

ZONING BOARD OF REVIEW MEETING MINUTES – AUGUST 18, 2022

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth of August, 2022 A.D. the said meeting was called to order at 7:01 PM by Zoning Board of Review Chairman in the Town Hall Meeting Room with a moment of silent meditation and a salute to the Flag.

PRESENT: Johnathan Ure, Daniel Harrington, Daniel Baruti, Joseph York, Chip Heil, Attorney Stephen Sypole of Gidley, Sarli, and Marusak LLP.

Zoning Board Clerk: Katrina Caputo

Building Official Anthony Santilli

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

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

Petition I – Determine Completeness of application/consider waivers an application for an Aquifer Protection Permit to allow a woodshop, mill, and garden center. Petition filed by Woodland Ridge LLC, with a mailing address of 544 Dugway Bridge Rd, West Kingstown, RI 02982 for property owned by Woodland Ridge LLC located at 916 Main St, Hope Valley, RI 02832 and identified as AP 15 Lots 4, 5, and 6A, a commercial and manufacturing zones and filed in accordance with Appendix A – Zoning District Use Table, Use Categories # 521, 241, 596, a Primary Protection Zone – “A = Aquifer Protection Permit.”

Applicant or representative present.

Filing fees paid and notice posted.

Discussion.

Decision.

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Chairman Ure explains that we do not have a quorum of members tonight, this petition is going to be continued to the September 15, 2022 meeting.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK FOR A CONTINUANCE TO THE SEPTEMBER 15TH MEETING. MEMBER BARUTI RECUSED HIMSELF FROM THIS VOTE. CHAIRMAN URE, MEMBER HARRINGTON, MEMBER YORK, AND MEMBER HEIL ALL VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED.

SO MOVED

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

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

A petition for a Dimensional Variance to request relief from front and side yard setbacks for construction of a new building compatible with current use. Petition filed by Jeffrey Duscha with mailing address of 109 Woodville Alton Road, Hope Valley RI 02832, for property owned by Jeffrey Duscha and Michele Hoyt located at 493 Main Street, Hopkinton RI 02833, and identified as AP 26 Lot 15, 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 (cont.)

A petition for a Special Use Permit to allow for construction of a new building and an expansion of the current use. Petition filed by Jeffrey Duscha with mailing address of 109 Woodville Alton Road, Hope Valley RI 02832, for property owned by Jeffrey Duscha and Michele Hoyt located at 493 Main Street, Hopkinton RI 02833, and identified as AP 26 Lot 15, 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.

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Chairman Ure asks if the applicant or representative is present. Mr. Duscha responds that he is and he apologizes for how long it took to get the property surveyed. He continues to say that he just got the survey back Friday so he was not able to send letters out to the abutters in time for tonight's meeting. Chairman Ure states that we will be unable to move to the hearing tonight since the abutters haven't been notified. He explains that the Board can complete the pre-app tonight and they should be able to have the hearing next month. Chairman Ure explains that he reviewed his notes from the last meeting Mr. Duscha's application was heard. He continues, that Checklist Item A needed the updated site map. He explains the Board will review all of Checklist Item A to ensure all components are there.

CHECKLIST ITEM A: Three (3) copies of a site plan prepared by, and signed and stamped by, a professional engineer or professional land surveyor at a scale of no less than one (1) inch = forty (40) feet clearly showing:

- Name and address of property owner(s)
- Date, north arrow, graphic scale, lot dimensions and area
- Plat & lot, zoning district(s) and setbacks
- Existing and proposed structures, and their relationship & distances from lot boundary lines
- Existing and proposed parking areas and walkways – existing and proposed landscaping, as it relates to the request.
- Existing streets, 911 address, wells, septic system
- List of names and address of all property owners within 200 feet of subject property
- Best Management Practice work-plan where required
- Any peculiar site conditions or features

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A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK THAT CHECKLIST ITEM A IS COMPLETE. ALL IN FAVOR.

