

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

State of Rhode Island

County of Washington

In Hopkinton on the twenty-fourth day of February, 2021 A.D. the said meeting was called to order by Zoning Board of Review Chairman Jonathan Ure at 6:06 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, Dan Harrington, Daniel Baruti, Ronnie

Sposato

Zoning Board Clerk: Tiana Zartman

Zoning Official: Anthony Santilli

Absent: Alternate Members Phil Scalise and Chip Heil; Town Council Liaison

Michael Geary

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

Petition I – Hearing

A Petition for a Dimensional variance filed by Courtney Cahill on behalf of herself with mailing address of 21 Yeles Lane, Rockville, RI 02873, for property owned by Courtney Cahill and Germaine Gurr located at 21 Yeles Lane, Rockville, RI 02873, and identified as AP 16 Lot 11, an RFR-80 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.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER HARRINGTON TO CONTINUE THE HEARING UNTIL THE NEXT MEETING OF MARCH 18, 2021. ALL WERE IN FAVOR.

SO MOVED

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

Petition II – Hearing

A Petition for a Special Use Permit filed by The Hope Valley Grange, with mailing address of 1116 Main Street, Hope Valley, RI 02832 for property owned and located at 1116 Main Street, Hope Valley, RI 02832 identified as AP 28 Lot 145 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 is present.  
All fees have been paid.  
All notices have been posted.  
Abutters' Certified Mail receipts on file.

CHAIRMAN URE: We have the applicant present, Mrs. McBride, from the pre-school. We also have – what's your title, Tony?

MEMBER SPOSATO: King Grange Guy?

TONY APICE: President of the Hope Valley Grange. I used to be the master, but they changed it. You can't call me the master anymore.

CHAIRMAN URE: So we have Tony Apice as the Supreme President of the Hope Valley Grange. I don't think – do we have anything left over – did we get all of our green cards back?

CLERK ZARTMAN: Yes.

CHAIRMAN URE: Did we get the ones from Richmond, too? Because we had a couple over the river and through the woods?

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

MEMBER SPOSATO: What say do they have?

CHAIRMAN URE: We still have to notify them. I don't know that they have a say, but we still have to notify them. It's within the rules that we set.

MEMBER SPOSATO: Okay.

MR. APICE: We were asked to do the same thing for the special use permit for the carnival.

MEMBER SPOSATO: I remember that.

CHAIRMAN URE: They send you two out of the three back?

MR. APICE: Two out of the three came back.

CHAIRMAN URE: Okay. Could either of you step up and just identify yourself for the record? And tell us what you're going to do. And then we can throw questions at you.

DEBBIE MCBRIDE: Is this thing on?

CHAIRMAN URE: Did the Richmond notice go to the Town Council as well?

MR. APICE: They were told.

CHAIRMAN URE: They were told?

MR. APICE: Yeah. The notice didn't get certified.

Discussion between the board and the solicitor in regards to the requirement of sending the Town Council of Richmond a certified notice of the hearing. Mr. Apice stated he told the Town Clerk's office that he was sending notices to the abutters.

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

MRS. MCBRIDE: My name is Debbie McBride from Wood River Preschool. We're currently located at 1059 Main Street. We service twenty children, on average, per day providing a preschool education. The ages are three, four, and five year olds. We've been in this community operating for 39 years. We'd like to go past that if possible. We were hit with fourteen violations upon last inspection by the state fire marshal. That occurred in July. Our option is to come up with between \$50,000-\$60,000 to stay there or we are seeking to move to 1116 Main Street, which is the Hope Valley Grange. We'd like to operate what we do currently there at the grange.

CHAIRMAN URE: So you said you serve twenty kids? There's two classes. Is that twenty kids per class? Typically.

MRS. MCBRIDE: Yes.

CHAIRMAN URE: You do two –

MRS. MCBRIDE: We do a class on Tuesdays and Thursdays from 8:30 to 11:30. And then we have a class on Mondays, Wednesdays, and Fridays from 8:30 to 11:30. We offer extended hours on just Monday, Wednesday, and Friday until 1:30. Because of covid this year, we have a little bit of a difference in our hours where we have to extend our drop-off to separate our families out so there's not so many leaving and coming at the same time. So we're actually done by two o'clock because of that extension.

CHAIRMAN URE: How many parking areas do you think you have at the church? I know you probably don't know.

