

**TOWN OF HOPKINTON  
PLANNING BOARD**

**Wednesday, October 18, 2023**

**7:00 P.M.**

**Hopkinton Town Hall  
1 Town House Road, Hopkinton, RI 02833**

**CALL TO ORDER:**

In Hopkinton on the eighteenth day of October 2023 A.D. the meeting was called to order by Chairman Ronald Prellwitz at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

**MOMENT OF SILENT MEDITATION AND A SALUTE TO THE FLAG:** Chairman Prellwitz led the meeting in a salute to the Flag.

**ROLL CALL:**

Mr. Prellwitz, Mr. Wayles and Ms. Bolek were all in attendance. Interim Planner Ashley Sweet and Town Manager Brian Rosso were also in attendance and Interim Solicitor Stephen Sypole attended via Zoom.

**PRE-ROLL FOR NOVEMBER 1, 2023, PLANNING BOARD MEETING:** Mr. Prellwitz noted that he would be unable to attend and therefore there would not be a quorum. There was discussion regarding continuing that meeting to Monday, November 13, 2023.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO RESCHEDULE THE NOVEMBER 1, 2023 MEETING TO NOVEMBER 13, 2023 AT THE SAME TIME AND SAME LOCATION.

IN FAVOR: Prellwitz, Wayles, Bolek  
OPPOSED: None

SO VOTED

**APPROVAL OF MINUTES:**

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO EXTEND THE TIME TO APPROVE THE MINUTES FROM THE AUGUST 24, 2023 MEETING, SEPTEMBER 6, 2023 MEETING AND THE SEPTEMBER 20, 2023 MEETING.

IN FAVOR: Prellwitz, Wayles, Bolek  
OPPOSED: None

SO VOTED

**PROCEDURAL MATTERS BEFORE THE PLANNING BOARD:**

Mr. Prellwitz introduced Interim Planner Ashley Sweet who will be assisting the town until a permanent Planner could be hired. Ms. Sweet noted that she has worked for the Town of Hopkinton in the past. Town Manager Brian Rosso introduced Attorney Stephen Sypole who would be acting as Interim Solicitor until a new Solicitor could be hired.

**OLD BUSINESS:**

Development Plan Review – **Hopkinton Industrial Park General Warehousing-** Plat 4, Lot 13B, 0 Wellstown Road, Hopkinton Industrial Park LLC, applicant.

*The Planning Board will review, discuss and vote on the Applicant's request for a continuation to a date certain.*

Mr. Wayles noted that he did not have any correspondence from the applicant, so he was unsure of the date that they wished to continue this to. Interim Planner Sweet stated that she did not have any correspondence either so it would be up to the Board if they would like to add this to the November 13, 2023, agenda or continue the matter to December. Mr. Wayles felt that without knowing the date that the applicant requested they should probably continue this matter to the next meeting and find the correspondence or contact the applicant to determine if this was acceptable. If not, at the next meeting they could continue this again. This was agreed to by Interim Planner Sweet.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO CONTINUE THE DEVELOPMENT PLAN REVIEW OF HOPKINTON INDUSTRIAL PARK GENERAL WAREHOUSING TO THE NOVEMBER 13, 2023, MEETING.

IN FAVOR: Prellwitz, Wayles, Bolek

OPPOSED: None

**SO VOTED**

Public Hearing – Certified Complete Combined Stages of review: Major Subdivision – **Scalise 7-lot Residential Compound-** Plat 5, Lot 105D, 16 Estas Way, Philip and Laura Scalise, applicants.

*The Planning Board will review, discuss and possibly vote on the combined Master Plan/Preliminary Plan.*

Attorney Scott Levesque was present on behalf of the applicants.

Attorney Levesque wished to remind the Board that this project was a seven-lot residential compound. Currently there is one existing home on one of the lots and that lot plus four of the new lots will be phase one; phase two will be lots five and six. This residential compound was submitted and approved for a combined master and preliminary plan review and certified complete in August of 2023. Also submitted was a stormwater management plan prepared by Mr. Harrington and an engineering plan set by GZA. Attorney Landry stated that the applicant has obtained the RIPDES, Insignificant Alteration Permit, site suitability; the project is fully engineered; they have all permits in place; all of the lots comply with the zoning requirements; and the plan is for OWTS and

wells. There will be a homeowner's association and they have submitted some preliminary documents in that regard. The road is going to remain private, which is a requirement of the town. He noted that tonight they were asking for the Board to grant master and preliminary for both phases one and two and then at a later date they will be seeking final plan approval and that will probably be phased, bringing on lots one through four and seven as part of it and then the second phase will be lots five and six. He noted that they would also be asked for the Board to make both of those final plans administrative so the applicant would not need to come before the Planning Board again.

