

ZONING BOARD OF REVIEW MEETING MINUTES - May 19, 2022

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth of May, 2022 A.D. the said meeting was called to order at 7:03 PM by Zoning Board of Review Chairman in the Town Hall Meeting Room with a moment of silent mediation and a salute to the Flag.

PRESENT: Johnathan Ure, Daniel Baruti, Daniel Harrington, Ronnie Sposato, Zoning Board Clerk: Katrina

Caputo. Chip Heil and Joseph York were in attendance remotely. Building Official Anthony Santilli

Absent: Alternate Member Phil Scalise; Town Council Liaison Michael Geary

Sitting as the Board for Petition 1: Ure, York, Baruti, Sposato, & Harrington

Petition I – Hearing

A Petition for a Dimensional Variance to allow a reduction in lot frontage. Petition filed by Nick Mandes on behalf of Clarks Falls, LLC with mailing address of 15 Clarks Falls Rd, North Stonington, CT 06359, for property owned by Clarks Falls, LLC located at 0 Tanner Lane, Ashaway, RI 02804, and identified as AP 5 Lot 57E, an R-1 Zone and filed in accordance with Section 9 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Petition II – Hearing

A Petition for a Special Use Permit to allow for a single-family residence. Petition filed by Nick Mandes on behalf of Clarks Falls, LLC with mailing address of 15 Clarks Falls Rd, North Stonington, CT 06359, for property owned by Clarks Falls, LLC located at 0 Tanner Lane, Ashaway RI 02804, and identified as AP 5 Lot 57E, an R-1 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 or representative present.

Filing fees paid and notice posted.

Discussion.

Decision.

ZONING BOARD OF REVIEW MEETING MINUTES - May 19, 2022

Chairman Ure explains the applicant has requested a continuance to the Zoning Board of Review meeting on July 21, 2022.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER HARRINGTON TO CONTINUE THE APPLICATION UNTIL THE ZONING BOARD OF REVIEW MEETING ON JULY 21, 2022. ALL WERE IN FAVOR.

SO MOVED

Petition III Determine completeness of application/consider waivers

A petition for a Dimensional Variance request relief from front and side yard setbacks for construction of a new building compatible with current use. Petition filed by Jeffrey Duscha with mailing address 109 Woodville Alton Rd, Hope Valley, RI 02832 for property owned by Jeffrey Dushca and Michelle Hoyt located at 493 Main St, Hopkinton, RI 02833, and identified as AP 26 Lot 15 RFR-80 Zone and filed in accordance with Section 9 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Petition IV – Determine Completeness of application/consider waivers

A petition for a Special Use permit to allow for construction of a new building and an expansion of the current use. Petition filed by Jeffrey Duscha with mailing address of 109 Woodville Alton Road, Hope Valley RI 02832, for property owned by Jeffrey Duscha and Michele Hoyt located at 493 Main Street, Hopkinton RI 02833 identified as AP 26 Lot 15, 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 or representative present.

Discussion.

Decision.

Chairman Ure explains when both a Dimensional Variance and a Special Use application are both requested, the checklist used is typically the Special Use Permit checklist since it is more inclusive.

CHECKLIST ITEM A: Three (3) copies of a site 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:

- Name and address of property owner(s)
- Date, north arrow, graphic scale, lot dimensions and area
- Plat & lot, zoning district(s) and setbacks

ZONING BOARD OF REVIEW MEETING MINUTES - May 19, 2022

- Existing and proposed structures, and their relationship & distances from lot boundary lines
- Existing and proposed parking areas and walkways

- Existing and proposed landscaping, as it relates to the request
- Existing streets, 911 address, wells, septic system
- List of names and address of all property owners within 200 feet of subject property
- Any peculiar site conditions or features

Member Sposato states the plan provided to the Board is in the name of the previous property owner. Member Harrington states the septic on the site map appears to have been marked up by Richard Green who is now deceased. Chairman Ure asks other members of the Board if they want to require a surveyor to produce a site map since the provided plan has hand-drawn additions to it. Member Harrington asks the applicant if there is a stone wall along the boundary. Mr. Duscha confirms there is. Member Harrington states the plan provided shows the stone wall is marked as the boundary and is satisfied that a boundary is evident for the purposes of the application.

