

ZONING BOARD OF REVIEW, MEETING MINUTES – JUNE 16, 2022

State of Rhode Island

County of Washington

In Hopkinton on the sixteenth of June, 2022 A.D. the said meeting was called to order at 7:33 PM by Zoning Board of Review Chairman Jonathan Ure in the Town Hall Meeting Room with a moment of silent mediation and a salute to the Flag.

PRESENT: Johnathan Ure, Daniel Harrington, Ronnie Sposato, Joseph York, Chip Heil, Solicitor Per Vaage of Gidley, Sarli, and Marusak LLP.

Zoning Board Clerk: Katrina Caputo

Building Official Anthony Santilli

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

Sitting as the Board for Petition I: Ure, York, Sposato, 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.

Chairman Ure explains to the applicant of Petition I that the purpose of tonight’s meeting is to review the checklist and ensure it includes all the information needed. He explains the plan is to set up a hearing for next month if all components of the

## ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

checklist are complete. Member Sposato asks if there is a full-sized copy of the site map. The applicant's Engineer states that he does not believe a full-sized set of prints were submitted with the application. Member Harrington and Member Sposato agree the small copy of prints will be difficult to read.

CHECKLIST ITEM A: Three (3) copies of a site 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

Member York states there are four copies of the site plan and scale is at 1 inch= 40 feet. Chairman Ure states that the list of property owners has been provided but the site map has not been stamped and signed. Chairman Ure asks the applicant and his Engineer if they submitted a full-sized copy of the site map. The Engineer, Sam Hemenway, with Garofalo and Associates out of Providence, states that he did not submit the larger copy of the site map. He continues to say the plans are currently under review at DEM for wetlands and OWTS, at RIDOT for a physical alteration

## ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

permit, and to The Planning Board for development plan review. Mr. Hemenway states that he can provide larger site maps if needed.

Chairman Ure asks Mr. Hemenway if he drew this site plan and can point out anything the Board is having trouble finding. Mr. Hemenway states that yes, his stamp should be on it and he should be able to point out anything the Board needs. Mr. Hemenway continues to say, if the Board had the larger site map, they would see that they only have page 1 of 13 and the additional pages were not submitted with the application.

Chairman Ure states they the Board will need a signed and stamp copy of the site map for the Zoning Board records. He continues to say that the first item on Checklist A is deficient due to this.

Member Harrington explains that there may be the title page missing that contains the property owner's name and address. He continues to say the plat and lot number are present on the site map. Member Heil states the owner's name is present on the site map but not the address. Mr. Hemenway states the owner's address is present on the cover page as well as on the application. Member Harrington explains that the name of the project, Anderson mixed use, is present on the site map but not the owner's name, Woodridge LLC.

Member York explains that the site map does contain a date, north arrow, and graphics scale. Member Harrington asks Mr. Hemenway if the existing conditions plan is one of the missing site map sheets. Mr. Hemenway confirms that one of the missing pages is of the existing conditions.

## ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

Member York states that plat and lot, zoning districts, and setbacks are all on the site map. He also states that he does not see all the dimensions to the lot boundaries for the existing and proposed structures on the site map. Chairman Ure explains that he does see the dimensions for the green house garden center. Member Sposato asks if all the lot boundaries need to be as specific for an Aquifer Protection Permit since the plans fit within the setbacks. Member York states that it does need to be that specific. Chairman Ure asks Mr. Hemenway if the applicant owns 926 Main where the solar array is and if it is a separate lot or the same lot where the garden center is located. Mr. Hemenway responds that the applicant does own it and it is a separate lot. Chairman Ure explains to Mr. Hemenway that where the saw mill is located on the site map there is only a rear setback and not a side or a front on the map. Mr. Hemenway states that the setback lines are on the map. Chairman Ure explains that the distance from the proposed structures to the lot boundary lines needs to be added to the map. He asks Mr. Hemenway if he received a copy of the Aquifer Protection Permit Checklist. Mr. Hemenway responds that he did. Chairman Ure explains that the Checklist A items: existing and proposed structures, and their relationship and distances from lot boundary lines, name and address of the property owner, and a signed and stamped site map are all deficient.