Ryan Dupont, a registered professional engineer in the State of Rhode Island stated that he worked for GZA at 188 Valley Street in Providence, Rhode Island. Mr. Dupont explained that this development included seven single family residential lots, one of which, lot seven, was already developed. The project will propose extending Estas Way as a twenty-foot-wide gravel roadway to a cul-de-sac at the end that services lots two, three and four; lots one, five and six will come off the roadway. The roadway itself will have a stormwater management system; there will be swales on each side of the road and the water will be held by a retention basin to control flow into the wetlands to the south of the project site and water will also pass through a sand filter for water quality treatment off the roadway. Each of the houses also has its own stormwater management system which consists of a sand filter and overflow will be conveyed into one of the two wetland complexes located to the south of the site. The project has already applied for wetlands and stormwater permits through the RI Department of Environmental Management which have been approved and granted to the site. The site will be serviced by electric which comes from overhead power which currently exists on Estas Way which will be converted to underground electrical transmission along the new roadway with a feed to each house and all lots will be serviced by an individual onsite wastewater disposal system. Each lot will be serviced by its own private water supply well as shown on the plan. Impacts to wetlands have been mitigated and DEM has already approved the site through the wetlands program. Mr. Wayles noted that he did not have a copy of the wetlands plan. Mr. Prellwitz asked if they had the DEM approval in hand and Mr. Dupont advised that they did, and a copy was shown to the Board. Mr. Wayles also asked if someone had a copy of the Certificate of Completion for the master plan. The Board also noted that they had not received any paperwork concerning the HOA. Attorney Landry noted that they could not be before the Board with a Certificate of Completion for the Preliminary Plan if they had not received a Certificate of Completion for the master plan for you cannot move to the next step without it. Mr. Wayles felt that they were asking for the combined master plan/preliminary plan together; Attorney Landry stated that normally he would agree however, the way they were told to proceed was to submit everything with master first; then they received a master certificate before they could ever submit anything on preliminary. He noted that this was not the way he would have done it; he would have submitted everything together and get combined master and preliminary, but that was how they proceeded. They do have a Certificate of Completion for master and a separate one for preliminary and they submitted them as separate applications. Ms. Bolek asked for the date of the preliminary plan certification, noting that she was unsure of when the time clock would end. Attorney Levesque advised that the preliminary plan was certified complete on August 1, 2023, and he and the applicants would assent to extending time to decide this matter and they will not make this an issue. Interim Planner Sweet noted that without extending the time, a

decision would need to be rendered by October 31, 2023. Attorney Levesque provided the Board with a copy of the HOA document.

Daniel Harrington, a registered land surveyor, was present. He noted that he lives at 7 Harringtons Crossing in Hope Valley. Mr. Harrington noted that he had prepared the survey plan for this property, and they also performed soil testing and the wetland delineation of the property. The total area of the property is 48.8 acres, and the Residential Compound Ordinance requires five acres of uplands per lot, and they have more than adequate uplands. The applicants tried to make the lots as big as possible, but DEM required the lot configuration to be pulled towards the cul-de-sac in order to try to limit the amount of drainage. These lots do meet all of the requirements of a residential compound. All septic systems were approved for four-bedroom system designs and the soils on lots one through four are all four- and five-foot water table which is adequate for conventional septic systems. Lots five and six had a two-to-three-foot water table, which will still be a conventional septic system; however, they will be a little more of a raised system. Lot seven, which is where Mr. and Mrs. Scalise live, also has a conventional septic system and that lot is close to seven acres. The property is predominantly wooded and surrounded by residential properties on all sides.

Attorney Levesque noted that the Scalise family was present if anyone had any questions of them. The intent of the HOA was that all of the infrastructure was going to be owned and maintained by the HOA and the town would not be responsible for any of that. He wished to note that the road would not be sought to be given to the town at any point. They provided a copy of the Certificate of Completion regarding the master plan which was dated July 3, 2023. The traffic study was previously waived by the Board. Attorney Levesque felt that they had provided all of the items necessary for both preliminary and master plan review and asked the Board to grant master and preliminary plan approval for both phases this evening and then to delegate final plan approval administratively for both phase one and phase two.

