

ZONING BOARD OF REVIEW MEETING MINUTES – April 22, 2021

State of Rhode Island

County of Washington

In Hopkinton on the twenty-second day of April, 2021 A.D. the said meeting was called to order by Zoning Board of Review Chairman Jonathan Ure at 7:19 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, Chip Heil via  
ZOOM

Zoning Board Clerk: Tiana Zartman

Zoning Official: Anthony Santilli

Absent: Member Ronnie Sposato, Alternate Member Phil Scalise; Town Council

Liaison Michael Geary

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

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.

Chairman Ure takes note that the applicant is absent once again. He asks the Board how they would like to proceed with the application since it has been continued for

several months. Chairman Ure asks if the Clerk has heard from her. The Zoning Board Clerk explains that she had called Ms. Cahill the day before the meeting and had to leave a voicemail. Mrs. Zartman explains that in the voicemail, she asked Ms. Cahill to be in touch if the biologist letter had yet to be received or if Ms. Cahill could not attend. There was no reply from the applicant. Chairman Ure asks if it was last month that the Board had heard from Ms. Cahill. The Clerk says the last time she had contact with the applicant was in February. Member York states that ample time has been provided to the applicant.

The Board and Solicitor discuss the available options going forward.

Chairman Ure states he wishes to dismiss without prejudice to allow her to reapply and start the process again. He does not want to see her penalized. Member York, Member Harrington, and Member Baruti agree. Member Heil asked for clarification on what the first option was. Chairman Ure states the first option was to dismiss with prejudice, which would prohibit the applicant from reapplying within a year. Chairman Ure understands that she had a hard time finding a biologist, and along with the pandemic, it's an abnormal time. Member Heil agrees to dismissing without prejudice.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO DISMISS THE APPLICATION WITHOUT PREJUDICE. ALL WERE IN FAVOR.

SO MOVED

Sitting as Board for Petition III: Ure, York, Baruti, Harrington, Heil

Petition II – Hearing

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

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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 or representative present.  
Filing fees paid and notice posted.  
Discussion.  
Decision.

Chairman Ure states the applicant is present. The Clerk swears in the applicant.

CHAIRMAN URE: So, Ted, what are we doing? You're proposing –

MR. SHERMAN: Put a greenhouse up.

CHAIRMAN URE: Adding another greenhouse.

MR. SHERMAN: Yup. And storage. Alls it is sides with a cover on it to put pots and stuff in it.

CHAIRMAN URE: We've got some maps, which I don't think that the people online are able to see it. It's here somewhere.

MRS. ZARTMAN: The rolled up one, right in front of you.

CHAIRMAN URE: Oh, that one. The big one.

MEMBER HEIL: Just from my perspective, in the last meeting, I just remember that we required to have a stamp on it. So I'll trust that if everyone that can see the maps verifies that the maps are stamped, then I'm good.

CHAIRMAN URE: Chip, so the last meeting, we were asking about the surveyor stamp.

MEMBER YORK: The surveyor stamp for checklist item A and also item G.

CHAIRMAN URE: Did you get an updated map?

MR. SHERMAN: I gave it to Sherri.

MRS. ZARTMAN: Oh, okay.

CHAIRMAN URE: Tony, do you have the updated map?

MR. SANTILLI: I don't.

CHAIRMAN URE: Did you see the updated map?

MR. SANTILLI: I did not.

MR. SHERMAN: I gave it right to Sherri.

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MR. SANTILLI: Oh, you did?

MR. SHERMAN: The next day.

MR. SANTILLI: They didn't put it in my packet.

MEMBER HARRINGTON: It's got a stamp – a signature on it?

MR. SHERMAN: Yes.

MRS. ZARTMAN: I did not receive it.

MR. SANTILLI: I did not see it. You gave it to Sherri?

MR. SHERMAN: I went right to Sherri. I gave it to her the next day.

MR. SANTILLI: I can run to the office and try to find that.

CHAIRMAN URE: It's hard to approve the checklist without having verification.

Tony, could you give Sherri a call? See if she's available? If she had her eyes on it

–

MR. SANTILLI: Yeah, if she tells me where it is, I can run down there.