Chairman Ure asks Jeffery Duscha to add his name, his mailing address, and the 911 address to the map.

Member Baruti states amendment is needed to add setbacks and zoning districts to the site plan. Chairman Ure says the existing and proposed structures and the relationship to the lot boundary also need to be added to the plan. Chairman Ure states that on the site map a lot of the existing structures and their relationships to the boundaries aren't there.

Member Harrington states the plan does show a parking area for the existing building, but isn't sure if what's shown on the map is what's proposed or if it's currently existing. Chairman Ure states there are no walkways on the map. Member Sposato states currently there are no walkways on the property. Chairman Ure explains the parking lot shown on the map isn't proposed, it is the current parking lot.

ZONING BOARD OF REVIEW MEETING MINUTES - May 19, 2022

Member Harrington states the septic system takes up the bulk of the space of the lot and the applicants are trying to work around that peculiar site feature. Chairman Ure agrees and states the shape of the lot is also irregular.

Chairman Ure clarifies the additions that need to be made to the site plan that was submitted: The zoning districts and setbacks need to be added and the existing and proposed structures and their distances to the lot boundaries need to be added.

Member Baruti asks Member Harrington how much of an effort would the applicant have to make to have a professional amend the plan. Member Harrington answers that it would be like starting anew. Member Harrington asks if this would have to go in front of the Planning Board for a review. Mr. Santilli explains that the use of the lot is a grandfathered use and would not be required to go in front of the Planning Board.

Member Harrington asks the applicant if the new building will be connected to the existing septic system. The applicant says they haven't made a determination yet. Member Harrington explains that a septic suitability would have to be provided if the proposed structure was connected to the septic system.

Chairman Ure asks how the Board would like to proceed since there are several items missing. Chairman Ure states that since the applicant is going to be moving the activity of the property closer to neighboring residences, the neighbors should have access to a certified plan to show exactly where the new building will be. Member Harrington asks if the neighboring property is residential. Chairman Ure believes it is.

Chairman Ure asks the Board if they would like to move past the site plan and onto the rest of the checklist since the applicant will need to update the site plan. The Board agrees to move on to the remainder of the checklist.

CHECKLIST ITEM B: Three copies of a separate map indicating all property owners within 200 feet of the subject property and/or all of those owners and entities which require

ZONING BOARD OF REVIEW MEETING MINUTES - May 19, 2022

notice under section 45-24-53 of the R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER SPOSATO THAT CHECKLIST ITEM B WAS COMPLETE. ALL WERE IN FAVOR. SO MOVED

CHECKLIST ITEM C: A soil erosion and stormwater control plan with supporting calculations based on standards approved by the USDA Soil Conservations Service and in conformity with the R.I. Erosion and Sediment Control Handbook.

Chairman Ure states the applicant requested a waiver for this checklist item.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER HARRINGTON TO APPROVE THE REQUESTED WAIVER FOR CHECKLIST ITEM C. ALL WERE IN FAVOR.
SO MOVED.

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.

Chairman Ure explains the applicant has requested a waiver for Checklist Item D.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER BARUTI TO APPROVE THE REQUESTED WAIVER FOR CHECKLIST ITEM D. ALL WERE IN FAVOR.
SO MOVED

ZONING BOARD OF REVIEW MEETING MINUTES - May 19, 2022

CHECKLIST ITEM E: Location of existing septic system. Where construction requires approval by the 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.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER SPOSATO THAT CHECKLIST ITEM E WAS COMPLETE. ALL WERE IN FAVOR.

SO MOVED

Member Harrington states that on the submitted plan, there is a box that needs to be checked for DEM if there are freshwater wetlands located within 200' of the property that was not checked. Member Harrington explains this would cover Checklist Items D and E.

CHECKLIST ITEM F: Traffic Study addressing the potential impacts of the proposed activity.

Member Baruti states the applicant is seeking a waiver for Checklist Item F. Member Harrington explains that he does not anticipate more traffic than there has been in the past.

A MOTION WAS MADE BY MEMBER SPOSATO TO GRANT THE WAIVER FOR CHECKLIST ITEM F.

