

ZONING BOARD OF REVIEW MEETING MINUTES –MARCH 21, 2024

State of Rhode Island

County of Washington

In Hopkinton on the twenty-first of March 2024 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, Ronnie Sposato, Daniel Harrington, Joseph York, Daniel Baruti & Zoning Board Clerk: Katrina Caputo, Solicitors Kenneth Sylvia and Stephen Sypole of Gidley, Sarli, and Marusak LLP

Building Official: Anthony Santilli, Deputy Zoning Official: Sherri Desjardins

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 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.

Filing fees paid and notice posted.

Discussion.

Decision.

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Chairman Ure explains that the applicants have requested a continuance. Chairman Ure asks the Building Official Santilli if he has heard from the applicant about requesting a dimensional modification. Building Official Santilli states that he has not heard from them.

Chairman Ure explains that with the way the solar ordinance is written, the board can't issue a Dimensional Variance and they also can't issue a Special Use Permit because the proposed location of the ground mounted solar array does not meet sideline and setback requirements.

Chairman Ure states that this application has been going on for a year and a half.

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER HARRINGTON TO DISMISS THE APPLICATION WITHOUT PREJUDICE. ALL IN FAVOR.

SO MOVED

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

A Petition for a Special Use Permit and a Dimensional Variance to allow for a single-story expansion. Petition filed by Kathleen Esposito and Kieran McAndrew with mailing address of 39-16 47th, 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 8C and 10 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Applicant or representative present.

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Filing fees paid and notice posted.

Discussion.

Decision.

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

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

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

SO MOVED

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

SO MOVED

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

SO MOVED

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A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO ENTER THE FOLLOWING AS FINDINGS OF FACT. 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 WERE 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 WERE 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 IMPOSED, THE ZONING BOARD FINDS THE PROPOSED USE COMPATIBLE WITH THE ORDERLY GROWTH AND DEVELOPMENT OF THE TOWN AND WILL NOT BE ENVIRONMENTALLY DETRIMENTAL THEREWITH. ALL WERE IN FAVOR.

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SO MOVED

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

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT BASED ON THE FINDINGS OF FACT, CONDITION IMPOSED, TESTIMONY HEARD, DOCUMENTS RECEIVED, THE ZONING BOARD FINDS THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF THE BOARD BY LEGALLY COMPETENT EVIDENCE THAT THE PROPOSED USE MORE CLOSELY ADHERES TO THE INTENT AND PURPOSES OF THE ZONING ORDINANCE. ALL WERE IN FAVOR.

SO MOVED

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

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FACT AND THE CONDITIONS IMPOSED, THE ZONING BOARD APPROVES THE SPECIAL USE PERMIT. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO THAT IN GRANTING A VARIANCE, THE ZONING BOARD SHALL REQUIRE THAT EVIDENCE SATISFYING THE FOLLOWING STANDARDS BE ENTERED IN THE RECORD OF THE PROCEEDINGS. THE FIRST IS THAT THE HARDSHIP 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 A PHYSICAL OR ECONOMIC DISABILITY OF THE APPLICANT. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER HARRINGTON TO START THE DIMENSIONAL VARIANCE CHECKLIST OVER. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO THAT IN GRANTING A VARIANCE, THE ZONING BOARD SHALL REQUIRE THAT EVIDENCE SATISFYING THE FOLLOWING STANDARDS BE ENTERED IN THE RECORD OF THE PROCEEDINGS. THE FIRST IS THAT THE HARDSHIP FROM WHICH THE APPLICANT SEEKS RELIEF IS DUE TO THE UNIQUE CHARACTERISTICS

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OF THE SUBJECT LAND OR STRUCTURES AND NOT TO THE GENERAL CHARACTERISTICS OF THE SURROUNDING AREA AND IS NOT DUE TO A PHYSICAL OR ECONOMIC DISABILITY OF THE APPLICANT. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO THAT THE HARDSHIP IS NOT THE RESULT OF ANY PRIOR ACTION OF THE APPLICANT. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO THAT GRANTING OF THE REQUESTED VARIANCE WILL NOT ALTER THE GENERAL CHARACTERISTICS OF THE SURROUNDING AREA OR IMPAIR THE INTENT OR PURPOSE OF THE ZONING ORDINANCE OR THE COMPREHENSIVE PLAN UPON WHICH THIS ORDINANCE IS BASED. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO THAT THE ZONING BOARD SHALL, IN ADDITION TO THE ABOVE STANDARDS REQUIRED, AS EVIDENCE BE ENTERED INTO THE RECORD OF PROCEEDINGS SHOWING THAT IN GRANTING A DIMENSIONAL VARIANCE THAT THE HARDSHIP WILL BE SUFFERED BY THE OWNER OF THE SUBJECT PROPERTY IF THE DIMENSIONAL VARIANCE IS NOT GRANTED SHALL AMOUNT TO MORE THAN A MERE INCONVENIENCE, MEANING THE RELIEF SOUGHT IS MINIMAL TO THE

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REASONABLE ENJOYMENT OF THE PERMITTED USE WHICH THE PROPERTY IS PROPOSED TO BE DEVOTED. ALL IN FAVOR.

SO MOVED

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

A Petition for a Dimensional Variance to construct a 20' x 26' addition to the Hopkinton Animal Shelter. Petition filed by The Town of Hopkinton with mailing address of 1 Town House Rd , Hopkinton, RI, 02833, for property owned by The Town of Hopkinton located at 395 Woodville Rd, Hopkinton, RI, 02833, and identified as AP 07 Lot 045, 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.

Chairman Ure states that both Solicitor's and Member Baruti have to recuse themselves for this application.

Deputy Zoning Official, Sherri Desjardins, is here on behalf of the Town. She explains that the variance needed is one-foot greater than the 25% administrative variance her office is able to permit.

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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
- Any peculiar site conditions or features

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

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SO MOVED

CHECKLIST ITEM C: 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 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 YORK AND SECONDED BY MEMBER HARRINGTON TO GRANT THE WAIVER FOR CHECKLIST ITEM C. ALL IN FAVOR.

SO MOVED

CHECKLIST ITEM D: 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 HARRINGTON THAT CHECKLIST ITEM D IS COMPLETE. ALL IN FAVOR.

SO MOVED

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

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

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON THAT THE APPLICATION FOR A DIMENSIONAL VARIANCE IS COMPLETE. ALL IN FAVOR.

SO MOVED.

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO ACCEPT THE MINUTES FROM THE FEBRUARY 15th, 2024 MEETING. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO TO ADJOURN THE MEETING AT 7:48 PM. ALL IN FAVOR.

SO MOVED

A full audio and video transcript of this meeting can be found at:

<https://www.youtube.com/@HopkintonRI/streams>

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Respectfully Submitted,

Katrina Caputo

Zoning Board Clerk

Next scheduled Meeting: April 18th, 2024