CHAIRMAN URE: We're going to be delayed a minute just to get verification on this item. Actually, you want to move on to the other ones? What's the other outstanding item?

MEMBER YORK: The same thing, the stamp on the separate site plan I had marked.

CHAIRMAN URE: Okay, so that's both of them.

MEMBER YORK: Yeah.

MR. SANTILLI: Sherri thought it ended up going into your packet – the packet that went over to you.

MRS. ZARTMAN: I never got anything in my mailbox.

MR. SANTILLI: So what I'm going to do is, I'll take a ride down there and try to find it.

CHAIRMAN URE: Do you guys want to entertain conditionally approving the checklist based on Tony bringing that back stamped?

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO CONDITIONALLY APPROVE THE CHECKLIST AS

COMPLETE BASED ON RECEIVING MAPS THAT HAVE BEEN STAMPED BY A SURVEYOR. ALL WERE IN FAVOR.

SO MOVED

CHAIRMAN URE: So let's move forward. It looks like you're proposing a – you've got an 18x48 greenhouse in the center rear of the property.

MR. SHERMAN: Yes. It's going to be next to the other house that's already there.

CHAIRMAN URE: You've got a 20x21 storage unit proposed, also. That's to the right of it. Which would be –

MR. SHERMAN: Near the shed, more or less. It's probably not going to be that big. Does it matter if it's smaller?

CHAIRMAN URE: So the greenhouse is going to be the same style as what's already out there?

MR. SHERMAN: Yeah. The storage thing is going to be a little smaller.

CHAIRMAN URE: Alright and that's –

MR. SHERMAN: That's just overkill. I looked at it and I was like I don't need it that big.

CHAIRMAN URE: The storage building is that going to be stick framed?

MR. SHERMAN: No. It's going to be a hoop house with a covering.

CHAIRMAN URE: Alright, almost like a carport or something?

MR. SHERMAN: Yeah, similar to that. But I'm going to put my own on it because it's water bright. That way it keeps my stuff dry and it'll match everything else.

CHAIRMAN URE: So – and the greenhouse is obviously for growing plants, right?

MR. SHERMAN: Yeah.

CHAIRMAN URE: The storage shed is for storage. So is the public going to have access to this area?

MR. SHERMAN: No.

CHAIRMAN URE: So this is all just going to be for you and your employees? You're not going to sell out of either building?

MR. SHERMAN: No.

CHAIRMAN URE: I think we had discussed in the pre-app – what was it? The first two greenhouses, those are the ones customers go in the first couple?

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MR. SHERMAN: Yes.

CHAIRMAN URE: Okay, alright. But none of that stuff in the rear?

MR. SHERMAN: No.

CHAIRMAN URE: And I know we had passed restrictions on the lot. So you're not extending these into that back envelope where you're not supposed to put any structures, right?

MR. SHERMAN: Not yet.

CHAIRMAN URE: Let's not go down that road again. Do you guys have any other questions on it?

MEMBER HARRINGTON: Any lighting?

MEMBER YORK: Yeah, or power?

MR. SHERMAN: Fans. Always gotta have fans to keep it cool. Propane, heater.

MEMBER YORK: To regulate temperature, yup.

CHAIRMAN URE: It's a propane tank. No lights. Any exterior lights on it?

MR. SHERMAN: No. There won't be anybody in there for the nighttime.

CHAIRMAN URE: Alright. Well, I just know in the past that the neighbors had problems with the lights affecting their house and stuff. I just want it on the record if we're going to have lighting or anything on it.

MEMBER HARRINGTON: Just kind of for back business, we approved the – a couple years ago, the expansion. I think it was arborvitaes planted along that line. That's all taken ahold and good?

MR. SHERMAN: Yup. I even put them on the other side and eventually put more up.

MEMBER HARRINGTON: So in terms of neighbors next door, kind of to the right hand side of you, they would have no – this is not going to impede their – they're not even going to see what's going on?

MR. SHERMAN: No. I actually talked to Ron and Karin. They said they didn't have a problem.

MEMBER YORK: How tall is the greenhouse?

MR. SHERMAN: Same as the one that's on the drawing. Same exact thing. I figured the same would be easier.

