

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of February 21, 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, Joe York, Michael Geary, Dan Harrington, Ronnie Sposato, Alternate: Dan Baruti; Solicitor: Veronica Assalone, Esq. of Assalone & Associates LLC, Town Council Members present: Barbara Capalbo, Frank Landolphi.

Zoning Board Clerk: Elizabeth Monty

Present: Building Official: David Rodio; Deputy Zoning Official: Sheri Desjardins

Absent: Philip Scalise

Chairman Ure stated that they will start things out of order and will move Petition III to the top of the meeting and asked for a Motion to move petition III to the next meeting, March 21<sup>st</sup>.

Sitting as Board for Petition III: Ure, York, Geary, Sposato, Harrington

Petition III – Determine completeness of application/consider waivers and Hearing, continued from December 20, 2018 meeting.

A Petition for a Special Use Permit filed by Kevin Ward, with mailing address of 568 Main St, Hopkinton, RI 02833, on behalf of himself and his spouse, for property owned and located at 568 Main St, Hopkinton, RI 02833 identified as AP 10, Lot T86 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.

MR. SPOSATO MADE A MOTION, SECONDED BY JOE YORK, TO MOVE PETITION III TO THE NEXT MEETING, MARCH 21, 2019. ALL WERE IN FAVOR.

SO VOTED

Sitting as Board for Petition I: Ure, York, Geary, Sposato, 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, Louis Raymond is present.

Filing fees paid and notice posted.

Chairman Ure explains to the Applicant that for a Pre-Application, the Board will go through the checklist to be sure they have everything required for the Application so that this matter can continue to a Hearing.

Mr. Raymond stated that he was glad to be present and is grateful for the Board's oversight. Mr. Ure thanked him.

Mr. Ure stated that Joe will read off the list and the Board will ask questions.

CHECKLIST ITEM A:

-Three copies of the site plan, prepared by, signed and stamped by a Professional Engineer or Personal Land Surveyor with a scale of 1 inch to 40 foot, showing:

-Name and Address of the Property Owner. Yes

-Date, North arrow, map scale, lot dimensions and area. Yes

-Plat and Lot, Zoning district(s) and set-backs. Yes

-Existing and proposed structures and their relationship and distances from lot boundary lines. Yes

-Existing and proposed parking areas and sidewalks/walkways. Yes

-Existing and proposed landscaping as it relates to the request. Yes

-Existing streets, 9-1-1 address, well and septic system. Yes

-Any peculiar site conditions or features. No

MIKE GEARY MADE A MOTION THAT THE BOARD ACCEPTS  
CHECKLIST ITEM A AS COMPLETE. JOE YORK SECONDED. ALL  
WERE IN FAVOR.

SO VOTED

CHECKLIST ITEM B:

-Three copies of a separate map indicating all property Owners within 200 feet of  
the subject property; All property abutters requiring notice (per Section 45-24-53  
RI GL), also depicting any zoning district boundary and uses of all neighboring  
properties.

The Board looked at the map one by one and went through to ensure all abutters  
were noted on the map.

JOE YORK MADE A MOTION THAT WAS SECONDED BY RONNIE  
SPOSATO THAT CHECKLIST ITEM B IS COMPLETE. ALL WERE IN  
FAVOR.

SO VOTED

CHECKLIST ITEM C: The Soil Erosion and Stormwater Control Plan

The Board discussed the plan where seven bedrooms were being proposed on a  
four bedroom septic system. Mr. Harrington inquired where the septic would be  
placed if the proposed parking for 5 or 6 cars was as noted.

Mr. Raymond spoke to discuss the plan of parking versus septic. He states that  
they have more work to do with the architect.

Mr. Harrington states that this puts The Board in a tough place because they are  
looking for an approval for X but they don't know what X is.

Mr. Raymond stated that there are a lot of unanswered questions as of yet and they are unsure how many bedrooms will be approved. They are working with Architects to determine this.

Mr. Sposato stated that they are asking for a conceptual or advisory opinion.

Mr. Harrington agreed it is almost an Advisory opinion.

Ms. Assalone stated that the Zoning Department could be doing this Administratively with Building and Zoning.