SO MOVED

Chairman Ure explains that the last meeting this pre-app was heard, it was deemed Checklist Item B was complete, a waiver was requested for Checklist Item C for soil erosion, the Board granted a waiver for Checklist Item D, the biologist letter on the wetlands, Checklist Item E, the location of the existing septic was deemed complete, Checklist Item F, the traffic study was waived, Checklist Item G, the topography, was deemed complete, and Checklist Item H, was subject to being submitted to the building official for the issuance of a certificate from the Department of Health.

Member Harrington asks the applicant if they've made any progress with the public well. Mr. Duscha states that he is having that looked at on Monday.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT THE APPLICATION CHECKLIST FOR A SPECIAL USE PERMIT AND THE APPLICATION FOR THE DIMENSIONAL VARIANCE ARE DEEMED COMPLETE.

Chairman Ure clarifies for the record that in an application for both a Special Use Permit and a Dimensional Variance, the Board combines the checklists. He explains that the Special Use checklist is more thorough and encompasses everything the Dimensional Variance checklist does.

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ALL IN FAVOR.

SO MOVED

Chairman Ure states that the hearing will be scheduled for September 15, 2022. He explains to Mr. Duscha that he will need to bring the green cards in from the abutters as well as any return envelopes that weren't picked up. He continues that Mr. Duscha will need to bring them back two weeks before the September 15, 2022 meeting. Chairman Ure asks Mr. Duscha if he sent the abutters notices out yet. Mr. Duscha responds that he is going to and wasn't able to do them before tonight's meeting due to the survey getting back to him so late. Member Harrington clarifies that the abutters notices need to be sent out two weeks before the September 15, 2022 meeting and the Board does not need them back before the meeting. Member Baruti states that he is very interested to hear at the hearing how Mr. Duscha plans to address the parking and the coming and going of vehicles from the property. He continues to say that he notices the configuration is very close to the road and it is a violation to back a car onto that road. Mr. Duscha asks if the Board is looking for something specific in his parking plans. Member Baruti states that just he wants to hear how he plans to configure the parking. Chairman Ure suggests Mr. Duscha think about that so he can provide the Board with some information at next month's hearing. Chairman Ure states to Mr. Duscha that the Board will see him on September 15, 2022 and to reach out to the Building Official, Tony or the Zoning Board Clerk if he has any questions.

Sitting as the Board for Petition IV: Ure, York, Baruti, Harrington, & Heil

Petition IV - A scheduled hearing on an application for aquifer protection permit to allow a brewery of beer, wine, and distilled alcoholic beverages within the existing structure. Petition filed by Quinlan Enterprise, mailing address 401 Main St, Ashaway, RI 02804. Owned by Hopkinton Industrial Park LLC located at 15 Gray

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Lane, Ashaway, RI 02804, and identified as AP 4 Lot 12, a manufacturing zone and filed in accordance with Appendix A - Zoning District Use Table, use category #510, a Primary Protection Zone “A = Aquifer Protection Permit.”

Applicant or representative present.

Filing fees paid and notice posted.

Discussion.

Decision.

Chairman Ure states that the applicant has asked for the application to be withdrawn. Member Baruti asks Building Official Santilli if he has heard anything and if this is an issue with DEM. Building Official Santilli states that he has not heard anything. Member Baruti states that his understanding is that it’s a public water issue. He continues to say that he thinks an operation like that is required to be on a public water system. Chairman Ure asks Building Official why they would require that. Building Official Santilli states that he thinks it is a state law.

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

SO MOVED

Sitting as the Board for Petition V & VI: Ure, York, Baruti, & Heil

Petition V – 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

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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 VI – 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.

Applicant or representative present.

Filing fees paid and notice posted.

Discussion.

Decision.

