

State of Rhode Island

County of Washington

In Hopkinton on the twenty-eighth day of June, 2018 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, Ronnie Sposato, Joe York, Michael Geary, Dan

Harrington; Alternate: Dan Baruti; Solicitor: Veronica Assalone

Alternate Zoning Board Clerk: Elizabeth Monty

Absent: Deputy Zoning Official: Sherri Desjardins

Absent: Philip Scalise

Sitting as Board: Ure, Sposato, York, Geary, Harrington

Petition I – Hearing

A Petition for an Appeal of the Zoning Official's decision filed by Attorney Kelly Fracassa on behalf of Jeffrey C Tefft of 158 Spring Street, Hope Valley, RI 02832 for property owned and located at 158 Spring Street, Hope Valley, RI 02832 identified as AP 31, Lot 9 an R-1 Zone and filed in accordance with Section 24 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Neither applicant nor representative of applicant is present.

Chairman Jonathan Ure reported: Our counsel told me the applicant wishes to withdraw their appeal. They are going to conform to the Zoning Official's determination to remove the oil trucks from the residential property. The town is giving them forty-five days. I would like to have this dismissed with prejudice and the applicant understands that the town would seek enforcement of the daily fines thereafter if the trucks are not removed from the property.

Solicitor Assalone explained "dismissed with prejudice". They have the right to withdraw their motion. To dismiss with prejudice is to prevent them from coming back. They can't come back and file another appeal. The stipulation that they made is that they are going to remove the trucks within the 45 days and the

violation will no longer exist. If they do not remove within 45 days the town will seek enforcement of the fines provided by ordinance.

Mike Geary asked when the 45 days begins. Chairman Ure answered that it would start tomorrow (June 29, 2018).

Solicitor Assalone said that the Zoning Official will conduct an inspection to confirm that the trucks are removed within 45 days. If they are not, the town will pursue a complaint against the property owners and seek to prosecute them in Municipal Court.

Ronnie Sposato questioned the time limit once the Zoning Official issues the letter of violation. Once they withdraw, why do they have the right to come back? Solicitor Assalone said that Attorney Fracassa is a seasoned and creative attorney and stating that it would be “with prejudice” will bar him from filing another appeal.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOSEPH YORK TO ACCEPT THE WITHDRAWAL AND DISMISS WITH PREJUDICE THE APPLICANT’S APPEAL AND THAT THEY UNDERSTAND THAT THE TOWN WILL SEEK ENFORCEMENT OF THE DAILY FINES THEREAFTER IF THE TRUCKS ARE NOT REMOVED FROM THE PROPERTY AT 158 SPRING STREET.

IN FAVOR: URE, SPOSATO, YORK, GEARY, HARRINGTON

OPPOSED: NONE

SO VOTED

Sitting as Board for this motion: Ure, Sposato, York, Geary, Baruti

A MOTION WAS MADE BY JOSEPH YORK AND SECONDED BY MIKE GEARY TO APPROVE THE MINUTES OF THE MAY 24, 2018 ZONING BOARD OF REVIEW MEETING.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Sitting as Board for this motion: Ure, Sposato, York, Geary, Harrington

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY

MIKE GEARY TO ADJOURN THE MEETING AT 7:13 PM.

IN FAVOR: URE, SPOSATO, YORK, GEARY, HARRINGTON

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Monty

Alternate Zoning Board Clerk