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

MRS. MCBRIDE: It's less than twenty. Because our families have to park on the road behind the post office because the staff also takes up five spots. So they have to cross over – is that Thelma?

CHAIRMAN URE: That's Locustville.

MRS. MCBRIDE: They have to crossover Locustville to even get in our parking lot.

CHAIRMAN URE: So they're parking about two hundred yards away -

MRS. MCBRIDE: Yes.

CHAIRMAN URE: - to walk to the preschool at the church.

MRS. MCBRIDE: Correct.

CHAIRMAN URE: You've got to contend with church parking, preschool parking, and then Hope Valley overflow parking.

MRS. MCBRIDE: And they take our spots, too. Which we finally smartened up and put a notice on the windshields asking them 'Please figure out where to park other than our spaces.'

CHAIRMAN URE: Right. And I know at times you contend with funerals, too.

MRS. MCBRIDE: Yes.

MEMBER SPOSATO: Are you trying to make a point that there's better parking at the Grange?

CHAIRMAN URE: That's where I'm headed.

MEMBER HARRINGTON: I think last month, you also testified that the – you were going to have it one way through?

MRS. MCBRIDE: Yes. Which is much safer.

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

MEMBER HARRINGTON: So it'd be easier to drop-off?

MRS. MCBRIDE: Yes.

CHAIRMAN URE: So that's where I'm heading. I know we've already – we all know, but if we don't put something on the record, there's nothing there.

MRS. MCBRIDE: That makes sense.

CHAIRMAN URE: At the Grange, how many parking areas do you have?

MR. APICE: In excess of 75 to 100 total. We joined the Chariho Athletic Association property.

CHAIRMAN URE: Right. So you have the athletic facility plus the Grange facility?

MR. APICE: Yup. There's a walkthrough. So if someone parks in the Dow Field parking lot, they walk through right to the Grange.

CHAIRMAN URE: Okay. It's about 75 to 100. So it's significantly more. How far do people have to walk to get into the building?

MR. APICE: From the very back of the parking lot, it's –

CHAIRMAN URE: Yeah, it's minimal. They're not walking two hundred yards.

MR. APICE: There's no bussing.

MRS. MCBRIDE: Right. There's no bussing traffic.

CHAIRMAN URE: Much safer for the children.

MRS. MCBRIDE: Yes. Because we have families that pull in our parking lot to run them up to Hope Valley Elementary.

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

CHAIRMAN URE: So they have immediate access to the building and the facility. So now, twenty kids. Probably a better question for Tony. How many people can the facility hold at once?

MR. APICE: The occupancy was set back when we redid the building two years ago. It was, I think, 125 upstairs, and 75 downstairs. They're going to occupy the upstairs.

MEMBER SPOSATO: So way below capacity.

CHAIRMAN URE: Yeah, you're only using twenty kids. How many staff?

MRS. MCBRIDE: Typically three, but because of covid, we have five staff in addition.

CHAIRMAN URE: So you're still – at about twenty-five. Do you still have parent helpers?

MRS. MCBRIDE: No, we're not allowed this year. But going forward, if anything, it's one per day.

CHAIRMAN URE: When things are normal, it's one per day?

MRS. MCBRIDE: Yes. One parent per day.

CHAIRMAN URE: So you're still – you'll never be over thirty people, typically. Unless you had a guest. Because sometimes you'd have guest parents come and meet, like an occupational fireman.

MRS. MCBRIDE: Right.

CHAIRMAN URE: They would meet with the kids and stuff like that.

MEMBER SPOSATO: So it doesn't matter because –

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

CHAIRMAN URE: No. It's way under. Tony, what's the septic – are you guys up to date with the septic?

MR. APICE: The septic's all brand new. It's basically a sewer treatment plant we've got there.

CHAIRMAN URE: You guys are on town water.

MR. APICE: Yup.

CHAIRMAN URE: To back track –

MEMBER SPOSATO: It's designed on a hundred seats, five hundred gallons a day.

CHAIRMAN URE: Alright, so they've got a hundred-seat septic.

MEMBER SPOSATO: You're never going to use that.

MR. APICE: I hope.

CHAIRMAN URE: So the entrance that we talked about this before – so the entrance is the southern side of Main Street.

MR. APICE: The entrance to the parking lot?

CHAIRMAN URE: The entrance going into the Grange is on the south side.

MR. APICE: Yup.

MEMBER YORK: The entrance is on the west side of the building.

CHAIRMAN URE: Okay, well, yes. The egress will be out of the athletic association, coming off the ballpark.