Chairman Ure states that this petition has requested a continuance to the November 17, 2022 meeting. He continues to say that he believes the applicant is tied up with the Planning Board still. Member Harrington states that he is recusing himself from this application and will not be a part of the vote. Member Baruti asks Chairman Ure if he knows where the applicant is in the process. Chairman Ure states that he does not know but he has asked a couple of town officials and according to them, it does not appear this application is on schedule. Member Baruti states that he is unsure why the applicant keeps requesting a continuance and does not withdraw and resubmit. Chairman Ure states that he is fine with the applicant requesting a continuance until the November meeting because they're giving the Board plenty of notice. Chairman Ure explains that if the applicant requests another continuance, the Board would need to have a serious conversation with them about withdrawing and resubmitting.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HEIL TO CONTINUE THE APPLICATION TO THE NOVEMBER 17, 2022 MEETING. MEMBER HARRINGTON RECUSED HIMSELF FROM

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THIS VOTE. CHAIRMAN URE, MEMBER YORK, MEMBER BARUTI, AND MEMBER HEIL ALL VOTED IN FAVOR. THE MOTION PASSED.

SO MOVED.

Sitting as the Board for Petition VII: Ure, York, Harrington, Baruti, & Heil

Petition VII – Determine completeness of application/consider waivers

A Petition for a Special Use Permit to allow for a short-term rental. Petition filed by Martha Powers and Nancy Striuli with mailing address of 107 Cady Ave, Warwick, RI 02889, for property located at 19 Egypt Street, Hopkinton, RI 02804, and identified as AP 25 Lot 201, 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.

Chairman Ure asks if the applicants are present. They respond that they are. Chairman Ure explains to them that the Board is going to go through the checklist to ensure they have all the documentation that is required. He continues to say, if everything is in order their application will be scheduled for a hearing at the September 15, 2022 meeting.

CHECKLIST ITEM A: Three (3) copies of a site plan prepared by, and signed and stamped by, a professional engineer or professional land surveyor at a scale of no less than one (1) inch = forty (40) feet clearly showing:

- Name and address of property owner(s)

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- Date, north arrow, graphic scale, lot dimensions and area
- Plat & lot, zoning district(s) and setbacks
- Existing and proposed structures, and their relationship & distances from lot boundary lines
- Existing and proposed parking areas and walkways
- Existing and proposed landscaping, as it relates to the request
- Existing streets, 911 address, wells, septic system
- List of names and address of all property owners within 200 feet of subject property
- Any peculiar site conditions or features

Chairman Ure asks the applicant where the well is so the Board can easily locate it on the site plan. Ms. Striuli states that the well is in the basement of the house. She explains that the cement cover on the site plan is the old cesspool that they are replacing with a septic. She continues to say the septic was just approved by DEM. Chairman Ure states that Building Official Santilli has the original copy of the septic plan. Building Official Santilli gives his copy to Member Harrington to review. Member Heil asks the Board if the well in the basement should be marked on the site plan. Member Harrington responds that it is marked on the new septic plan and it shows a 100-foot radius from the septic to the well.

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A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT CHECKLIST ITEM A IS COMPLETE.

Member Baruti asks the applicant's Attorney, Andrew Cagen, if he has any objection to attaching a plan for the septic system and OWTS to the site plan so the well is marked and Checklist Item A would be complete. Attorney Cagen responds that he has no objections to that. Member Baruti states that he would like to amend the motion.

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER HEIL THAT CHECKLIST ITEM A IS COMPLETE SUBJECT TO THE ADDITION OF THE SEPTIC MAP ADDED TO THE SITE MAP. ALL WERE IN FAVOR.

SO MOVED

CHECKLIST ITEM B: Three copies of a separate map indicating all property owners within 200 feet of the subject property and/or all of those owners and entities which require notice under section 45-24-53 of the R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT CHECKLIST ITEM B WAS COMPLETE. ALL IN FAVOR.

SO MOVED

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CHECKLIST ITEM C: A soil erosion and stormwater control plan with supporting calculations based on standards approved by the USDA Soil Conservations Service and in conformity with the R.I. Erosion and Sediment Control Handbook.