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MEMBER YORK: Does it give a height on the drawing?

MEMBER HARRINGTON: Ten, twelve foot high?

MR. SHERMAN: Yeah, probably.

CHAIRMAN URE: I don't see a height, but that's about –

MR. SHERMAN: I can almost touch the top if that's helpful.

CHAIRMAN URE: There's no real – there's no foundation, just anchors to that?

MR. SHERMAN: Hammer and pipe. No foundation. Plastic around it.

CHAIRMAN URE: So you're not changing any of the other landscape or anything with this? This – it looks like this is in between other structures that are there.

MR. SHERMAN: It's going to abut one of the ones in front and then run down.

CHAIRMAN URE: It looks like you have a small shed to the east of it – to the right. Then you've got a larger greenhouse.

MR. SHERMAN: Yeah, that's the house I'm in.

CHAIRMAN URE: So these are going to be nestled in between. That's right, I said nestled. It's within all the setback requirements. So we're just looking for an expansion of a non-conforming use. Do you guys have any other questions? Dan? Chip, do you have any questions on it?

MEMBER HEIL: No. I think that the only thing – so when you just said that this was an expansion of a non-conforming use, does that mean – is that property – and this is just out of curiosity, is that property not zoned commercial or whatever?

CHAIRMAN URE: Yeah, it's a R-80 zone, I believe. It's rural, farm, residential, which is probably one of the more common zones we have in town. So it doesn't really allow for new commercial businesses such as this. So it's what we'd call a grandfathered use.

MEMBER HEIL: Yup, yup.

CHAIRMAN URE: When there's alterations to that use, depending on what it is, he'd come in to get a special use. We'd make sure that it was conforming with that use, that he's not expanding it too much to where it's going to upset neighbors. It's just to put our eyes on it to make sure things don't get out of hand, basically.

MEMBER HEIL: Yeah, yeah. It sounds like that even the – his proposed uses, it sounds like it's actually within the footprint and the confines of the existing non-conforming use. That sounds okay to me.

CHAIRMAN URE: I'd prefer Tony to get back in here. See if he has any comments. I don't want to – well, why don't we reach out to the public, if there's anybody there that would like to speak. Do we have anybody present that would like to speak? Because we have two ladies in the audience.

MS. BRIDGE: I'm the only neighbor that came tonight. And I have no objections to the improvements.

CHAIRMAN URE: Could you identify yourself?

MS. BRIDGE: I'm sorry. Sharon Bridge. I'm the abutting neighbor in the back of his property. I'm the one with the big field that runs the length of the back of his property as well as his abutting neighbors.

The Chairman asks Ms. Bridge if she could come to the podium. The Clerk swears in Ms. Bridge.

CHAIRMAN URE: Identify yourself again.

MS. BRIDGE: My name is Sharon Bridge. I live at 20 Diamond Hill Rd. Our property abuts the back of Ted's property. We have no objections to what he wants to do. It's tough enough for business people in the pandemic to make a living and to make so many changes. So we congratulate him on his improvement.

CHAIRMAN URE: Okay, thank you. Would you like to speak? Yup, come on up. We're going to make you do the same thing.

The Clerk swears in Ms. Drozdowski.

CHAIRMAN URE: Okay, now identify yourself. Your name is –

MS. DROZDOWSKI: My name is Wieslawa Drozdowski.

CHAIRMAN URE: Could you spell your last name?

MS. DROZDOWSKI: D-r-o-z-d-o-w-s-k-i.

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CHAIRMAN URE: Let's make sure Tiana got all that.

MRS. ZARTMAN: I can look it up.

MS. DROZDOWSKI: I have no objection. I am very happy he's doing something – such a wonderful job. I wish I could help him, but I have no objection whatsoever. Congratulations. Thank you so much. Good luck.

CHAIRMAN URE: Now we'll reach out to our virtual audience. Who do we have there, Tiana?

MRS. ZARTMAN: It looks like Karin Liese and Luann. And Joe Moreau.

CHAIRMAN URE: Would Karin or Luann like to speak? Do they have their hands up at all?

MRS. ZARTMAN: No. Oh, Karin did.

CHAIRMAN URE: I knew Karin would.

