

ZONING BOARD OF REVIEW MEETING MINUTES – December 16, 2021

State of Rhode Island

County of Washington

In Hopkinton on the sixteenth day of December, 2021 A.D. the said meeting was called to order by Zoning Board of Review Chairman Jonathan Ure at 7:17 P.M. in the Town Hall Meeting Room with a moment of silent meditation and a salute to the Flag.

PRESENT: Jonathan Ure, Dan Harrington, Daniel Baruti, Ronnie Sposato; Building Official Anthony Santilli; Zoning Board Clerk: Tiana Zartman

Absent: Member Joe York, Alternate Members Chip Heil & Phil Scalise; Town Council Liaison Michael Geary;

Chairman Ure states he wants to start with Petition III.

Sitting as Board for Petition III: Ure, Harrington, Baruti, & Sposato

Petition III – Hearing

Special Use Permit to allow a pharmacy to serve the Wood River Health clinic and its patrons. Petition is filed by Genoa Healthcare Pharmacy, with mailing address of 400 Perry Highway, Building 1, Suite 101, Pittsburgh, PA 15229, for property owned by Wood River Health Services located at 823 Main Street, Hope Valley, RI 02832, identified as AP 14 Lot 47A, an RS 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 explains that a quorum has not been met because both a Board member and Alternate Board member are absent. Discussions between the Board and the applicant about rescheduling are had.

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A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER HARRINGTON TO RESCHEDULE THE PETITION TO JANUARY 7, 2022 AT 6:00 PM. ALL WERE IN FAVOR.  
SO MOVED.

Sitting as Board for Petition I & II: Ure, Baruti, & Sposato  
(Member Harrington recused himself for Petitions I & II)

Petition I – Determine completeness of application/consider waivers (cont.)

A Petition for Dimensional Variance to allow a reduction in lot frontage from the required 100 feet. 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.

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

Petition II – Determine completeness of application/consider waivers (cont.)

A Petition for a Special Use Permit to allow for a single family resident. 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.

Mr. Steven Marien was present on behalf of the owner. Mr. Marien requested a continuance because they are working on gathering the required information, including the legal issues, the right of way, a certificate of title, and preparing a full site plan. Mr. Marien explained they would present all this information and eliminate most, if not all, waivers they originally requested. Member Baruti

explained that the Board would not be able to approve the application with what they have presented since they would not be able to produce findings of fact. Member Baruti continues to say that a certificate of title would be sufficient proof showing access to the property. Solicitor Vaage explains that if an easement is on the property, the Board cannot make a decision on the appropriateness or capacity of that easement. That particular issue would be civil between the neighbors. There was discussion between the Board and the representative between rescheduling the application.

Chairman Ure wanted to clarify that the deed he spoke of at the last meeting was the incorrect deed. The deed he referenced had restrictions, but did not apply to this property. Chairman Ure apologized for the error.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER BARUTI TO CONTINUE PETITIONS I & II TO FEBRUARY 17, 2022. ALL WERE IN FAVOR.  
SO MOVED.

Member Baruti suggested to Mr. Marien that he should talk to the owner of the parcel and designate him as a representative of the LLC. Mr. Marien agreed and also stated he encouraged his client to incorporate in Rhode Island. Member Baruti stated that wasn't necessary and that he could register as a foreign entity in Rhode Island, but has yet to do so.

Solicitor Vaage explained that Revity had filed the appeal in Superior Court, but they haven't yet served process and the court hasn't yet issued a summons. This is what triggers the obligation to file the record, which is already put together and ready to be submitted. Mr. Vaage states the attorney for Revity Energy, LLC Nick Nybo has asked to agree to a stipulation agreeing to stay the DPR – the time they have to finish the project under regulations, which is two years to complete the project once they are approved. Chairman Ure asks if that is for the Council or the

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Planning Board to do. Attorney Vaage explains that Attorney Nybo could file a motion with the court and the court can decide, and under the circumstances, they probably would. Mr. Vaage says that when it's appealed to the Board of Appeals, it is automatically stayed, but when it is appealed to Superior Court, it becomes less clear.

Chairman Ure asks Mr. Santilli if he has any issues he would like to address. Mr. Santilli explains that he has seen a lot of houses with accessory dwellings, which the Town is made aware after the house has sold. Mr. Santilli says he addresses the issue by putting a lien on the house so the owner can't sell the house. He says it seems to be working. Member Baruti asks about in-law apartments. Mr. Santilli states that the state law allows an accessory family unit if there is a parent in the household over 62 years of age or a disabled child. The dwelling is recorded and must be eliminated when the title changes ownership. Member Sposato asks what if it was built prior to Zoning regulations. Mr. Santilli states he looks at the 1971 tax card and if it's anything prior to 1970, he considers it grandfathered in. Chairman Ure states it gets muddy on these issues when ordinances change over the years and makes it hard to track if it was grandfathered or if it was done correctly.

Member Baruti states that in the transcript for Revity Energy LLC, it indicates he abstained from voting, but he wanted to make it clear that he had recused himself from the application and was not withholding a vote.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY  
MEMBER BARUTI TO ADJOURN THE MEETING AT 7:40 PM. ALL WERE  
IN FAVOR.

SO MOVED

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Respectfully Submitted,

Tiana Zartman

Zoning Board Clerk

Next Scheduled Meeting: January 7, 2022