The Board discussed the application and noted that it was pretty straight forward. Mr. Wayles asked to see the letter dated December 14, 2022 received from the fire department advising that they approved the layout of the road; Attorney Levesque noted that this letter was part of the record.

Public Comment:

Carolyn Light of Forest Glen Drive indicated that having a gravel road sounded questionable to her; she felt that it should be tarred. Mr. Prellwitz noted that this was a private road and was never going to be turned over to the town and it basically was a driveway for the houses in the compound. Ms. Light asked if all of the required letters from the various Department heads had been submitted and Mr. Prellwitz noted that he had reviewed the checklist, and everything was checked off. Ms. Light suggested that any of the documentation that had been submitted for master and for this step that they were looking at now, they have a reasonable amount of time to review it to make sure that all of the required findings are there. It did not sound reasonable that they would be expected to approve this. She also asked that the Board clarify any waivers that might have been requested. She asked if the Board had a copy of the pro forma and wished to

make sure that this information had been included because it was a requirement. She also wished to know why the traffic study was waived and who made that decision. She did not believe the interim planner had an opportunity to consider the depth of the project. Mr. Prellwitz asked Mr. Scalise if he could answer that question and he stated it was due to their living on a private dirt road. Ms. Light thought the traffic study would be for the road that Estas Way fed into. Ms. Bolek believed they had come before the Board and all of these issues were discussed.

Anthony Franco of Beech Hill Road wondered what an adequate buffer was; he believed there was some open space that the town owned. Also, in the future, could this proposed private road eventually lead to the landlocked land in that area to be developed. Will the development in this area keep going? Mr. Prellwitz noted in looking at the map the landlocked property would remain landlocked. Regarding his question about an adequate buffer, Mr. Harrington explained that the town's zoning requirements were that a side yard required a minimum of forty feet and fifty feet in the rear. In looking at the plan, the closest house proposed had a buffer of six hundred to eight hundred feet. Down the road someone could apply to build a barn or put up a shed, but at the moment he felt the buffer was adequate.

Philip Scalise of Estas Way stated that in a residential compound there is a requirement to average approximately five acres per lot. They average approximately six and a half acres. The lots near Mr. Franco are between seven and nine acres and the lots on the side are more like eleven acres. Mr. Scalise noted that when he spoke with former Town Planner Jalette, she had noted that the only thing that she did not like about the project was that the houses are kind of close to the cul-de-sac. The Planning Board likes to maintain cut buffers because they like people having a lot of space and a lot of privacy, but the state wanted the homes closer together to minimize impact. Mr. Scalise also stated that neither he nor the HOA will ever grant access to the landlocked piece of property.

Attorney Levesque felt the Board had heard all of the evidence that he wished to submit and reiterated that they were looking for master and preliminary approval for both phases this evening and administrative final for both phases at a different date.

Mr. Wayles asked how the final could be approved administratively if there was no planner. Attorney Levesque indicated that the town's regulations say that it is the administrative officer who would get that, and the town will have someone acting in that capacity. Ms. Bolek noted that she was okay with this application.

The Board discussed whether they were required to make a decision or if they could extend this matter to further review the documents. Interim Planner Sweet advised that they had until October 30, 2023, to render a decision unless the applicant agreed to grant an extension. Attorney Levesque wished to place on the record that this process has been very lengthy and very costly for his clients and there is a level of frustration on their part. Their preference is to leave the meeting with a decision but if the Board truly needs additional time, then they would agree to continue the matter to November 13, 2023. Ms. Bolek noted that there was no objection from the Ashaway Fire Department and Public Works; she is fine with the information submitted.

Anthony Franco wished to add that he would like to see some type of documentation stating that the private road will only be a certain distance into the property and will never be extended to get to an additional piece of property in the future. Attorney Levesque noted that the applicant would be in agreement to put a note on the final plan that the road would not be extended any further to service other properties.

A MOTION WAS MADE BY MS. BOLEK AND SECONDED BY MR. WAYLES TO CLOSE THE PUBLIC HEARING FOR THE SCALISE FAMILY RESIDENTIAL COMPOUND.