Chairman Ure states that there was a waiver requested for Checklist Item C.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO GRANT THE WAIVER FOR CHECKLIST ITEM C. ALL WERE IN FAVOR.

SO MOVED

CHECKLIST ITEM D: A letter from a biologist indicating that there are no freshwater wetlands on or in proximity to the site such that the application is regulated by the R.I. Freshwater Wetlands Act. In those instances where the application is regulated by the R.I. Freshwater Wetlands Act, a physical alteration permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.

Chairman Ure states that there is only a letter from a surveyor not one from a biologist, he asks the Board if they think that this is okay. Member Harrington states that technically it is not but it is still from a professional. Chairman Ure states that the Board knows this property is a dry site from the topography map. Member Heil states that he thinks the Board should accept the waiver since their letter wouldn't technically fit the criteria of a biologist letter. Chairman Ure states that he agrees and the applicants should apply for a waiver since this letter is not meeting the requirement of being written by a biologist. Chairman Ure asks Attorney Cagen to make an amendment on the original application. He instructs Attorney Cagen to notate on the Clerk's original copy of the application that they are requesting a waiver on Checklist Item D. Attorney Cagen writes in the waiver request.

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A MOTION WAS MADE BY MEMBER HEIL AND SECONDED BY MEMBER YORK TO GRANT THE WAIVER FOR CHECKLIST ITEM D. ALL WERE IN FAVOR.

SO MOVED

CHECKLIST ITEM E: Location of existing septic system. Where construction requires approval by the R.I. DEM - Division of Land Resources for an ISDS (individual sewage disposal system) or change of use permit for the proposed activity, attach a copy to the application.

Chairman Ure states that the Board has the OWTS application. Member Heil states that the cesspool is the existing system in place on the property. He asks the Board if they didn't have the applicants new septic plan if that would still be okay. Chairman Ure states that yes it would be because it is the location of the septic system. Member Harrington clarifies that there technically is not a septic system on the property as a cesspool is a leeching system and not a septic system for the sewage. Chairman Ure states that when the applicant gets to the hearing the Board will ask them about the planned use and of the property. Member Harrington explains that if the property got new owners since 2016, by law they had one year from point of sale to update the cesspool to a septic system. Member Baruti states that the property has changed hands twice since 2016. Member Baruti asks the applicant if today is their one-year anniversary of owning the property. Ms. Striuli responds that it is. Member Baruti states their deed was recorded on August 18, 2021.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT CHECKLIST ITEM E IS COMPLETE. ALL IN FAVOR.

SO MOVED

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CHECKLIST ITEM F: Traffic Study addressing the potential impacts of the proposed activity.

Member York states that the applicant has requested a waiver on Checklist Item F.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO GRANT THE WAIVER FOR CHECKLIST ITEM F.

Chairman Ure asks the applicants if they are increasing the number of bedrooms in the property or changing the property at all. Ms. Striuli states that both the number of bedrooms and the property itself will stay the same. Member Baruti asks the applicants if they are seeking to operate a bed and breakfast. Ms. Striuli states they will be a temporary Air BnB. She continues that she and Ms. Power's will not be at the property to run a traditional bed and breakfast. Member Baruti asks the applicants if they plan to rent rooms or the entire house. Ms. Striuli responds that they will be renting the entire house out.

ALL IN FAVOR.

SO MOVED

CHECKLIST ITEM G: On a separate site plan, indicate existing and proposed topography at two (2) foot intervals.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK THAT CHECKLIST ITEM G WAS COMPLETE. ALL IN FAVOR.

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SO MOVED.

CHECKLIST ITEM H: Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is drinking water quality.

