

ZONING BOARD OF REVIEW, MEETING MINUTES – SEPTEMBER 15, 2022

State of Rhode Island

County of Washington

In Hopkinton on the fifteenth of September, 2022 A.D. the said meeting was called to order at 7:03 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, 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: Alternate Member Phil Scalise; Town Council Liaison Michael Geary

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

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

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

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

SO MOVED

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

SO MOVED

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK THAT CHECKLIST ITEM D WAS COMPLETE SUBJECT TO FINAL APPROVAL BY DEM. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER HEIL THAT CHECKLIST ITEM E WAS COMPLETE RELATIVE TO THE APPLICATION. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER HEIL THAT THE AQUIFER PROTECTION CHECKLIST WAS COMPLETE SUBJECT TO FINAL APPROVAL BY DEM FOR CHECKLIST ITEM D. ALL IN FAVOR.

SO MOVED

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A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO CLOSE THE HEARING. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HEIL TO DISCUSS THE FINDINGS OF FACTS. ALL IN FAVOR.

SO MOVED

FINDINGS OF FACT:

- The owner states there will be no floor drains in any of the buildings.
- The owner states they are going to use granular fertilizer and not liquid fertilizer and organic where possible.
- The owner states the plants will be bought from a wholesaler and not grown on site.
- The owner states that any contaminated saw dust will be collected and treated as hazardous waste.
- The Best Management Practice work plan states that any flammable materials, varnishes, finishes, epoxies, will be stored in flame resistant storage containers/lockers in each building.
- The owner states that he is going to have containment bins and absorption pads where any potential flammable materials are stored.
- Any fuel tanks on the property will be above ground and will be on a concrete slab with containment walls around them to handle the volume of the fuel in the event of a spill.
- The green house will not have permeable floors, it will be on a concrete slab.
- Watering will be kept at a minimum to moderate level.

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A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO ACCEPT THE CONDITION OF THE INSTALLATION OF A BACKFLOW PREVENTER IN THE GREENHOUSE AND TO ACCEPT THOSE AS FINDINGS OF FACT. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HEIL THAT BASED ON THE FINDINGS OF FACT, THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL NOT RESULT IN CONCENTRATIONS OF POLLUTANTS IN THE GROUND WATER THAT WILL ADVERSLY EFFECT THE UNDERGROUND WATER SOURCE OF POTABLE WATER OR ITS CLASSIFICATION AS A GAA, SUITABLE FOR PUBLIC OR PRIVATE DRINKING WATER WITHOUT TREATMENT OR A GA, AS PROMULGATED IN THE RI DEM RULES AND REGULATIONS FOR GROUND WATER QUALITY IN ACCORDANCE WITH CHAPTER- 46 TAG 13.1 OF THE GENERAL LAWS OF RHODE ISLAND. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HEIL THAT THE ZONING BOARD, BASED ON THE FINDINGS OF FACT AND THE CONDITION IMPOSED, APPROVES THIS AQUIFER PROTECTION PERMIT. ALL IN FAVOR.

SO MOVED

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

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SO MOVED

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

SO MOVED

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

Petition II -Determine completeness of application/consider waivers/Hearing (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.

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Decision.

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

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

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT THE CHECKLIST FOR THE SPECIAL USE PERMIT AND THE DIMENSIONAL VARIANCE WAS COMPLETE. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO CLOSE THE HEARING. ALL IN FAVOR.

SO MOVED

FINDINGS OF FACT-

- There was testimony from the property owners tonight.
- There will be no parking in front of the existing building, they have blocked off that area with rocks.
- The proposed new building is located as such to avoid the septic system.
- All signs and lighting will be compliant with any town ordinances.
- Plans to use normal business hours for a five-day week of operation.

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- There will be no public restrooms.
- The interior of the existing building will have very limited seating.
- The new building will be used for greenhouse and plants sales, not restaurant sales.
- There are no neighbors at the hearing that are objecting, no negative feedback from them, just a few concerns that the Board has addressed.
- All of the property's past uses are very similar to the current proposed use. The proposed use is less intense than Holy Cow was.
- The owner has testified that there will be no activity taking place on the North side of the proposed building. Located between the new structure and the property line to the North.
- The OWTS system was conformed on April 7, 2011.
- The most recent use had a public water supply system certificate, license number 2428717.
- The record clearly states in the Exhibit A photos that there is a good visual buffer to the North on the abutting property of Mr. Ericksons. There is a 15-20 foot hedge on the Northern boundary line.
- The dimensional relief the applicant is asking for is the least possible to get the separation from the septic system.
- The applicant requested 28 feet of relief along the Northern property line and 32.8 feet along the front property line.
- Dimensionally the property has more than adequate parking for the square footage of the structures.
- The applicant has gone to great lengths to address the concerns about ingress and egress of traffic both on Main St and on Clarks Falls Rd.
- The applicant has proposed signage to discourage backing out onto the roads.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO ACCEPT THOSE AS FINDINGS OF FACT. ALL IN FAVOR.