Member York states that the existing and proposed parking areas and walkaways are on the site map. Member Heil asks Mr. Hemenway if the parking lot on the site map is already existing or if it is proposed. Mr. Hemenway responds that the existing parking lot is being reduced in size by approximately 35% and will be reconstructed and improved.

Chairman Ure states that the 911 address is on the top right of the site map. Member York states that Main Street, the septic tank, and well are on the site map. Mr. Hemenway states that he does not have any good records identifying the

## ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

specifics of the existing septic systems on the property. The proposed septic systems on the property will be a single bathroom in one of the buildings and a new leech field. Member Heil asks Mr. Hemenway to show the Board on the map where the leech field is proposed as he cannot see it. Mr. Hemenway stated it is on another sheet of the site map that was not submitted to the Board in the application. Member Sposato asks Mr. Hemenway if the applicant plans on utilizing the existing well. Mr. Hemenway responds that they were hoping to but the well has been inactive for quite some time. Member York asks if it will be used as a private well or a public well. Mr. Hemenway responds that at one time it was a public well before it became inactive. Mr. Hemenway explains if a brewery comes in the future, they will need a new well. Chairman Ure asks Mr. Hemenway if a brewery is an afterthought and not part of the current application. Mr. Hemenway explains that the brewery is part of a long-term plan and future phase. Member Sposato states that the applicant will need to come back before the Zoning Board when they are ready to propose the brewery. Member Heil states that the only part of this checklist item that is missing is the septic. Chairman Ure agrees.

Member York states that the list of names and addresses of all property owners within 200 feet of the subject property is there. Chairman Ure explains to Mr. Hemenway and the applicant the importance of the Best Management Practices work-plan. He states that the Board needs to know if there will be any hazardous materials on the property and what they are. Chairman Ure continues that the Board needs to know even if they are selling hazardous materials for example, fertilizers or liquid chemicals. Member Harrington explains that the Board needs a mitigation plan for how any problems relating to the chemicals will be dealt with so the aquifer is not damaged. Chairman Ure explains that the Board is trying to eliminate any potential of chemicals getting into the ground water because it is such an environmentally sensitive area and the town has really good water. Member Sposato states that Dodson's Boat Yard, located on 216, is one of the best

## ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

Management work-plans the Board has seen. He explains to the applicant and Mr. Hemenway that they need to show the Board how every chemical on the property will be stored.

Chairman Ure and Member Sposato discuss if mobile trucks with fuel tanks on them need to be addressed as part of the Best Management work-plan. Member Sposato explains that the trucks do not need to be addressed if they are not permanent fixtures on the property. He explains that a generator with diesel fuel power on the property would need to be a part of the best management work practice as that is a permanent fixture on the property. Member Sposato continues that if the proposed Saw Mill will be gas powered, then the Best Management work-plan will need to include how any hydraulic spillage from that will be handled. Member Sposato explains that Dodson's plan had a cabinet big enough for its own containment so if anything leaked it would be in the cabinet. Member Harrington states that the concrete slab in Dodson's building was sealed and had drainage to capture any leakage. Chairman Ure states that the Checklist A item Best Management work-plan is still deficient.

Member Harrington asks the applicant and Mr. Hemenway what the zoning is of the property with a house to the South of the proposed project. Mr. Hemenway responds that it is zoned manufacturing. Member Harrington explains that there is a different setback that applies if they are abutting from a residential zone with a commercial entity.

Chairman Ure asks Mr. Hemenway how likely it is that they can get a Best Management work-plan to the Board by next month's meeting. Mr. Hemenway responds that he can get the plan to the Board by then. Chairman Ure explains that even if there are other deficiencies, the Board can make them subject to receipt at

ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

the time of the hearing. Member Sposato asks the Board if they should submit the Best Management work-plan a week ahead of the next meeting. Member Harrington agrees that a week ahead of the next meeting will give the Board time to review it. Member Sposato asks Mr. Hemenway if he can get the Best Management work-plan to the board a week before the next hearing. Mr. Hemenway responds that he can. Chairman Ure explains that manufacturer's safety data sheet (MSDS) is usually submitted with the Best Management work-plan.

CHECKLIST ITEM B: Four 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 HEIL THAT CHECKLIST ITEM B WAS COMPLETE. ALL WERE IN FAVOR.

