

ZONING BOARD OF REVIEW MEETING MINUTES – NOVEMBER 17, 2022

State of Rhode Island

County of Washington

In Hopkinton on the seventeenth of November, 2022 A.D. the said meeting was called to order at 7:02 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, Joseph York, Ronnie Sposato, 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, and Town Council Liaison Michael Geary

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

*Member Harrington recused himself from this petition.*

Petition I- Determine completeness of application/consider waivers

A Petition for a Special Use Permit and a Dimensional Variance to allow for a new construction of a single-family home. Petition filed by Robert Bruce and Wendy Bruce with mailing address of PO Box 536, Hope Valley, RI 02832, for property located at 3 Lakeside Drive Extension, Hopkinton, RI 02804, and identified as AP 27 Lot 111, 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.

Filing fees paid and notice posted.

Discussion.

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Decision.

Chairman Ure explains that the applicant has requested a continuance to the December 15, 2022 meeting.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO GRANT A CONTINUANCE. MEMBER HARRINGTON RECUSED FOR THE VOTE, MEMBERS SPOSATO, YORK, URE, AND HEIL WERE IN FAVOR. MOTION PASSES.

SO MOVED

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

Petition III- 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.

Filing fees paid and notice posted.

Discussion.

Decision.

Chairman Ure explains that the applicant has requested to withdraw their application.

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A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO WITHDRAW THE APPLICATION WITHOUT PREDJUDICE. ALL IN FAVOR.

SO MOVED

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

*Member Harrington recused himself from this petition.*

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.

Filing fees paid and notice posted.

Discussion.

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Decision.

Chairman Ure explains that the applicant has requested a continuance to the January 19, 2023 meeting.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HEIL. MEMBER HARRINGTON RECUSED FROM THE VOTE, MEMBERS YORK, URE, SPOSATO, AND HEIL WERE IN FAVOR. MOTION PASSES.

SO MOVED

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

Petition II- Determine completeness of application/consider waivers

A Petition for a Special Use Permit to allow for the installation of ground mounted solar panels. Petition filed by Emiel Tetreault with mailing address of 152 Woodville Alton Rd, Hopkinton, RI 02833, for property located at 152 Woodville Alton Rd, Hopkinton, RI 02833, and identified as AP 9 Lot 16L, 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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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

Member Harrington states that one of the abutters shown on the site plan no longer owns the property. Chairman Ure explains that the applicant submitted a letter requesting to use an older septic site plan. Solicitor Vaage states that if nothing on the plan has changed from the time of the prior owner to the current owner, the site plan can be adopted. He continues to explain that the requirement for the current abutters names to be on the site plan could also be waived.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER SPOSATO TO APPROVE THE SEPTIC SITE PLAN THE APPLICANT PROVIDED. ALL IN FAVOR.

SO MOVED

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A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HEIL THAT CHECKLIST ITEM A IS COMPLETE. ALL 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 HEIL THAT CHECKLIST ITEM B IS COMPLETE. ALL 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.

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

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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.

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

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HEIL THAT CHECKLIST ITEM E IS COMPLETE. ALL 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 HEIL TO GRANT THE WAIVER FOR CHECKLIST ITEM F. ALL IN FAVOR.

SO MOVED.

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

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

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

SO MOVED

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

SO MOVED

Chairman Ure states to the applicant that they will be scheduled for a hearing on December 15, 2022. He asks the applicant if they have a copy of the solar ordinance. The applicant states that they do. Chairman Ure suggests that the applicant reviews section 5.3.3. He explains that there are a lot of sections in there that the Board will need information on at the hearing. Chairman Ure explains that



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the applicant will need a document or a letter from the solar company stating that they will not be producing more than 125% of their electricity need. He continues to explain to the applicant, that they will also need three years' worth of their electric history at the hearing to verify they are not producing more than 125%. Member Harrington explains to the applicant they will also want to research how far off of the property line the solar will be located. Chairman Ure states that the solar equipment needs to be set back 100 feet from the side or rear of the property. The applicant's solar representative explains to the Board that the lot is narrow and they will be requesting a 75-foot setback from the sidelines of the property. Chairman Ure explains that the ordinance states that any Special Use permit for a solar energy system may not be granted in conjunction with a Dimensional Variance permit. Member Harrington states that the total width of the property is only 170 feet.

The applicant's solar representative explains that they chose a spot for the ground mounted solar where they wouldn't have to cut down trees. She continues to say that if they move the ground mounted solar to meet the 100-foot sideline ordinance, they would have to cut down trees.

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

SO MOVED

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

SO MOVED

Chairman Ure states to the applicant that they will be scheduled for a hearing on December 15, 2022. He explains to the applicant and his solar representative to

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review section F and the numbered items in the solar ordinance before the hearing. He continues to say he wants them to be prepared if the Board asks any of those questions at the hearing. Chairman Ure asks the applicant to bring a copy of the engineering plans for the ground mounted solar panels to the Zoning Board Clerk to keep on file.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HEIL TO APPROVE THE MINUTES FROM THE OCTOBER 20, 2022 MEETING. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO ADJOURN THE MEETING AT 7:47 PM. ALL IN FAVOR.

SO MOVED

Respectfully Submitted,

Katrina Caputo

Zoning Board Clerk

Next scheduled Meeting: December 15, 2022