Sheri spoke to explain that the applicant is looking to have a B+B with possibly a farm to table restaurant next door and possibly the property on the left. The question at hand is whether a B+B of any scale is possible at all.

Mr. Ure stated that there is more info here than we need.

The Board discussed the importance of number of bedrooms; Mr. Ure felt the number of bedrooms was not too important, but Mr. Harrington disagreed. The number of bedrooms is important in an RFR-80 Zone, Rural Farm Residential, which is the underlying Zone. It is not a pre-existing non-conforming lot of record. It is a Residential lot. Therefore it can be allowed by Special Use. The town has the ability to limit the number of bedrooms.

The application is specifically asking for the number of bedrooms. – 5 bedrooms in the main house with 2 out in the barn.

Mr. Raymond says that 7 is certainly plausible.

Mr. Harrington – if in ten years – if it's not a B+B, we now have 2 houses on one lot.

Mr. Ure – one issue we have is we can't have two single family dwellings on one Lot. We really can't do that. Accessory dwelling units would have been a possible item except it doesn't really fit either.

This is uncharted waters for us also. It would be helpful if it was all in one

building.

The Board asked the Applicant to work a little more closely with an Architect, Engineer and Sherri from Zoning.

David Rodio, Building Official, stated that it is not another single family building, as there is no kitchen. It is an extension of the main building and doesn't meet the definition of a dwelling.

Mike Geary spoke about the number of bedrooms.

Ms. Assalone and Board discussed sending this back to Planning and Zoning administratively along with an engineer, architect and a land use attorney internally and administratively producing more details. The Board cannot give the Applicant legal advice.

Mr. Raymond states that they don't even own the property and they don't know if they can do a B+B. They recognize they are being asked to take a bit of a leap of faith.

Mr. Harrington stated that it is possible your offer could be contingent upon the approvals and do it in phases.

Ms. Assalone – Ordinarily you would come with a very detailed plan before you purchase the property. You would work with your experts to come administratively to the Planner and Zoning that could be brought to the Board, making some investment prior to purchasing the property to be sure it could be a plan that satisfies the requirements.

Mr. Raymond believes in the process and knows how important it is that things are done the right way. He looks forward to guidance, as they will need it.

Mr. Ure told Mr. Raymond at a future date to contact Sheri so that you can bring back a detailed plan.

Ms. Assalone stated that the Board can delineate what they need to hear.

Sherri inquired if this is obviously going to be a phased project with the possibility of looking at this as a four or seven bedroom B+B at this point?

Mr. Raymond stated that the Investors are not people with money to waste, so the Investment of the people who are investing would be substantial and

Mr. Ure – asked David – Is it possible to have two bedrooms in another building?

Ronnie asks the same from building code standpoint – Is this is possible to put two bedrooms in another structure?

Dave – states that the DEM will need to be involved to see if they can approve a septic system that large for that area. It depends on what it is and where it is.

Ronnie – conceptually – It would meet the criteria of the special use but will it fit the plan for the town – that’s the biggest hurdle.

Mr. Ure – Via the Special Use permit checklist - C is what we can’t get by in the checklist – we need a site plan of where the septic is going to be, more detailed than what was given. He continued that D should be fine (Biologist)

When we go to E – location of existing Septic -you did give us that but you are looking to expand it.

(The Board discussed available types of Septic systems and this being new construction, etc.)

Mr. Ure continued that “that’s where you will have to pay an Engineer.”

Ronnie – the Engineer will be able to tell them at that point & what septic size they can have; there is nothing in this current system that is going to stay.

Mr. Harrington discussed – septic vs. parking are all a part of what needs to be determined.

Mr. Raymond – All these issues – parking, well, he is looking to reach an agreement with the abutter (485 Main St). The well will have to be 485 Main Street, as the well is not potable water from what he understands. The Septic can be expanded. There would be parking at 485 Main St also.

Mr. Ure stated that this is all what the Board needs to know and the Applicant has other waiver requests and asked the Board if they wanted to go through those so the Applicant knows what he is up against?

Mr. Raymond stated that he thought the access would be through the Thurston House.

