

## ZONING BOARD OF REVIEW MEETING MINUTES –FEBRUARY 15, 2024

State of Rhode Island

County of Washington

In Hopkinton on the fifteenth of February 2024 A.D. the said meeting was called to order at 7:04 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, Ronnie Sposato, Daniel Harrington, Joseph York, Daniel Baruti & Zoning Board Clerk: Katrina Caputo, Solicitor Per Vaage of Gidley, Sarli, and Marusak LLP

Absent: Chip Heil and Alternate Member Phil Scalise

Sitting as the Board for Petition I: Ure, York, Harrington, Baruti & Sposato  
Petition I- Determine completeness of application/consider waivers

A Petition for a Dimensional Variance to allow for a single-story expansion. Petition filed by Kathleen Esposito and Kieran McAndrew with mailing address of 39-16 47<sup>th</sup>, Sunnyside, NY, 11104, for property owned by Kathleen Esposito and Kieran McAndrew located at 72 Laurel St, Ashaway, RI, 02804, and identified as AP 024 Lot 167, 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.

Applicant or representative present.

Filing fees paid and notice posted.

Discussion.

Decision.

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Chairman Ure requests the applicant apply for a Special Use Permit as well as a Dimensional Variance due to the fact this is a pre-existing non-conforming lot. Chairman Ure explains that the State and Town just changed their zoning ordinance and the date of this application pre-dates those changes. He states that the board will go through the Special Use Checklist tonight.

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

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

SO MOVED

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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.

The Board requests the applicant add the Town of North Stonington, the Town of Westerly, and HBLEL LLC to the abutters list.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON 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 SPOSATO AND SECONDED BY MEMBER YORK THAT CHECKLIST ITEM C IS COMPLETE SUBJECT TO DEM APPROVAL. 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 application is regulated by the R.I. Freshwater Wetlands Act, a physical alteration

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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 THAT CHECKLIST ITEM D IS COMPLETE SUBJECT TO DEM APPROVAL. 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 HARRINGTON AND SECONDED BY MEMBER YORK THAT CHECKLIST ITEM E IS COMPLETE SUBJECT TO DEM APPROVAL. ALL IN FAVOR.

SO MOVED

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

Chairman Ure advises the applicant to amend their application to request a waiver for Checklist Item F.

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

SO MOVED.

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 MEMEBR 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 YORK THAT CHECKLIST ITEM H IS COMPLETE. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT THE SPECIAL USE AND DIMNESIONAL VARIANCE CHECKLISTS ARE COMPLETE. ALL IN FAVOR.

SO MOVED

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Sitting as the Board for Petition II: Ure, York, Harrington, Baruti, & Sposato  
Petition II- Determine completeness of application/consider waivers

A Special Use Permit to allow for the installation of ground mounted solar panels. Petition is filed by Bright Planet Solar, Robin Klein, with mailing address of 1451 Grafton St, Worcester, MA 01604, for property owned by Sergio and Rebecca Bueno located at 178 Skunk Hill Rd, Hopkinton, RI 02832, and identified as AP 21 Lot 3F, 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.

A representative from Bright Planet Solar was present.

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)

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- Date, north arrow, graphic scale, lot dimensions and area
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- 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

The board requests the applicant print out full size site plans for the Hearing.

The Board discusses whether the applicant needs to reconfigure the solar array to allow it to meet sideline and setback requirements.

Member Baruti explains to the representative that the solar array will have to be moved since the Building Official can only approve a 25% dimensional variance and the current location of the solar array will require more than that. Member Baruti and Chairman Ure advise the representative to restart the application and submit a new one since so many areas are still deficient.

Chairman Ure explains that the board will table the application for tonight and continue it to the March 21<sup>st</sup>, 2024, meeting.

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A MOTION WAS MADE BY MEMBER SPOSATO AND SECONDED BY MEMBER YORK TO CONTINUE THE APPLICATION TO THE MARCH 21<sup>ST</sup>, 2024 MEETING. MEMBERS URE, YORK, HARRINGTON, AND SPOSATO WERE IN FAVOR. MEMBER BARUTI WAS NOT IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO TO ACCEPT THE MINUTES FROM JANUARY 4<sup>TH</sup>, 2024. ALL IN FAVOR. MEMBER BARUTI ABSTAINED.

SO MOVED

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER HARRINGTON TO ACCEPT THE MINUTES FROM THE DECEMBER 21<sup>ST</sup>, 2024 MEETING. ALL IN FAVOR. MEMBER YORK ABSTAINED.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO TO ADJOURN THE MEETING AT 8:16 PM. ALL IN FAVOR.

SO MOVED

Respectfully Submitted,

Katrina Caputo

Zoning Board Clerk

Next scheduled Meeting: March 21st, 2024