MR. APICE: On the back of the property, it goes out by the new gazebo, the fishing dock, then it goes right out –

CHAIRMAN URE: Yeah, it hooks to the left and comes back out. A separate ingress and egress, which is going to be much safer than even the school.

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

MRS. MCBRIDE: It is.

CHAIRMAN URE: You don't have to contend with the busses and the parents and everything else. There's a lot less traffic.

MRS. MCBRIDE: Right. Because I have parents walking to the door while other parents are pulling in currently and it's very tricky.

CHAIRMAN URE: The Grange is all up to fire code, I assume at this point, with the overall you guys did?

MR. APICE: We're still in the middle of it, actually. The state fire marshal wants us to do something to the ceiling in the basement. That's under construction as we speak. I've been working with Tony and the state fire marshal so all that stuff will be right up to snuff when the time comes if you approve.

MRS. MCBRIDE: She has to approve the preschool anyway.

MEMBER HARRINGTON: Any proposed lighting? Anything additional than what you have right now? With exterior lighting.

MRS. MCBRIDE: No. No, she's looked at all that.

MEMBER HARRINGTON: That satisfies all your requirements.

CHAIRMAN URE: How about signage?

MRS. MCBRIDE: The sign that we'll put up is not a lit sign. Is that what you're asking?

CHAIRMAN URE: No, I'm just saying are you going to put new signs in front of the Grange. You guys have a sandwich board you put up sometimes.

MRS. MCBRIDE: Yes.

CHAIRMAN URE: Anything other than that?

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

MRS. MCBRIDE: We just have a wooden one. I don't know what size that is.

CHAIRMAN URE: It's not lit, though?

MRS. MCBRIDE: No.

CHAIRMAN URE: It's going to meet the sign ordinance, Tony?

MR. SANTILLI: If you go bigger than what's permitted, than you'll have to come back.

MRS. MCBRIDE: Okay, alright.

CHAIRMAN URE: Yeah, just keep it within the sign ordinance dimensions, which is pretty easy to do.

MRS. MCBRIDE: Okay. Where can I find that? Or can you tell me?

CHAIRMAN URE: In the district use – in the zoning book.

MR. SANTILLI: Call me tomorrow.

MRS. MCBRIDE: Okay.

CHAIRMAN URE: Or I was going to say Tony. He can cut to the chase quicker than you trying to find it in there. Joe, do you have any additional –

MEMBER YORK: Yeah, access to the second floor. Is it handicap accessible up there?

MR. APICE: Both floors are handicap accessible, yes.

CHAIRMAN URE: Good question. Got any, Ron?

MEMBER SPOSATO: No.

CHAIRMAN URE: Number two. Dan?

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

MEMBER BARUTI: I mean, I don't have any additional questions. Could you just clarify the point – your school wasn't served with any violations, your landlord was.

MRS. MCBRIDE: Correct.

MEMBER BARUTI: It has nothing to do with the operation of the school?

MRS. MCBRIDE: Correct.

MEMBER BARUTI: I knew that. I just wanted to make sure the record was clear.

CHAIRMAN URE: Any additional questions for them?

MEMBER SPOSATO: Good point, though.

CHAIRMAN URE: Let's just rehash the findings of fact just to help Joe.

Board discusses the requirement of notifying the Richmond Town Council and ways to proceed forward. Mr. Vaage explains they can continue the hearing just for a couple of weeks, to allow the notice to arrive at the Town Council, but the statute says the notice has to go to the Town Council of any town within 200 feet. Member Baruti explains he has no objections going forward with the hearing under a conditional basis for the applicant obtain a waiver and validate the decision at the next meeting. Mr. Vaage agrees and states the board can make it conditional, based on the absence of any objection from Richmond. Chairman Ure states that it can be a condition if the board decides to approve the application. Chairman Ure says the applicant can notify Richmond and, barring any objections, the decision can be ratified at the next meeting. Member Sposato asks if it necessary to wait and if the condition can be handled administratively. Mr. Vaage explains that the Town of