IN FAVOR: Prellwitz, Wayles, Bolek

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO APPROVE THE APPLICATION FOR MASTER/PRELIMINARY PLAN FOR THE SCALISE FAMILY RESIDENTIAL COMPOUND, 7-LOTS PROPOSED FOR PLAT 5, LOT 105D, 16 ESTAS WAY, PHILIP AND LAURA SCALISE, APPLICANTS, BASED ON THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW.

#### FINDINGS OF FACT

1. Philip and Laura Scalise are the owners of subject property seeking to create a total of seven lots in a residential compound in two phases.
2. In December of 2022 the applicant sought and were granted a waiver from master plan checklist item (e)(16), traffic advisory report. Additionally, the Planning Board granted conditional approval to combine the master plan and preliminary plan stages of review subject to receipt of completed checklists as required by law.
3. On July 3, 2023, the Planner issued a Certificate of Completeness for master plan checklist.
4. On August 1, 2023, the Planner issued a Certificate of Completeness for preliminary plan checklist.
5. The subject parcel is located within a Zone X areas of minimum flooding as shown on the FIRM Community Map no. 44009C0065H. The property is not located in a natural heritage area or in a zoning overlay district.
6. The stormwater management plan was prepared by GZA Environmental in December of 2021 and revised in July of 2022.
7. On August 15, 2022, the RIDEM issued an Insignificant Alteration Permit for Wetlands Application no. 21-0325 and RIPDES no. RIR-102294 for plans dated July

27, 2022. This plan was required to be recorded in the Hopkinton Land Evidence Records. All terms and conditions are incorporated herein by reference.

8. On December 6, 2022, the Hopkinton Building & Zoning Department filed a letter indicating no objection to the applicant's request for waiver for the traffic report. Further, the Department had no objections to the proposed subdivision.
9. On December 6, 2022, the Hopkinton Department of Public Works filed a letter indicating completion of a site visit and no objections to applicant's application.
10. On December 14, 2022, Chief Ron Sposato of Ashaway Fire Department issued a letter indicating that he had reviewed the plan and had no concerns over the proposed driveway road extension of Estas Way.
11. The proposal is to create six new building lots in two phases. Phase one consists of four lots: Lot 1 is 4.26 acres with 3.5 acres of land suitable for development; Lot 2 is 6.19 acres with 6.19 acres of land suitable for development; Lot 3 is 9.51 acres with 9.51 acres of land suitable for development; and Lot 4 is 7.75 acres with 7.5 acres of land suitable for development. Phase two consists of three lots: Lot 5 is 6.16 acres with 3.9 acres of land suitable for development; Lot 6 is 8.74 acres with 4.3 acres of land suitable for development; and Lot 7 is 4.26 acres with 4.0 acres of land suitable for development.

#### CONCLUSIONS OF LAW

1. The proposed development is consistent with the comprehensive community plan.
2. Each lot of the proposed development conforms to the standards and provisions of the Hopkinton Zoning Ordinance.
3. At the preliminary stage of review there is no indication of significant negative environmental impact on the preliminary plan. The final plan decision will be made by the Planner.
4. The subdivision, as proposed, will not result in the creation of individual lots such that physical constraints to development that the building on those lots according to the pertinent regulations and building standards would be impractical.
5. All proposal land developments and all subdivision lots shall have adequate and permanent physical access to a public street.
6. The proposed development provides for safe circulation of pedestrian and vehicular traffic; for surface water runoff control; for suitable building sites; and for preservation of natural historic and cultural features that contribute to the attractiveness of the community with required conditions of approval.

7. The design and location of streets, building lots, utilities, drainage improvements and other improvements in the proposed development minimizes flooding and soil erosion with required conditions of approval.

ORDER

The proposed master plan and preliminary plan for phase one and phase two for Scalise Family Residential Compound are hereby approved together with the following conditions of approval:

- A. The requirements set forth in RIDEM's Insignificant Alteration Permit no. 21-0325 and RIPDES no. RIR-102294 are incorporated by reference herein.
- B. Final plan review is delegated to the Planner for phases one and two.
- C. Note on the final plan that the compound driveway will not be extended.