Chairman Ure states that the applicants have requested a waiver for checklist item H. Member Harrington asks the applicant if they had a water quality test done when they bought the house. Ms. Striuli states that she does not know if that test was done or not. Chairman Ure asks the applicants if they financed the house. Ms. Striuli states that they did finance it. She explains that Attorney Cagen was their closing attorney and he is saying that they did have a water quality test performed. Chairman Ure explains if the applicants financed through a bank, they would require a water quality test to be performed. Member Heil states that he is concerned because this is the first application of this nature to come before the Board and he is assuming there will be more of these in the future. He explains that he is concerned that this should be addressed appropriately now since it's going to be used for residential purposes. He continues to say that he does not know what the definition of a short term is and the Board will find that out at the hearing. Member Heil explains that if this Air BnB is going to be turning over a large number of occupants, the water quality is important. Member Harrington states that he can't imagine they got financing without a water quality test. Building Official Santilli states that the Board can't require a test. He states that he agrees if the applicants bought the house with financing from a bank that they would be required to get a test. Member Baruti states that there is a difference from what a standard home inspector will do versus taking your samples up to Warwick and submitting them. Member Baruti states that the test can run anywhere from \$50-\$800. Member Harrington states that in the last couple of years, the requirements for a water quality test are a lot more stringent. Member Heil states that he is concerned with what the rating of the well is given that this property is going to be used as a

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rental. He explains that he is concerned with the gallons per minute associated with the well rating in the event that the house has many occupants at once. He continues to say that in the event there are a large number of occupants at once, he is concerned there might not be sufficient water. Building Official Santilli states that there is a state law when building a well regarding how deep and how many gallons it needs to be. He continues to say that the state doesn't worry about how many people are living in the residence. Ms. Striuli states that they do not want to be overrun by occupants so they will only rent to adults over 30 and only allow as many people in the house as there are beds. Chairman Ure asks Building Official Santilli if there is any way to enforce renters from potentially packing the house full and having a large party. Chairman Ure explains that this is more of a law enforcement concern than from the town zoning and building side if it were to become an ongoing issue. He states to the applicants that he hopes they will be doing background checks on any renters. Chairman Ure states that he wonders what kind of power they have to enforce this, not just with this applicant, but with any short-term rental application.

Attorney Sypole states that he pulled up the five criteria the Board considers for special use permitting. He explains that the quality of the water coming out of the faucet inside the house is not on that list. He explains that it is more about the effect the use would have on the neighbors. Attorney Sypole states that he's not going to suggest to the Board to waive this or not. Member Baruti states that the Board's checklist also states that they are responsible for assessing the water quality. Attorney Sypole states that he is looking at the five criteria for granting a special use permit that is in the ordinance: will be compatible with neighboring uses, will be environmentally compatible with neighboring properties, compatible with the orderly growth and development of the town, all best practices to minimize the possibility of adverse effects on neighboring property including but not limited to soil erosion, water supply protection, septic disposal, wetland protection, traffic

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limitation, and safety circulation. He continues to read, the purpose of the ordinance as set forth in the comp plan will be served by the special use permit.

He explains that the special use permit is really asking if this property will have an adverse effect on the neighboring properties water wise. Attorney Sypole explains that he does not see anything in the special use permit that says the Board needs to get into the quality of the water. Chairman Ure states that he doesn't necessarily disagree. He asks Attorney Sypole if it asks for the applicants to provide evidence of the water quality in the Board's application. Attorney Sypole states that he doesn't know the answer to that and he's sure the Board's checklist has existed for many years. Member Harrington states that the other problem is that if this well is in the basement, it more than likely is not a drilled well. He states that the well is probably only 10 feet deep. He explains there may be times when the well doesn't have sufficient water, especially if people are coming from the city that are not used to conserving water. Member Heil states that he is not concerned about the supply and not having sufficient water, the applicants will need to take that up with their clients on a case-by-case basis. He explains that his concern is quality. Member Baruti states that if Attorney Sypole is correct, he doesn't want the Board to overstep their bounds. He continues to say that if it is simply the supply that the Board is to be concerned with, then he would support a waiver. He explains that if the Board is to be concerned with the water quality, he would not support a waiver. Member Heil states that if the property does have a shallow well, and the surrounding neighbors also have shallow wells, that's where it could have negative impacts to the surrounding neighbors. He explains if the neighbors have deep wells and this property just happens to have a shallow well then, the applicants will be the only ones affected. Attorney Sypole states to Member Heil that his point goes to the five criteria that would be addressed at the hearing. He explains that letter H on the checklist is for water quality inside the home and he would agree with Chairman Ure that it does seem odd that it is part of the checklist. Member Baruti states that he is not concerned with the supply issue because it is a single-family house. He

