

ZONING BOARD OF REVIEW MEETING MINUTES – February 17, 2022

State of Rhode Island

County of Washington

In Hopkinton on the seventeenth day of February, 2022 A.D. the said meeting was called to order at 7:06 PM by Zoning Board of Review Chairman Jonathan Ure in the Town Hall Meeting Room with a moment of silent meditation and a salute to the Flag.

PRESENT: Jonathan Ure, Joe York, Daniel Baruti, Ronnie Sposato, Daniel Harrington, Zoning Board Clerk: Tiana Zartman; Building Official Anthony Santilli; Alternate Member Chip Heil was in attendance remotely

Absent: Alternate Member Phil Scalise; Town Council Liaison Michael Geary

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

Petition I – 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.

A stenographer was present and a transcript will be attached for the record.

FINDINGS OF FACT:

- The proposal is compatible with the current use of the building and a logical accessory use.
- The proposal will not increase traffic since the pharmacy will serve current patients, environmental noise, or affect the enjoyment of the neighborhood.

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- Only select staff and licensed pharmacists will have access and the pharmacy will be secured with a separate alarm and cameras that will be connected with the police department.
- There will be no access from the outside and can only be accessed through the lobby to an interior portion of the building secured by a badge accessible door.
- It will be housed in the existing footprint of the building.
- The pharmacy will be approximately 580 square feet
- The operation and scope of operation is not out of character for the neighborhood and will not negatively impact the surrounding area.
- There are sufficient setbacks on all three corners of the building.
- The proposed use is interior to the facility and would not be visible.
- The proposal will enhance and further benefit the community by providing more comprehensive care to patients, most of which reside in Hopkinton.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO TO ACCEPT THOSE AS FINDINGS OF FACT. 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 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 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 THE PROPOSED USE 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 THE PROPOSED USE SERVES THE PURPOSES OF THIS ORDINANCE AND AS SET FORTH IN THE COMPREHENSIVE PLAN. 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 THE PROPOSED USE WILL BE COMPATIBLE WITH THE BEST PRACTICES AND PROCEDURES TO MINIMIZE ANY ADVERSE AFFECTS ON NEIGHBORING PROPERTIES, THE TOWN, AND THE ENVIRONMENT, ALL OF WHICH INCLUDES CONSIDERATIONS OF SOIL EROSION, WATER SUPPLY PROTECTION, SEPTIC 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 FINDINGS OF FACT, TESTIMONY HEARD, DOCUMENTS RECEIVED, THE ZONING BOARD FINDS THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF THE BOARD BY LEGALLY COMPETENT EVIDENCE THAT THE PROPOSED USE MORE CLOSELY ADHERES TO THE INTENT AND PURPOSES OF THE ZONING ORDINANCE.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE PREVIOUS FINDINGS OF FACT THE ZONING BOARD APPROVES THE SPECIAL USE PERMIT. ALL WERE IN FAVOR.

SO MOVED

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

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

A Petition for a Dimensional Variance to allow three 40 foot storage containers and one 40 foot box trailer stored on site from October to May of each year. Petition filed by Bruce Bryant with mailing address of 93 Arcadia Rd, Hope Valley RI 02832, for property owned by Bruce Bryant located at 1127 Main Street, Hope Valley RI 02832, and identified as AP 28 Lot 142, 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.

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

Special Use Permit to allow three 40 foot storage containers and one 40 foot box trailer stored on site from October to May of each year. Petition filed by Bruce Bryant, with mailing address of 93 Arcadia Rd, Hope Valley, RI 02832, for property owned by Bruce Bryant located at 1127 Main Street, Hope Valley, RI 02832 identified as AP 28, Lot 142 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.

A stenographer was present and a transcript will be attached for the record.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO TO DEEM CHECKLIST ITEMS C AND D COMPLETE. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO CONSIDER THE SPECIAL USE PERMIT APPLICATION COMPLETE. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO CONSIDER THE DIMENSIONAL VARIANCE APPLICATION COMPLETE. ALL WERE IN FAVOR.

SO MOVED

The applicant amended his application to remove the 40' box trailer from consideration.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK FOR A FIVE MINUTE RECESS. ALL WERE IN FAVOR.

SO MOVED

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

SO MOVED

FINDINGS OF FACT:

- The use of the storage containers is consistent to the current operations of the business.
- There are no abutters that have presented an objection or approval of the project.
- The use of the containers will not increase or generate additional traffic.
- The biologist letter affirmed the location of the containers were outside of the setback requirements determined by RI DEM.
- The letter from the engineer determined that no drainage report was required.
- The proposal is something acceptable to a residential zone.
- There is no additional noise associated with the proposed use.
- Except for the one complaint, there have been no other complaints made against the business.
- There is no additional signage being proposed.
- There is no additional smell associated with the proposed use.
- There is no additional lighting being proposed.

