

ZONING BOARD OF REVIEW MEETING MINUTES – JUNE 15, 2023

State of Rhode Island

County of Washington

In Hopkinton on the fifteenth of June 2023 A.D. the said meeting was called to order at 7:03 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, Joseph York, Daniel Baruti, Ronnie Sposato, Chip Heil, Solicitor Per Vaage of Gidley, Sarli, and Marusak LLP, Zoning Board Clerk: Katrina Caputo, Building Official Anthony Santilli

Absent: Daniel Harrington and Alternate Member Phil Scalise

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

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

A Special Use Permit to allow for the installation of ground mounted solar panels. Petition is filed by Scott LeDuc, 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 states that the applicant has requested a continuance to the July meeting.

A MOTION WAS MADE BY MEMBER HEIL AND SECONDED BY MEMBER YORK TO GRANT A CONTINUANCE TO THE JULY 20TH, 2023 MEETING. ALL IN FAVOR.

SO MOVED

Sitting as the Board for Petition II: Ure, York, Baruti, Sposato & Heil
Petition II – Hearing

A Special Use Permit to allow for an addition to be used as a nurse’s office and team room. Petition is filed by Wood River Health Services, with mailing address of 823 Main St Hopkinton, RI, 02832, for property owned by Wood River Health Services located at 823 Main St Hopkinton, RI, 02832, identified as AP 14 Lot 47A, an RS 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 stenographer was present.****

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

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FINDINGS OF FACT:

- The proposed addition will be on a concrete slab and will not have a basement.
- The construction of the new addition will have minimal disturbance to the site area.
- The wetlands on the site are far removed from the area of the proposed addition.
- The proposed addition requires no additional parking.
- The proposed addition is for existing staff and patients, it will not create additional traffic.
- There will be one hundred and sixteen parking spaces and only one hundred and one are required by the square footage.
- No additional water or septic sources will be required for the proposed addition.
- There is no additional signage for the proposed addition.
- The proposed addition will not change the landscaping aside from filling in a small alcove.
- There is no additional exterior lighting being added for the proposed addition.
- Testimony was given by Attorney Fracassa and Olivia Crosby from WSP.

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

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HEIL THAT THE ZONING BOARD FINDS, BASED ON THE FINDINGS OF FACTS AND THE CONDITION IMPOSED, THAT THE

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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 HEIL THAT BASED ON THE FINDINGS OF FACT AND THE CONDITION IMPOSED, THE ZONING BOARD FINDS THAT THE PROPOSED MODIFICATIONS TO THE EXISTING STRUCTURE 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 BARUTI THAT BASED ON THE FINDINGS OF FACT AND THE CONDITION IMPOSED, THE ZONING BOARD FINDS THAT THE PROPOSED MODIFICATIONS TO THE EXISTING STRUCTURE WILL BE COMPATIBLE WITH THE ORDERLY GROWTH 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 BARUTI THAT BASED ON THE FINDINGS OF FACT AND THE CONDITION IMPOSED, THE ZONING BOARD FINDS THAT THE PROPOSED MODIFICATIONS TO THE EXISTING STRUCTURE WILL BE

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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 BARUTI THAT BASED ON THE PREVIOUSLY STATED FINDINGS OF FACT, CONDITIONS, AND THE TESTIMONY HEARD, AND 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 MODIFICATIONS TO THE EXISTING STRUCTURE 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 BARUTI THAT BASED ON THE FINDINGS OF FACT AND CONDITIONS, THE ZONING BOARD APPROVES THE SPECIAL USE PERMIT. ALL IN FAVOR.

SO MOVED

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Sitting as the Board for Petition III: Ure, York, Baruti, Sposato & Heil
Petition III – 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.

Applicant or representative present.

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 SPOSATO TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR.

SO MOVED

FINDINGS OF FACT:

- Based on the testimony from Mr. Buck, the wooden shed to the West predates the zoning ordinance.
- A Church representative gave testimony that they are satisfied with the measures the applicant has taken to remove the sheds that were their primary concern.

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- The two structures that remain on the property are well outside of the setback.
- The applicant provided adequate evidence of notice to all of the abutting neighbors.
- Testimony was given by the applicant, Eric Buck, and the Assistant Pastor representing the Church.
- There are no neighbors present that are objecting.