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SO MOVED

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER HARRINGTON TO IMPOSE THE CONDITION OF STRICT ADHERANCE TO THE TOWN SIGNAGE AND LIGHTING ORDANINCES. ALL IN FAVOR.

SO MOVED

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

SO MOVED

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

SO MOVED

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

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CONDITION IMPOSED, 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 IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE FINDINGS OF FACT AND THE CONDITION IMPOSED, THE ZONING BOARD FINDS THAT THE PROPOSED USE SERVES THE PURPOSES OF THIS ORDINANCE AND THE COMPREHENSIVE PLAN FOR THE REASONS PREVIOUSLY STATED. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE FINDINGS OF FACT AND THE CONDITION IMPOSED, THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE BEST PRACTICES AND PROCEDURES TO MINIMIZE THE POSSIBILITY OF 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 IN FAVOR.

SO MOVED

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A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE PREVIOUSLY STATED FINDINGS OF FACT, CONDITIONS, AND THE TESTIMONY HEARD, AND DOCUMENTS RECIEVED, THE ZONING BOARD FINDS THAT THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF THE BOARD OF REVIEW BY LEGALLY COMPETENT EVIDENCE THAT THE PROPOSED USE MORE CLEARLY ADHERES TO THE INTENT AND PURPOSES OF THE ZONING ORDINANCE THAN THE PRESENT DEVELOPMENT. ALL IN FAVOR.

SO MOVED

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

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE FINDINGS OF FACT AND CONDITIONS, THE BOARD FINDS THAT THE HARDSHIPS FROM WHICH THE APPLICANT SEEKS RELIEF IS DUE TO THE UNIQUE CHARACTERISTICS OF THE SUBJECT LAND OR STRUCTURES AND NOT TO THE GENERAL CHARACTERISTICS OF THE SURROUNDING AREA AND IS NOT DUE TO PHYSICAL OR ECONOMICAL DISABILITY OF THE APPLICANT. ALL IN FAVOR.

SO MOVED

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A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE FINDINGS OF FACT AND CONDITIONS, THE BOARD FINDS THAT THE HARDSHIP IS NOT A RESULT OF ANY PRIOR ACTION OF THE APPLICANT AND IT DOES NOT RESULT PRIMARILY FROM THE DESIRE OF THE APPLICANT TO REALIZE GREATER FINANCIAL GAIN. ALL IN FAVOR.

SO MOVED.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE FINDINGS OF FACT AND CONDITIONS, THE BOARD FINDS 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 WITH THE COMPREHENSIVE PLAN UPON WHICH THIS ORDINANCE IS BASED. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE FINDINGS OF FACT AND THE CONDITIONS, THE BOARD FINDS THAT THE RELIEF TO BE GRANTED IS THE LEAST RELIEF NECESSARY. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT THE BOARD FINDS IN GRANTING THE DIMENSIONAL VARIANCE THAT THE HARDSHIP THAT WOULD BE SUFFERED BY THE OWNER OF THE SUBJECT PROPERTY IF THE

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DIMENSIONAL VARIANCE IS NOT GRANTED SHALL AMOUNT TO MORE THAN A MERE INCONVENIENCE, THE FACT THAT THE USE MAY BE MORE PROFITABLE OR THAT THE STRUCTURE MAY BE MORE VALUABLE AFTER THE RELIEF IS GRANTED SHALL NOT BE GROUNDS FOR RELIEF. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE PREVIOUS FINDINGS OF FACT AND THE CONDITIONS, THE ZONING BOARD APPROVES THE DIMENSIONAL VARIANCE. ALL IN FAVOR.

SO MOVED

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

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

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.

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Chairman Ure states that the applicants have requested a continuance to the October 20, 2022 meeting.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO CONTINUE THE APPLICATION TO THE OCTOBER 20, 2022 MEETING. ALL IN FAVOR.

SO MOVED.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO APPROVE THE MINUTES FROM THE AUGUST 18, 2022 MEETING. MEMBER SPOSATO RECUSED FOR THE VOTE SINCE HE WAS ABSENT FOR THE MEETING. CHAIRMAN URE, MEMBER HARRINGTON, MEMBER YORK, MEMBER BARUTI, AND MEMBER HEIL ALL VOTED IN FAVOR. THE MOTION PASSED.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO APPROVE THE MINUTES FROM THE JUNE 16, 2022 MEETING. MEMBER BARUTI RECUSED FOR THE VOTE SINCE HE WAS ABSENT FOR THE MEETING. CHAIRMAN URE, MEMBER HARRINGTON, MEMBER YORK, MEMBER SPOSATO, AND MEMBER HEIL ALL VOTED IN FAVOR. THE MOTION PASSED.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO ADJOURN THE ZONING BOARD MEETING AT 9:28 PM. ALL IN FAVOR.

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SO MOVED

Respectfully Submitted,

Katrina Caputo

Zoning Board Clerk

Next scheduled Meeting: October 20, 2022