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A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO ACCEPT THE PREVIOUSLY STATED FINDINGS OF FACT. 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 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 THE PROPOSED USE ENVIRONMENTALLY COMPATIBLE WITH 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 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 THE PROPOSED USE SERVES THE PURPOSE OF THE ORDINANCE AND THE COMPREHENSIVE PLAN. 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 THE PROPOSED USE IS COMPATIBLE WITH ALL BEST PRACTICES AND PROCEDURES TO MINIMIZE THE POSSIBILITY OF ANY ADVERSE EFFECTS ON NEIGHBORING PROPERTY, THE TOWN, AND THE ENVIRONMENT ALL OF WHICH INCLUDE CONSIDERATION OF SOIL EROSION, WATER SUPPLY PROTECTION, SEPTIC 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 THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF THE ZONING BOARD OF REVIEW THROUGH LEGAL COMPETENT EVIDENCE THAT THE PROPOSED USE MORE CLOSELY ADHERES TO THE INTENT AND PURPOSES OF THE ZONING ORDINANCE THAN THE PREVIOUS NONCONFORMING DEVELOPMENT. 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. ALL WERE IN FAVOR.
SO MOVED

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO ALLOW THE STORAGE CONTAINERS TO STAY WHERE THEY ARE CURRENTLY LOCATED.

There was discussion amongst the Board members regarding the relief requested and if requiring the containers to be moved or oriented differently would cause the neighbors to become unhappy.

ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO THAT THE APPLICANT HAS PROVIDED EVIDENCE TO THE SATISFACTION OF THE BOARD PROVING THE HARDSHIP FROM WHICH THE APPLICANT SEEKS RELIEF IS DUE TO THE UNIQUE CHARACTERISTICS OF THE SUBJECT LAND OR STRUCTURE AND NOT TO THE GENERAL CHARACTERISTICS OF THE SURROUNDING AREA AND IS NOT DUE TO A PHYSICAL OR ECONOMIC DISABILITY OF THE APPLICANT. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO THAT THE HARDSHIP IS NOT THE RESULT OF ANY PRIOR ACTION OF THE APPLICANT AND DOES NOT RESULT PRIMARILY FROM THE DESIRE OF THE APPLICANT TO REALIZE GREATER FINANCIAL GAIN. ALL WERE IN FAVOR.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO THAT THE GRANTING OF THE REQUESTED VARIANCE WILL NOT ALTER THE GENERAL CHARACTER OF THE SURROUNDING AREA OR IMPAIR THE INTENT OR PURPOSE OF THE ZONING ORDINANCE OR THE COMPREHENSIVE PLAN UPON WHICH THIS ORDINANCE IS BASED AND THAT THE RELIEF TO BE GRANTED IS THE LEAST RELIEF NECESSARY. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO THAT EVIDENCE ENTERED INTO THE RECORD OF THE PRECEEDINGS SHOWING THAT GRANTING THE DIMENSIONAL VARIANCE THAT THE HARDSHIP THAT WILL BE SUFFERED BY THE OWNER OF THE SUBJECT PROPERTY IF THE DIMENSIONAL VARIANCE IS NOT GRANTED

SHALL AMOUNT TO MORE THAN A MERE INCONVENIENCE AND THAT IF A USE MAY BE MORE PROFITABLE OR THAT A STRUCTURE MAY BE MORE VALUABLE AFTER THE RELIEF IS GRANTED SHALL NOT BE GROUNDS FOR RELIEF.

Member Sposato notes the evidence on the record will prove why the Board arrived at that decision.

ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER YORK TO ACCEPT THE MODIFICATION TO THE PETITION OF THE APPLICANT REMOVING THE REQUEST FOR A SPECIAL USE PERMIT AND DIMENSIONAL VARIANCE FOR THE FORTY (40) FOOT BOX TRAILER. ALL WERE IN FAVOR.
SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO TO APPROVE THE REQUESTED DIMENSIONAL VARIANCE OF TWENTY-FIVE (25) FOOT WEST SIDEYARD SET BACK AND THE THIRTY-THREE (33) FOOT FRONT YARD SETBACK.

Member Sposato mentions no complaints were received from the neighboring property owners. Chairman Ure reiterates that other than the initial complaint received, there were no objections heard.

ALL WERE IN FAVOR.

SO MOVED

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Sitting as Board for Petition IV & V: Ure, York, Harrington, Baruti, & Sposato

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

A Petition for a Dimensional Variance to allow a reduction in lot frontage. 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.

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

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

Chairman Ure explains the applicant has provided a request for continuance until next month's meeting.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO ALLOW A CONTINUANCE FOR PETITIONS IV AND V TO THE NEXT MEETING ON MARCH 17, 2022. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO ACCEPT THE MINUTES FROM THE ZONING BOARD OF REVIEW MEETING HELD ON JANUARY 20, 2022. ALL WERE IN FAVOR.

SO MOVED

Discussion was had amongst the board in regards to the next Zoning Board of Review meeting being held on March 17, 2022 and the next Board of Appeals meeting being held on March 30, 2022.

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A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO ADJOURN THE MEETING AT 9:02 PM. ALL WERE IN FAVOR.
SO MOVED

Respectfully Submitted,
Tiana Zartman
Zoning Board Clerk

Next Scheduled Meeting: March 17, 2022