application.

Member Sposato stated that the applicant got a brand-new septic.

Chairman Ure asked Member Harrington if this was part of the plan. Mr. Harrington perused the plan.

Member Sposato noted that it has been less than a year.

Mr. Harrington inquired if the new septic (1 year old) was all sized for future expansion?

Mr. Surdut stated that it is quite extensive. The building was built in phases and the septic was built to accommodate all of the phases. Now this building is the last phase of expansion.

Member Baruti requested a Certificate of Conformance.

Mr. Surdut noted that Sergio Cherenzia will be here at the public hearing and he will address that and he will make sure that there is something for the file.

Member Sposato stated that Sherri should also have a copy of that.

Member Baruti reiterated that Sherri should have a copy, but he would like to see this attached to the file for the record.

Member Geary noted that she (Sherri) should have had that with the original file when

ZONING BOARD OF REVIEW MEETING MINUTES – December 19, 2019

They did the building, right?

Members discussed also that this is a new application and it should be part of the file.

Chairman Ure asked the Board how they would like to proceed with the motion?

Member Harrington stated that we need a copy of the certificate of conformance and that it correlates with the application to show that it was sized for everything that's there plus what is being proposed just for the record.

Chairman Ure stated that they will hold that subject for the Public Hearing.

Chairman Ure stated that checklist item E is on a separate site plan indicating the system is on proposed topography at two-foot intervals.

A MOTION TO THAT CHECKLIST ITEM E IS COMPLETE WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER GEARY. ALL WERE IN FAVOR. NO DISCUSSION.

SO VOTED.

Chairman Ure stated that the Board really can not deem this (application) complete because it is subject to the letter from the Biologist and some testimony at the hearing on checklist item C. Also item D needs a certificate of conformance to show that the addition has a septic that is sized accordingly.

Member Sposato asked Mr. Surdut if Sergio designed the system? And he can testify that he sized it accordingly?

Mr. Surdut said "Yes." Then he added that his company (Sergio's) has been involved in all of the septic on site from the beginning.

Member Harrington inquired how big the system was originally? He also stated that the systems are designed based on square feet and number of rooms, etc. He continued to ask if the retention pond in the back was proposed or existing?

ZONING BOARD OF REVIEW MEETING MINUTES – December 19, 2019

Mr. Surdut stated it was existing.

Member Harrington asked if there was anything as far as drainage or it's all there? Like the proposed sand filter?

Mr. Quinlan stated that the application that they have into the DEM was assigned on the 16th of November – what it is – is we don't infringe on any wetlands, any of the flood zones, but it's to manage the run off from the site. So those sand filters and everything that we're doing and the application that we have in is just "in case" something, run-off, this, that so it's nothing to do with wetlands, set-backs, we don't infringe on any of it.

Member Harrington asked if at the end of the day would they get a permit from DEM?

Mr. Quinlan stated "Yes."

Member Harrington motioned to the map and discussed the woodline and buffers. He noted the pond being on a 10-year old plan.

Mr. Quinlan stated that there is a pond there. He continued to say that on the application to the DEM, they had to make a (new) retention pond for any potential run-off. So – that is what they are proposing and once the project was completed, they would fill the pond back in and reseed it.

Member Harrington asked about the pavement going around the back of the building.

Mr. Quinlan said "Yes". It will be just exactly like it is right now.

Member Harrington asked Mr. Quinlan: "Do you anticipate that permit from the DEM prior to the public hearing?"

Mr. Surdut stated that this was submitted middle of November, confirming with Mr. Quinlan, (who agreed), and continuing to say that they could speak to Sergio Cherenzia and DEM.

Mr. Ure spoke to the Solicitor regarding process of completeness of the application versus hearing.

ZONING BOARD OF REVIEW MEETING MINUTES – December 19, 2019

Solicitor Reilly stated that applicant's Counsel will need to have the application complete and/or submit the missing items prior to the hearing.

Board discussed further.

Member Harrington noted to Mr. Surdut that this application was the same as filed with the DEM three or four years ago and this was not new to them.

Mr. Surdut confirmed.

Member Harrington: "The rules have changed, but, again, it's something that at least they have."

(Board discussed the need for the Biologist letter and the plan and weighed the information and the fact that Sergio has all that they need. With the addition of two pieces of paperwork they can deem the application complete.)

Chairman Ure asked Mr. Surdut to work on these outstanding items.

Mr. Surdut said he would most definitely make sure these were in the file and that Sherri has everything she needs.

Chairman Ure stated that this was as far as they could go tonight.

Member Sposato said they could schedule this for a January hearing in January.

Chairman Ure asked if the green notice cards were submitted.

Mr. Surdut and Clerk Monty noted that the cards were submitted.

Ms. Desjardins noted that they would need to send out another round of green notice cards for the upcoming hearing.

Mr. Surdut inquired for the record when the meeting in January was.

Chairman Ure stated it would be on the third Thursday, January 16th, 2020.

Mr. Surdut thanked the Board and all wished each other Happy Holidays.

ZONING BOARD OF REVIEW MEETING MINUTES – December 19, 2019

MEMBER GEARY MADE A MOTION TO APPROVE THE MINUTES FROM THE SEPTEMBER 15, 2019 ZONING BOARD MEETING AND IT WAS SECONDED BY MEMBER HARRINGTON. ALL APPROVED. NO DISCUSSION.

SO VOTED.

Chairman Ure noted that he ratified the decision from the September 19th, 2019 Zoning Board meeting regarding Norbert Ansay. All agreed.

MEMBER GEARY MADE A MOTION TO ADJOURN THE MEETING AT 7:20 P.M. AND IT WAS SECONDED BY MEMBER SPOSATO. ALL WERE IN FAVOR. NO DISCUSSION.

SO VOTED.

Respectfully Submitted,
Elizabeth Monty
Zoning Board Clerk

Next Meeting: January 16, 2020; 7:00 P.M.