MS. LIESE: Can you guys hear me okay?

CHAIRMAN URE: This is Jon. Tiana's gotta swear you in again.

The Clerk swears in Ms. Liese.

CHAIRMAN URE: Can you identify yourself?

MS. LIESE: Sure. Karin Liese and I live at 171 Ashaway Road, Bradford.

CHAIRMAN URE: Thank you.

MS. LIESE: Ron and I are both here. I spoke with Sherri and Ronny has spoken with Ted and we've just verified what he's said he was going to do. And no problem. The only question I was just wondering. Lots of times he has deliveries out back – big tractor trailers. I don't know how they do it, but they get in over there and they back up. I just wondered if they'd still have ample room to do that.

CHAIRMAN URE: So Karin asked if you'd still have room for your – for the trucks that are delivering material to go around in the back. To me, it appears so because that's not really an area where you receive the material. It's – so Karin, I don't that – you don't really have the plan in front of you –

MS. LIESE: I don't, no.

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CHAIRMAN URE: So the last greenhouse he has towards the back which is towards the neighbors property, on the opposite side of the property –

MS. LIESE: Right.

CHAIRMAN URE: - looking to put one more greenhouse of a similar size to the one that's there next to it, closer to your property. But it's central to the lot.

MS. LIESE: Yup, that's what he told Ron. And that's fine. He took Ronnie and showed him.

CHAIRMAN URE: And to the right of that, again, closer to your lot, but still central, between that and the little shed, he's going to put another storage shed.

MS. LIESE: Yup, that's fine. You asked about the lights and stuff, so that's all good.

CHAIRMAN URE: Has everything been better out there lately?

MS. LIESE: Yes, yes it has.

CHAIRMAN URE: Okay.

MS. LIESE: I think he's making every effort to do what you have asked of him.

CHAIRMAN URE: That's terrific.

MS. LIESE: Yeah, so I appreciate it. You know, it's good to be where we're at and wish him well. It seems to be okay.

CHAIRMAN URE: Okay, everything kosher over there, Ted?

MR. SHERMAN: Yes.

CHAIRMAN URE: Good. It's all good. I'm happy to hear that. I don't like either of you having headaches. It's good when neighbors get along.

MS. LIESE: Absolutely agree.

CHAIRMAN URE: That's terrific. Is there anybody else there that would like to – Karin, are you done?

MS. LIESE: I am, I'm all set. Thank you very much.

CHAIRMAN URE: The other fellow have their hand up at all, or are they just listening?

MRS. ZARTMAN: Yup.

CHAIRMAN URE: Okay.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO TAKE A RECESS UNTIL THE ZONING OFFICIAL RETURNS. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO READJOURN THE MEETING. ALL WERE IN FAVOR.

SO MOVED

Chairman Ure explains that a copy of the site plan stamped by an engineer has been received by the Board. He goes on to say that, while Mr. Santilli was away, they heard testimony from the neighbors, all of whom were in favor of the application, even ones that had issues in the past with the applicant. Member Baruti clarifies that it was only the neighbors who chose to participate, not all of the neighbors. Chairman Ure agrees. He continues to say that Mr. Sherman also gave testimony on the proposed storage shed and greenhouse. He asks Mr. Santilli if he had anything to add to the record. Mr. Santilli declines, stating that as long as the applicant follows the approved site plan and the recommendations from the Board, he has no objections. Chairman Ure asks if any other members of the Board have anything to add.

MEMBER HEIL: Can I just add something real quick?

CHAIRMAN URE: Go ahead, Chip.

MEMBER HEIL: I know that zone changes and zoning in general can be difficult in this town, especially in circumstances like this where there are not – they're incongruent zone activities. But, I think, this is a good activity. I like the way the plan is trying to stay within the existing bounds and I also think it's consistent – relatively consistent with the comprehensive plan and trying to maintain the rural character of this town. I like – I think when we think about business activities like

this, I think this is a good one. I know that's – maybe some people, you know, may not agree with it, but I – I think that this is a good activity. So I'm happy to approve this.

Chairman Ure thanks Member Heil for his comments and explains that they will now move on to discussing the findings of fact.