Member Baruti states he agrees with Member Harrington that there will not be more traffic than there was in the past. He states that he is a little concerned of the location on Main St at the busy intersection with a blind corner. Chairman Ure agrees that it is a tough intersection but explains that when Holy Cow was there, it was very busy and he does not anticipate the proposed business will bring in the same volume of customers.

THE MOTION WAS SECONDED BY MEMBER HARRINGTON. ALL WERE IN FAVOR.

SO MOVED

ZONING BOARD OF REVIEW MEETING MINUTES - May 19, 2022

CHECKLIST ITEM G: On a separate site plan, indicate existing and proposed topography at two (2) foot intervals.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER SPOSATO THAT CHECKLIST ITEM G HAS BEEN SATISFIED. ALL WERE IN FAVOR.

SO MOVED

CHECKLIST ITEM H: Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is drinking water quality.

Member Harrington states that they have certification from the state that expired in 2021. Chairman Ure explains the applicant requested a waiver. Member Sposato states that the certification will have to be updated and a waiver cannot be granted since this is a public restaurant and the Health Department will want it updated.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER SPOSATO THAT CHECKLIST ITEM H WILL HAVE TO BE SUBMITTED TO THE BUILDING OFFICIAL BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. ALL WERE IN FAVOR.

SO MOVED

Chairman Ure states there are several things on checklist item A that need to be updated on the plan. He explains to the applicant that name, address, and 911 address need to be added to the plan. He explains that the applicant needs to follow checklist item A and ensure all of the requirements on there are met.

Member Baruti states that he is concerned that the applicant is going through these motions with the goal of changing the red writing on the site plan into black writing. Chairman Ure adds that he will also need to get the plan stamped and certified. Member Baruti states the applicant will need to provide a site plan to the building inspector's office for approval consistent with what he is representing to the Board. Member Harrington states that the

ZONING BOARD OF REVIEW MEETING MINUTES - May 19, 2022

applicant is going to need to get a new site plan. The current site plan is 13 years old and was created by Richard Green who is now deceased and no one is going to stamp and certify that plan as their own. He explains if this was just a special use and everything existed it would be different but this is a new structure proposal near residential houses.

Chairman Ure explains to applicant that this will be tabled until he can get a new site plan. Chairman Ure states that the applicant can present the new site plan at the next zoning board meeting, June 16th. If applicant does not have a new site plan by then we will have a continuance until July 21st. The applicant is told he once he has a new site map the board will do a Pre-App and a hearing within the same night.

Member Harrington explains to the applicant that he can have a limited content survey done to identify property lines, show the current structure, and the new proposed structure. Member Baruti further explains that the applicant must have everything on Checklist A completed. Chairman Ure explains that the applicant will need to send out a certified letter of the proposed structure to all of the abutter's list.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER SPOSATO FOR A CONTINUANCE UNTIL JUNE 16TH. ALL WERE IN FAVOR.

SO MOVED

Petition V - A scheduled hearing on an application for aquifer protection permit to allow a brewery of beer, wine, and distilled alcoholic beverages within the existing structure. Petition filed by Quinlan Enterprise, mailing address 401 Main St, Ashaway, RI 02804. Owned by Hopkinton Industrial Park LLC located at 15 Gray Lane, Ashaway, RI 02804, and identified as AP 4 Lot 12, a manufacturing zone and filed in accordance with Appendix A - Zoning District Use Table, use category #510, a Primary Protection Zone "A = Aquifer Protection Permit."

Chairman Ure states the applicant has asked for a continuance until the June 16th meeting.

ZONING BOARD OF REVIEW MEETING MINUTES - May 19, 2022

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER HARRINGTON FOR A CONTINUANCE UNTIL JUNE 16TH. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER BARUTI TO APPROVE THE MINUTES FROM THE MARCH 17, 2022 ZONING BOARD OF REVIEW MEETING. CHAIRMAN URE, MEMBERS YORK, SPOSATO, BARUTI, AND HEIL ALL VOTED IN FAVOR. MOTION PASSES.

SO MOVED

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER SPOSATO TO ADJOURN THE ZONING BOARD MEETING AND RECONVENE AS THE BOARD OF APPEALS. ALL WERE IN FAVOR.

SO MOVED

Respectfully Submitted,

Katrina Caputo

Zoning Board Clerk

Next scheduled Meeting: June 16, 2022