

ZONING BOARD OF REVIEW MEETING MINUTES – JANUARY 19, 2023

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth of January, 2023 A.D. the said meeting was called to order at 7:10 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 Baruti, Joseph York, Ronnie Sposato, Daniel Harrington, Chip Heil, and Solicitor Per Vaage of Gidley, Sarli, and Marusak LLP.

Zoning Board Clerk: Katrina Caputo

Building Official Anthony Santilli

Absent: Alternate Member Phil Scalise

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

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

A Petition for a Use Variance to allow for a kennel license at a residential property. Petition filed by Anthony and Sherrell Clemente with mailing address of 172 Lawton Foster Rd N, Hope Valley, RI 02832, for property located at 172 Lawton Foster Rd N, Hope Valley, RI 02832, and identified as AP 14 Lot 1, an RFR-80 Zone and filed in accordance with Section 9 of Chapter 134 of the Zoning Ordinances of Hopkinton, as amended.

Filing fees paid and notice posted.

Discussion.

Decision.

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Chairman Ure explains that the applicant has requested to withdraw their application. He states that they were able to obtain a kennel license from the Town Clerk.

A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO GRANT A WITHDRAWAL. ALL WERE IN FAVOR.

SO MOVED

Sitting as the Board for Petition II: Ure, York, Baruti, Sposato, & Heil
Member Harrington recused himself from this application.

Petition II – 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 III – 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.

Decision.

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Chairman Ure states that the Board spoke to the applicant's Attorney and requested that they withdraw their application without prejudice. He explains that this application has not moved forward in over a year. Chairman Ure states that the applicant's Attorney was fine with withdrawing the application.

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER SPOSATO TO ACCEPT THE APPLICANT'S REQUEST TO WITHDRAW THE APPLICATION WITHOUT PREJUDICE. MEMBER HARRINGTON RECUSED HIMSELF FROM THE VOTE. MEMBERS URE, BARUTI, YORK, SPOSATO, AND HEIL WERE IN FAVOR.

MOTION PASSES

Sitting as the Board for Petition II: Ure, York, Baruti, Sposato, & Heil
Member Harrington recused himself from this application.

Petition V- Determine completeness of application/consider waivers/Hearing

A Petition for a Dimensional Variance to allow for rear set-back relief for a shed. Petition filed by Robin and Cynthia Dubay with mailing address of 12 Church St, Ashaway, RI 02804, for property located at 12 Church St, Ashaway, RI 02804, and identified as AP 24 Lot 124, an R-1 Zone and filed in accordance with Section 9 of Chapter 134 of the Zoning Ordinances of Hopkinton, as amended.

Filing fees paid and notice posted.

Discussion.

Decision.

Chairman Ure explains that this applicant has requested a continuance to the February meeting as they still need the Surveyor to make updates to their site map.

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A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO GRANT A CONTINUANCE TO THE FEBRUARY MEETING. MEMBER HARRINGTON RECUSED HIMSELF FROM THE VOTE. MEMBERS URE, YORK, SPOSATO, BARUTI, AND HEIL WERE IN FAVOR.

MOTION PASSES

****A Stenographer was present.****

*****A transcript will be filed as part of this record.*****

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

Petition IV- Determine completeness of application/consider waivers/Hearing

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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A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER HARRINGTON TO DISCUSS THE FINDINGS OF FACT. ALL IN FAVOR.

SO MOVED.

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

SO MOVED

FINDINGS OF FACT:

- A solar expert's testimony was heard.
- The Board has the septic site plan and the aerial engineer's site and panel plan.
- The Board has a septic topographical map by David Gardiner and Associates.
- The Board has a landscaping plan that was provided in the original application which shows the additional vegetation around the perimeter.
- Mr. Tetreault provided testimony.
- There are no neighbors at the hearing that are opposed to the applicant's proposal.

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

SO MOVED

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A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT THE ISA BE SUBMITTED TO THE ZONING OFFICIAL BEFORE THE FORMAL ISSUANCE OF THE SPECIAL USE PERMIT. 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 NEIGHBORS' 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 CONDITION IMPOSED, THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL BE COMPATIBLE WITH THE ORDERLY GROWTH

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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 SPECIAL 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

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

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DOCUMENTS RECEIVED, 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. 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 HEIL TO APPROVE THE MINUTES FROM THE DECEMBER 15, 2022 MEETING. MEMBER HARRINGTON RECUSED HIMSELF FROM THE VOTE AS HE WAS NOT PRESENT. MEMBERS URE, YORK, BARUTI, SPOSATO, AND HEIL WERE IN FAVOR.

MOTION PASSES

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO TO ADJOURN THE MEETING AT 8:03 PM. ALL IN FAVOR.

SO MOVED

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Respectfully Submitted,

Katrina Caputo

Zoning Board Clerk

Next scheduled Meeting: February 16, 2023