**FINDINGS OF FACT:**

- A new structure proposed is an 18x48 greenhouse centered in the rear of the lot.
- A new structure proposed is a 20x21 hoop house storage shed.
- There is no public access to the proposed greenhouse or hoop house and no sales will take place in these two structures.
- The only power going to the proposed structures are for cooling fans and propane heaters.
- The Board heard testimony from three abutting neighbors with no objections.

The applicant clarifies that he's putting the greenhouse as close as he can to the existing greenhouse because he doesn't want them too far apart. Chairman Ure explains that the Board is just clarifying where the proposed structures will be located. He goes on to say that the lot is much longer than where the structures are because there's a piece that goes out. The Board is clarifying that the proposed structures will be in the rear center portion and need to verbalize where it is. The proposed structures will be situated on the east side, next to the last greenhouse in the rear. Member Harrington explains that the site plan is part of the public record and members of the public can access the plan if they would like to see it.

**A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO ACCEPT THESE AS THE FINDINGS OF FACT. ALL WERE IN FAVOR.  
SO MOVED**

Member York asks if there were any proposed conditions on the approval. Member Heil states that he wasn't sure if it counted as a condition, but at the previous meeting, it was mentioned that a traffic study will be required for any future expansions. Chairman Ure says that the Board would handle that condition at that time because he wouldn't want to condition it prematurely.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT, BASED ON THE FINDINGS OF FACT, THE ZONING BOARD FINDS THE PROPOSED USE WILL BE COMPATIBLE WITH THE NEIGHBORING USES AND WILL NOT ADVERSELY AFFECT THE SURROUNDING NEIGHBORS' USE AND ENJOYMENT OF THEIR PROPERTY. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT, BASED ON THE FINDINGS OF FACT, THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE ENVIRONMENTALLY COMPATIBLE WITH THE NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY VALUES. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT, BASED ON THE FINDINGS OF FACT, THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE ORDERLY GROWTH AND DEVELOPMENT OF THE TOWN AND WILL NOT BE ENVIRONMENTALLY DETRIMENTAL THEREWITH. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT, BASED ON THE FINDINGS OF FACT, THE

ZONING BOARD FINDS THAT THE PROPOSED USE SERVES THE PURPOSE OF THIS ORDINANCE AND THE COMPREHENSIVE PLAN FOR THE REASONS PREVIOUSLY STATED. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT, BASED ON THE FINDINGS OF FACT, THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE BEST PRACTICES AND PROCEDURES TO MINIMIZE THE POSSIBILITY OF ANY ADVERSE EFFECTS ON NEIGHBORING PROPERTIES, THE TOWN, AND THE ENVIRONMENT, ALL OF WHICH INCLUDES CONSIDERATION FOR SOIL EROSION, WATER SUPPLY PROTECTION, SPETIC DISPOSAL, WETLAND PROTECTION, TRAFFIC LIMITATION, SAFETY AND CIRCULATION. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT, BASED ON THE PREVIOUSLY STATED FINDINGS OF FACT, TESTIMONY HEARD, AND THE DOCUMENTS RECEIVED, THE BOARD MOVES THAT THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION TO THE BOARD OF REVIEW BY LEGAL COMPETENT EVIDENCE THAT THE PROPOSED USE IS IN KEEPING WITH THE INTENT AND PURPOSE OF THE ZONING ORDINANCE. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT, BASED ON THE PREVIOUS FINDINGS OF FACT, THE ZONING BOARD APPROVE THE SPECIAL USE PERMIT.

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Member Baruti addresses the applicant and clarifies that his approval of the special use permit hinges on the support Mr. Sherman has received from his neighbors. Member Baruti continues to say that the difficulties he's encountered in the past and the ability to overcome that to work with the neighbors and have them come in support of the application are the reasons he supports approving the application.

ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY HARRINGTON TO ACCEPT THE MINUTES FROM THE ZONING BOARD OF REVIEW MEETING ON MARCH 18, 2021. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO ADJOURN THE MEETING AT 8:02 PM. ALL WERE IN FAVOR.

SO MOVED

Respectfully Submitted,

Tiana Zartman

Zoning Board Clerk

Next Scheduled Meeting: May 20, 2021