Mr. Ure stated that regarding traffic. They are already on route 3 – so there is already a lot of traffic. There is a restaurant – Back in Thyme, post office, there used to be a B+B across the street. DiSarro used to own Thurston House. There used to be Lamphere Camper Sales as well.

Mr. Sposato: The Engineer is his key guy; The Water supply will be judged by the Engineer; All items should be more clear and be can be taken care of with septic plan.

Mr. Ure- You asked for waivers on C, E, + H, but we really can't give them to you without the plan that's been engineered and we see something more formal and we can really start talking, and you will really know where you're at. Other than that it all gets taken care of with the engineer. We can go onto the other Items – D, F, + G.

We can come back for Items C, E, + H at a later date

Mr. Raymond stated they have been in Hopkinton for twenty-some years (and would be available to discuss these in the future.)

RONNIE MADE A MOTION AND JOE YORK SECONDED THAT THE BOARD WOULD TABLE CHECKLIST ITEM C, E, + H AND THE WAIVERS FOR A FUTURE DATE. ALL WERE IN FAVOR.

SO VOTED

JOE YORK MADE A MOTION AND MIKE GEARY SECONDED THAT THE BOARD WOULD TABLE CHECKLIST ITEM D. ALL WERE IN FAVOR.

SO VOTED.

JONATHAN URE MADE A MOTION AND MIKE GEARY SECONDED TO WAIVE CHECKLIST ITEM F. ALL WERE IN FAVOR.

SO VOTED

MR. HARRINGTON MADE A MOTION TO TABLE CHECKLIST ITEM G. MR SPOSATO AND MR YORK SECONDED SIMULTANEOUSLY. ALL WERE IN FAVOR.

SO VOTED

Mr. Ure asked the Applicant if he would prefer to be on the agenda for March or April. Mr. Raymond prefers March.

RONNIE SPOSATO MADE A MOTION AND IT WAS SECONDED BY JOE YORK TO MOVE THIS TO THE MARCH 21<sup>ST</sup> MEETING. ALL WERE IN FAVOR.

SO VOTED

-----A Stenographer was present for Petitions II & III-----

A copy of the transcripts will be included with the minutes.

Sitting as Board for Petition II: Ure, York, Geary, Baruti, Harrington

Petition II – Hearing

A Petition for a Dimensional Variance filed by Kelly Fracassa, Esq. on behalf of Thurston F. and Cherie J. Ponte, with mailing address of 25 Keith Drive, Hope Valley, RI 02832, for property owned by them and located at 25 Keith Drive, Hope Valley, RI 02832 identified as AP 18, Lot 65 an R-1 Zone and filed in accordance with Sections 9 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Applicant & representative present.

Filing fees paid and notice posted.

Notification cards to abutters were collected by the Clerk.

Sitting as Board for Petition IV: Ure, York, Geary, Sposato, Harrington

Petition IV – Hearing, continued from January 17, 2019

A Petition for a Special Use permit filed by Edward & Julieta Sherman, with mailing address of 163 Canal St, Westerly, RI 02891, on behalf of themselves for property owned and located at 165 Ashaway Rd, Bradford, RI 02808 identified as AP 23, Lot 4 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 & representative present.

Filing fees paid and notice posted.

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

A MOTION WAS MADE BY JOE YORK AND SECONDED BY JOE YORK  
TO APPROVE THE MINUTES OF THE JANUARY 17, 2019 ZONING  
BOARD MEETING.

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

OPPOSED: NONE

SO VOTED

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

A MOTION WAS MADE TO RATIFY THE DECISION TO APPROVE THE SPECIAL USE PERMIT AND DIMENSIONAL VARIANCE FOR THE HOPE VALLEY GRANGE BY RONNIE SPOSATO AND SECONDED BY JOE YORK.

ALL WERE IN FAVOR.

SO VOTED

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

A MOTION WAS MADE TO APPROVE THE AD-HOC TRANSCRIPT FOR THE HEARING/S AT THE JANUARY 17, 2019 MEETING BY JOE YORK AND SECONDED BY MIKE GEARY. ALL WERE IN FAVOR

SO VOTED

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

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY TO ADJOURN THE MEETING AT 10:15 P.M.

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

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Monty

Zoning Board Clerk

Next meeting: March 21, 2019; 7:00 P.M.