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explains that another single-family homeowner could have a house the same size with 10 family members living there. Chairman Ure states that the proposed use, although it's a rental, is still residential. He continues to say that we have numerous rentals throughout town and while there is potential for a water usage issue if there were 10 people renting this property, that would drain all of the property's utilities and be a problem for the property owners.

Building Official Santilli states that he has seen wells that have gone dry. Chairman Ure asks if the Board has ever asked an applicant for a water quality test that's building a duplex or expanding a single-family. Attorney Cagen states that the applicants are planning on installing an artisan well. He states that if there is not enough water the applicants will not be able to rent out the property. Chairman Ure states that he believes the Board is of that same mindset. He continues to say that his concern is the quality of the water and having different people coming in. Chairman Ure states this is the Board's first time with an Air BnB application. He reiterates that the Board does not demand a water quality test on a duplex. Member Harrington states that the Board has not ever had an application for a duplex. Member Baruti explains that there is a distinction between a long-term and short-term rental. He states that with a long-term rental, the property owner is going to maintain a relationship with the tenant that has certain rights under the landlord-tenant act. He states that with a short-term rental, accountability is much more difficult. He explains that there is a strain on the building inspector's office and suggests the Board should take the time to cover as many of the health and safety issues as they can. Member Baruti states that if there wasn't a waiver being requested, he doesn't believe the Board would be having this discussion. He explains that if Attorney Sypole is telling the Board that this is outside the scope of their review, then he doesn't want to prejudice the application or make it any harder on the applicants. Member Baruti states that if Attorney Sypole is going to stand by his statement, he is going to withdraw any objection he would have to granting the waiver.

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Building Official Santilli states that if the house had a lack of water, it would be condemned. He explains if you don't have water, you don't have heat or minimum housing. He explains that he doesn't know how much power he has regarding water quality given that this is not a new house. Building Official Santilli states that for a new house, the Town of Hopkinton will get paperwork that states the water has no carcinogens. Member Harrington asks Building Official Santilli if that should be the minimum requirement. Building Official Santilli responds yes but he believes the Board can do whatever they want. Chairman Ure states that as a middle ground, the Board could ask for a water quality test. Member Harrington asks why the applicant can't use the water test they had done a year ago when they purchased the house if it is adequate. He explains that he believes the water quality tests now are more detailed than they were 10 years ago. Ms. Striulli states that they can get the water quality results for the Board. Chairman Ure explains that if the applicants go through their transaction records and are able to provide the water quality test, the Board would be a little bit more comfortable than if they were to waive this checklist item. He states that the Board doesn't want to create future problems with other applications. Member Heil states that he feels the Board is not addressing the other part of what Attorney Sypole suggested, the impact to the surrounding neighbors. Attorney Sypole states that he believes that would be a matter for the hearing. Chairman Ure states to Member Heil that the impact to the neighbors is a concern that can be applied at the hearing. He explains that the applicants are still using the property as a single-family home and that isn't unusual within a residential neighborhood. Chairman Ure states that his opinion is to not grant the waiver and make it subject to the receipt of the water quality test. He explains the test can be from their closing a year ago or a new test could be performed. Chairman Ure asks Attorney Cagen if he would object to that. Attorney Cagen states that his clients would be fine with that. Ms. Striulli states that she knows that they had a well inspection done because there were some issues surrounding that and the septic before they closed. Chairman Ure states that a lot

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of lenders are not very enthusiastic of wells located in the basement due to the potential of contamination. Chairman Ure states that if the applicants have receipt of that water quality test, then the Board could finish off this checklist item.