IN FAVOR: Prellwitz, Wayles, Bolek

OPPOSED: None

SO VOTED

Pre application Minor Subdivision Project- **Hall Minor Residential Compound- 3 lot Minor Subdivision-** Plat 8, Lot 10A, 223 Woodville Road, Hopkinton, RI

*The Planning Board will review and discuss this pre-application. No votes are authorized at pre-application.*

Applicant, Jeffrey Hall of 223 Woodville Road was present. He noted that his proposed plan was to divide off a lot for each of his two children. Mr. Hall explained that his parents purchased Lot 10 in 1984, which is just east of his lot. In approximately 1989 his parents gave him that land and now he would basically like to do the same thing for his children. The two proposed lots are going to be right off of his existing driveway so there would be no new entries onto Woodville Road. The front lot, proposed for his son, would be closest to the road but there would be a buffer between the house and the road because the driveway would come off of his driveway. The second lot will be for his daughter, and they haven't discussed the set up of that yet. There are no wetlands on either of the new lots. The closest wetland is all the way in the back of the property approximately 1,200 feet from either of the proposed new lots.

Ms. Bolek asked Mr. Hall if he was planning on doing any improvements to the driveway or if he would leave it as is. He noted that his hope was to leave it as is. It was an average sized driveway that they have been using since 1990. Mr. Prellwitz asked how wide it was and Mr. Hall suggested it was fourteen feet, but it may vary. Mr. Prellwitz asked if there would be any problem getting a fire truck to the homes if needed and Mr. Hall believed there would be no issue and stated that there has been big equipment in and out of there and his house which has been in existence, would be the furthest from the road. It was noted that Alfred DiOrio has performed the work on this subdivision. Mr. Prellwitz asked Mr. Hall if he had contacted DEM or any other agency yet and he



indicated no, they had not any of that yet. They notified all of the neighbors, two of which were present, and he had a letter from a third neighbor who supported the project. Mr. DiOrio had advised him to seek approval from the Board before applying for the other needed permits. Mr. Hall invited the Board members to come to visit the site if they wished. Mr. Wayles wished to hear from the neighbors.

Tammy Walsh of Woodville Road noted that she has lived at her residence since 1983. She stated Mr. Hall has been the best neighbor she has had and she would be very pleased to have his children as her neighbors. She hoped that this project would be approved.

Joe Moreau of Old Depot Road stated that he has known Tammy Walsh for over five years, and she is a very honest, straightforward person. It was nice to see a family passing their land on to other generations and he liked seeing family compounds.

Agnes Hall, Jeff's mother, was present and felt this was a great idea. She loved the idea of having the family together and had no objections to this project.

Mr. Prellwitz asked Interim Planner Sweet how they should proceed, and she noted that there was nothing to do on a pre-application, there were no votes to be rendered; the applicant was simply looking for Planning Board feedback so they can come back at the next stage of review. They would take any Planning Board feedback into consideration for the next stage of review. Mr. Wayles advised that he would like to see the property and Solicitor Sypole noted that if more than two members were to go they would need to notice it as a meeting. Interim Planner Sweet noted that she was a little confused because there was a Certificate of Incomplete in the file and she was unsure what that was regarding. It did not say what was incomplete and a pre-application is not typically certified because there was no provision to issue it as incomplete or complete in state law. Then there is reference to the certification in the narrative document which says that it was certified complete on June 22<sup>nd</sup>. She did not think there was really anything to do about this, she just wanted to bring this up for the record. She did not believe that it mattered that much because she did not believe there was any need to certify a pre-application. She did not want this to be a point of confusion going forward.

Mr. Hall asked if they were okay to move forward and the Board indicated yes.

**NEW BUSINESS:**

None.

**SOLICITOR'S REPORT:**

None. However, Solicitor Sypole wished to congratulate the Board on getting through this meeting successfully under the difficult circumstances going on at present.

**PLANNER'S REPORT:**

None.

**CORRESPONDENCE AND UPDATES:**

None

**PUBLIC COMMENT**

Joe Moreau of Old Depot Road stated that he was amazed that he would be getting home tonight before midnight. It was very refreshing to see the two projects that were approved. He felt that was what Hopkinton was about. People tend to forget that the Planning Board members do this as volunteers to help the town and he felt that it was unfair for the criticism that some members have taken over the last big project that was before them. He appreciated what they were doing and sorry for what they had to go through. At the recent Town Council meeting there were two residents who were interviewed for the Planning Board and from what he understands there are two additional residents that will be interviewed.

**DATE OF NEXT MEETING:**

November 13, 2023 at 7:00 p.m. in the Council chambers.

**ADJOURNMENT:**

A MOTION WAS MADE BY CHRISTINA BOLEK AND SECONDED BY CECIL WAYLES TO ADJOURN.

SO VOTED

Marita D. Murray, CMC  
Town Clerk