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

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER BARUTI THAT IN GRANTING A VARIANCE, THE ZONING BOARD SHALL REQUIRE THAT EVIDENCE SATISFYING THE FOLLOWING STANDARDS BE ENTERED INTO 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 IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER BARUTI THAT THE HARDSHIP IS NOT AS A RESULT OF ANY

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PRIOR ACTION OF THE APPLICANT AND DOES NOT RESULT PRIMARILY FROM THE DESIRE OF THE APPLICANT TO REALIZE GREATER FINANCIAL GAIN. ALL IN FAVOR.

SO MOVED

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

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER BARUTI THAT THE RELIEF TO BE GRANTED IS THE LEAST RELIEF NECESSARY. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER BARUTI 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. THE FACT THAT THE USE MAY BE MORE PROFITABLE OR THAT THE STRUCTURE MAY BE MORE VALUABLE

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AFTER THE RELIEF OF VARIANCE SHALL NOT BE GROUNDS FOR RELIEF. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER BARUTI THAT THE ZONING BOARD, BASED ON THE PREVIOUS FINDINGS OF FACT, WE APPROVE THIS REQUESTED DIMENSIONAL VARIANCE. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER SPOSATO TO APPROVE THE MINUTES FROM THE MAY 18TH, 2023 MEETING. ALL IN FAVOR.

SO MOVED

Sitting as the Board for the Solar Workshop: Ure, York, Baruti, Sposato & Heil
Solar Workshop-

Discussion of concerns regarding the accessory solar energy systems ordinance.
(Section 5.3.3)

Member Sposato asks the board if anyone else is reviewing the solar ordinance. Solicitor Vaage states that the frustrations the board is having are due to there being no flexibility with the dimensional regulations. He continues to say that the board is trying to propose some solutions to the Town Council. Solicitor Vaage explains that the board wants to make it more practical for someone wanting to install a ground mounted solar array on their property without having to jump through a bunch of hurdles.

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Chairman Ure states that they need the Town Council to look at this ordinance and amend it. He explains that the Building Official is the only one that can grant an administrative modification. The board has differences of opinion on if the applicant should go to the Building Official first for an administrative modification or if they should come before the board first for a Special Use Permit.

Solicitor Vaage states that there is a massive overhaul of the zoning statues coming down the pipeline. He explains that the zoning ordinances will basically have to be re-written. Solicitor Vaage continues to advise the board that it is a good time to get their thoughts on paper to the Town Council but explains that they likely won't make any changes until the overhaul occurs. Member Baruti states that the overhaul could take years. Chairman Ure states that the Town has been working on it for years, but it keeps getting put on the back burner. Solicitor Vaage explains that he believes the board's input will be helpful to the Town Council. He explains that residents are getting crushed by their electric bill and want to offset their power cos but have less ability to do so than a commercial solar farm would.

Member Baruti states that the current ordinance was so narrowly tailored that it has had an unintended negative effect. He asks why the board is turning things over to the Building Official's office and why the zoning board does not have the same authority. Solicitor Vaage suggests that the board come up with some bullet points that make the ordinance more user friendly for the applicant with setbacks built into it. Member Sposato proposes that the board does this with the help of Solicitor Vaage and asks one of the Council members to sponsor it. Chairman Ure states the biggest hurdle with the ordinance is the dimensions.

The board continues to discuss the ordinance with the Solicitor.

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Solicitor Vaage advises the board to make a list of what they would like changed in the ordinance. The board discusses putting dimensional standards on the list as well as the requirement for three years of past electric bills for ground mounted arrays. The board agrees that the most recent electric bill should be sufficient. The board also discusses changing the height requirements in the ordinance.

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER SPOSATO THAT SOLICITOR VAAGE CREATES A PROPOSAL OF THE REQUESTED SOLAR ORDINANCE CHANGES. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER YORK TO CONTINUE THE SOLAR WORKSHOP DISCUSSION TO THE JULY 20TH, 2023 MEETING. ALL IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER BARUTI AND SECONDED BY MEMBER YORK TO ADJOURN THE MEETING AT 8:25 PM. ALL IN FAVOR.

SO MOVED

Respectfully Submitted,

Katrina Caputo

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Zoning Board Clerk

Next scheduled Meeting: July 20, 2023