A MOTION WAS MADE BY MEMBER HARRINGTON TO DENY THE WAIVER FOR CHECKLIST ITEM H AND MAKE IT SUBJECT TO RECEIPT OF A WATER QUALITY TEST.

Member Heil asks Chairman Ure if the motion has to be made conditional upon the completion of item H. Chairman Ure states that that would have to be for the whole special use permit.

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER YORK TO DENY THE REQUEST FOR THE WAIVER.

Member Baruti states that he is voting to deny the waiver and is not going to support the requirement for a water test because on the advice of council he feels he might be overstepping his boundaries. He explains that he wants to make it clear why he is voting the way that he is. Member Baruti states that in his opinion it is because the application does not require it. Member Harrington asks the Board if going forward, on future applications if they are going to ignore item H. Chairman Ure states that the Board is going to move to the next step whether they approve checklist item H or not because they are denying the request on the waiver.

ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK THAT CHECKLIST ITEM H IS COMPLETE SUBJECT TO RECEIPT OF A WATER QUALITY TEST PERFORMED WITHIN THE

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PREVIOUS TWO YEARS. CHAIRMAN URE, MEMBER HARRINGTON, MEMBER YORK, AND MEMBER HEIL VOTED IN FAVOR. MEMBER BARUTI VOTED AGAINST. MOTION PASSED.

SO MOVED

Chairman Ure states to the applicants that they need to send out notifications to the abutters two weeks prior to the next meeting and bring back return receipts. He asks the applicants and their attorney to identify themselves for the record. They identify themselves as Nancy Striuli property owner, Martha Powers property owner, and Attorney Andrew Cagen representing the property owners.

Chairman Ure states to the applicants they will also need to provide the Board with copies of the OWTS septic plan and to add that to the original site plans. He continues to say that the applicants will also need to provide the Board with a water quality test. Attorney Cagen asks the Board if there is a deadline for submitting the water test results. Chairman Ure explains that the results can be given to the Board at the next meeting. Attorney Cagen asks if the OWTS septic plan is the document that Building Official Santilli has. Chairman Ure responds yes, that has a site map on it that has a location of the septic. He explains the copy of site plan the Board has does not show the new proposed septic. Attorney Cagen asks Building Official Santilli if that's the document that was supposed to have been delivered to the Town Hall. Building Official Santilli states that the Board should be getting their copies soon. He explains that the copy he has was probably delivered to his office today from DEM. Attorney Cagen asks Building Official Santilli who the go to person is at DEM. Building Official Santilli responds that they mail a copy to the owner also. Ms. Striuli states they did not receive their copy yet. Chairman Ure explains to the applicants that they will need to bring their copy to the Board to complete the application. Building Official Santilli advises the applicants that if they don't get their copy to stop by his office. Attorney Cagen asks the Board if there is a town form that should be used or if he should just explain what relief the

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applicants are seeking in the abutters notices. Chairman Ure advises Attorney Cagen to reach out to Building Official Santilli's office and they can help him. Building Official Santilli states to the applicant that if he stops by the office Sherry can type something up for him to send out. Chairman Ure explains to the applicants that they are looking for those three things and they'll be asked a lot of questions about what was discussed tonight at next month's meeting.

A MOTION WAS MADE BY MEMEBR YORK AND SECONDED BY MEMBER HARRINGTON TO APPROVE THE MINUTES FROM THE JULY 21 2022 MEETING. MEMBER BARUTI AND MEMBER HEIL RECUSE FOR THE VOTE SINCE THEY WERE ABSENT FOR THE MEETING. CHAIRMAN URE, MEMBER HARRINGTON, AND MEMBER YORK ALL VOTED IN FAVOR. THE MOTION PASSED.

SO MOVED

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO ADJOURN THE MEETING AT 8:16 PM. ALL IN FAVOR.

SO MOVED

Respectfully Submitted,

Katrina Caputo

Zoning Board Clerk

Next scheduled Meeting: September 15, 2022

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