SO MOVED

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 it look like checklist item C is being submitted during developmental plan review.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK THAT CHECKLIST ITEM C IS SUBJECT TO THE

ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

APPLICANT PROVIDING EVIDENCE BEFORE THE NEXT HEARING THAT IT WAS SUBMITTED FOR APPROVAL WITH THE DEVELOPMENTAL PLAN REVIEDW. 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.

Member Harrington states checklist item D is currently pending at DEM.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK THAT CHECKLIST ITEM D IS SUBJECT TO THE APPLICANT PROVIDING EVIDENCE BEFORE THE NEXT HEARING THAT IT WAS SUBMITTED FOR APPROVAL. 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.

Member Sposato states that checklist item E is going to be with the prints. Member Harrington asks for clarification on the type of system. He goes on to say that it

ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

looked like the applicant had additional ledge tests that were required by DEM. Mr. Hemenway responds that is true and the system is just going to be for employees. Member Harrington states that the readings have a note on them for witness test tools for additional ledge probes. He continues that the water tables are high at 24 and 36.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER SPOSATO THAT CHECKLIST ITEM E IS SUBJECT TO THE APPLICANT PROVIDING EVIDENCE BEFORE THE NEXT HEARING THAT IT WAS SUBMITTED FOR APPROVAL. ALL WERE IN FAVOR.

SO MOVED

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

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

SO MOVED

Member Harrington asks Mr. Hemenway if the plans he submitted to DOD for curb cut will require them to look at the traffic study. The applicant's answer is indiscernible, except he does say they are more stringent on the requirements.

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

ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

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

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.

Member Harrington states that there is an Enchanted Forest water report that was submitted to the Board that is pending. Member Sposato states that the water is going to be retested. Member Harrington asks Mr. Hemenway if that will happen prior to the next meeting. Mr. Hemenway responds that it can be done before the next meeting.

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

SO MOVED

Chairman Ure explains to the applicant and Mr. Hemenway that the Board still needs the following checklist items completed:

- Checklist item A: Signed and stamped site map
- Checklist item A: Name and address of the property owner
- Checklist item A: Existing and proposed structures and relationship to lot boundary lines
- Checklist item A: New and existing septic plans

## ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

- Checklist item A: Best Management work-plan
- Checklist item C
- Checklist item D

Chairman Ure continues that Checklist item B, Checklist item F, Checklist item G, and Checklist item H were complete. Chairman Ure states to Mr. Hemenway to get the Board all of the missing checklist items before the July 21 meeting. If the applicant is unable to get all the items completed by then he should contact the Zoning Board and ask for an extension. Member Harrington explains that the applicant will need to notify all neighbors within a 200 foot radius of the subject property 14 days before the hearing by certified mail. Chairman Ure explains to the applicant that he should get return receipts for the letters that will need to be given to the Zoning Board at the time of the hearing. Member Sposato states that if the applicant is not ready for the July hearing, the neighbors will only have to notified once by certified mail. Chairman Ure states that the hearing will be scheduled for July 21, providing the applicant resolves all of the checklist deficiencies.

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

ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

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 that applicant has requested a continuance until the July 21<sup>st</sup> meeting.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER HEIL FOR A CONTINUANCE UNTIL JULY 21, 2022. ALL WERE IN FAVOR.

SO MOVED

Sitting as the Board for Petition IV: Ure, York, Sposato, 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 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 he has not been notified of the applicant requesting a continuance. Member Sposato states that the applicant did want a continuance.

ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 16, 2022

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK FOR A CONTINUANCE UNTIL JULY 21, 2022. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO TO APPROVE THE MINUTES FROM THE MAY 19, 2022 ZONING BOARD OF REVIEW MEETING. CHAIRMAN URE, MEMBERS YORK, SPOSATO, AND HEIL ALL VOTED IN FAVOR. MEMBER HARRINGTON RECUSED HIMSELF. MOTION PASSES.

SO MOVED

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER HEIL TO ADJOURN THE ZONING BOARD MEETING AND RECONVENE AS THE BOARD OF APPEALS. ALL WERE IN FAVOR.

SO MOVED

Respectfully Submitted,  
Katrina Caputo  
Zoning Board Clerk

Next scheduled Meeting: July 21, 2022