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

Richmond, by statute, has a right to object. Member Baruti states their opinion can be disregarded, but the Town of Richmond has a right to present their position. Chairman Ure says the board never receives notices from other towns and is never made aware of projects going on in neighboring towns. Mr. Vaage explains that the notifications would go to the Town Council, not to the Zoning Board. The Board discusses previous applications that were on the border of neighboring towns. Chairman Ure states that previous applicants have notified abutters, but not towns. Member Sposato brings up a previous application that required notification to North Stonington. Member Harrington asks if the town of North Stonington was notified. Member Sposato stated only the landowners were notified. Member Harrington states that it sounds like the Board has been doing it wrong. Mr. Vaage says that it's the applicant who has to give the notice to the town and the Board wouldn't necessarily hear about it coming from the neighboring towns since it would go to the Town Council. Chairman Ure asks if the Town Council should hand it to the appropriate board for review. Member Harrington explains that it would probably be more of a substantial change like a power plant, which could be obnoxious in that abutting town. Mr. Vaage states he doesn't anticipate an issue with the Town of Richmond, but to protect the applicant, they should be notified. Chairman Ure asks if it would be appropriate to conditionally accept the application, have the applicant notify the Town of Richmond, and, based on no objections, have Mr. Santilli handle the notification administratively? Mr. Vaage explains that it will be a notice of a hearing, so the hearing will have to continue in the required notice time. Mr. Vaage goes on to say that the required time is fourteen days, so they can hold a hearing

fourteen days from the notice going out and if no one shows up, then you can close the public hearing. Chairman Ure asks if that puts the hearing at next month's meeting. Mrs. Zartman explains that essentially, yes, the hearing would have to continue until then because the chambers are unavailable until the week of the next scheduled meeting. Member Harrington asks the applicant when they were trying to open. Mrs. McBride states as soon as they can. Member Harrington asks how much work is left of the fire work they still have. Mr. Apice explains the issues they have are two-fold. They are waiting for the fire marshal to give the okay to finish and secondly, try to get the preschool out of a building that's unsafe. Mr. Apice asks for clarification on if the rules have changed since he's appeared before the board previously. He explains that he's received two special use permits for the same property and has never had to go to the Town Council. He has always notified the abutters, but is now confused as to why he has to get the Town of Richmond involved. Chairman Ure explains that the Board had recently changed solicitors. The Board's previous solicitors did not require the neighboring Town Council's to get notified, but our current solicitor's understanding of the statute requires it. Mr. Vaage explains that it's a statutory requirement and wants to prevent the applicant from having to come back before the board if someone does object. Member Baruti explains that if a problem occurs in the future, the approval might be invalidated and it might become a larger issue. Chairman Ure asks the applicant about the timeline for the state fire marshal. Mr. Apice states he's waiting to hear back. Mr. Apice explains they wanted one design for the ceiling and when he reached out to ask about inspection, they denied him and stated they needed something else. He

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

explained the fire marshal wanted a print from an engineer, then required something else. He stated that they are close, but it's not going to happen within the next two weeks. Chairman Ure agrees and states he doesn't think two weeks will cripple the applicant because they aren't there yet. Chairman Ure states he doesn't think the Town of Richmond will have anything to say in regards to the application. Chairman Ure asks the rest of the Board how they would like to proceed, if they would like to continue conditionally with the findings of fact or if they just want to wait. The Board agrees to wait until next month's meeting. Chairman Ure explains to the applicant that the next meeting will be held on March 18<sup>th</sup>. The facts have been discussed, so they will have a discussion and call out the findings of fact. Member Sposato states that it's also to make sure that there were no objections from the Town of Richmond. Mrs. McBride says it would be silly for them to because there is no preschool in Richmond and 60% of their students come from that town. Mrs. McBride continues and agrees with the conditions because she doesn't want to jeopardize the preschool and wants to do it the right way. Chairman Ure apologizes to the applicant and explains it's a new requirement to notify the town. Member Sposato says that they should correct their procedure if they've been doing it wrong. Mr. Apice asks if the same notification letter can be used. Mr. Vaage explains that the same letter can be used, send it registered mail, and let the Town Council of Richmond know that the hearing will be held on March 18<sup>th</sup>. Chairman Ure states that barring any objections, they can continue pretty easily.

ZONING BOARD OF REVIEW MEETING MINUTES – February 24, 2021

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO CONTINUE THE HEARING UNTIL THE NEXT MEETING ON MARCH 18<sup>TH</sup>. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO ACCEPT THE MINUTES FROM THE JANUARY 21, 2021 MEETING. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO ADJOURN THE MEETING AT 6:31 PM. ALL WERE IN FAVOR.

SO MOVED

Respectfully Submitted,  
Tiana Zartman  
Zoning Board Clerk

Next Scheduled Meeting: March 18, 2021