Zoning Ordinance

Town of Hopkinton

Contents

Town of Hopkinton **2**

Zoning Ordinance . . . 2
§ 1. General purpose . . . 2
§ 2. Definitions . . . 3
§ 3. Compliance with this ordinance . . . 9
§ 4. Division into districts . . . 9
§ 5. District use regulations . . . 10
§ 5.1. Supplementary regulations—Telecommunications towers, cellular/PCS towers and antennas 45
§ 5.2. Supplemental regulations, accessory dwelling units . . . 49
§ 5.3. Reserved . . . 50
§ 5.4. Affordable housing fund . . . 50
§ 5.5. Solar energy systems . . . 52
§ 5.5.1. Purpose and applicability . . . 52
§ 5.5.2. Large scale solar energy systems . . . 53
§ 5.5.3. Accessory solar energy systems . . . 53
§ 5.5.4. Contaminated site solar energy systems . . . 55
§ 5.5.5. Inspection and enforcement . . . 59
§ 6. Dimensional regulations . . . 59
§ 7. Substandard lots of record . . . 61
§ 8. Nonconforming development . . . 61
§ 9. Variances . . . 62
§ 10. Special-use permits . . . 63
§ 11. Special conditions . . . 64
§ 12. Creation of vested rights . . . 64
§ 13. Modifications . . . 65
§ 14. Land development projects . . . 66
§ 15. Development plan review . . . 69
§ 16. Zoning ordinance adoption and amendment . . . 70
§ 17. Administration and enforcement of the zoning ordinance . . . 72
§ 18. Custody and maintenance of the zoning ordinance . . . 73
§ 19. Zoning board of review, establishment and procedures . . . 73
§ 20. Zoning board of review, powers and duties . . . 73
§ 21. Application procedure . . . 74
§ 22. Prosecution of violations . . . 75
§ 23. Zoning board of review, decisions and records . . . 75
§ 24. Appeals to the zoning board of review . . . 76
§ 25. Participation in zoning hearing . . . 77
§ 26. Appeals to the superior court . . . 77
§ 27. Signs . . . 78
§ 28. Off-street parking . . . 88
§ 29. Off-street loading requirements . . . 89
§ 30. Number of structures on a lot . . . 89

§ 31. Height restrictions . . . 89
§ 32. Lots divided by a zoning district boundary . . . 89
§ 33. Flood hazard overlay district . . . 90
§ 34. Effective date . . . 90
§ 35. Severability . . . 91
§ 36. Adult entertainment use . . . 91
§ 37. Reserved . . . 94
§ 38. Comprehensive permit for low or moderate income housing . . . 94
§ 39. Adaptive reuse . . . 99
§ 40. Unified development review . . . 100
§ 41. Technical review committee . . . 101

Town of Hopkinton

Zoning Ordinance

This document reflects the ordinance as adopted through September 2026.

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§ 1. General purpose

The zoning regulations set forth in this ordinance have been developed in accordance with the comprehensive plan for the Town of Hopkinton prepared and adopted in accordance with R.I.G.L., chapter 45-22.2, and shall be maintained in accordance with said plan as it may be amended, to address the following purposes, each with equal priority and numbered for reference purposes only:

- – (1) To promote the public health, safety, and general welfare.
  - – (2) To provide for a range of uses and intensities of use appropriate to the character of the town, and reflecting current and expected future needs.
  - – (3) To provide for orderly growth and development which recognizes:
    - ∗ (a) The goals and patterns of land use contained in the Hopkinton Comprehensive Community Plan adopted pursuant to R.I.G.L., chapter 45-22.2;
    - ∗ (b) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
    - ∗ (c) The values and dynamic nature of freshwater ponds and wetlands;
    - ∗ (d) The values of unique or valuable natural resources and features;
    - ∗ (e) The availability and capacity of existing and planned public and/or private services and facilities, and the lack of feasibility of providing public sewage disposal or the extension of public water facilities;
    - ∗ (f) The need to shape and balance suburban and rural development; and
    - ∗ (g) The use of innovative development regulations and techniques.
  - – (4) To provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
  - – (5) To provide for the protection of the natural, historic, cultural, and scenic character of the Town of Hopkinton or areas therein.
  - – (6) To provide for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

- (7) To provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
- (8) To promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
- (9) To provide opportunities for the establishment of low and moderate income housing.
- (10) To promote safety from fire, flood, and other natural or man-made disasters.
- (11) To promote a high level of quality in design in the development of private and public facilities.
- (12) To promote the implementation of the Hopkinton Comprehensive Community Plan adopted pursuant to R.I.G.L., chapter 45-22.2.
- (13) To provide for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond Town of Hopkinton boundaries or have a direct impact on the Town of Hopkinton.
- (14) To provide for efficient review of development proposals, to clarify and expedite the zoning application process.
- (15) To provide for procedures for the administration of the Zoning Ordinance.

(Ch. 134, § 1, 12-19-94)

§ 2. Definitions

The following words or terms used in this ordinance shall have the following meanings:

Abutter. One whose property adjoins the property of another at a border, boundary, or point with no intervening land.

Accessory dwelling unit (ADU). A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities for one (1) or more persons. It may take various forms including, but not limited to: A detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

Accessory solar energy system. A solar energy system that is either 1) entirely roof-mounted or 2) ground mounted and generates no more energy than one hundred twenty-five percent (125%) of the energy (regardless of whether the current energy usage is from electric, oil, propane, etc.) that is necessary to support the residence or business on the parcel.

Accessory use. A use of land or a building or a portion of a building customarily incidental and subordinate to the principal use of the land or building. The incidental sale of products raised on a farm shall be considered accessory to the farm use.

Accessory structure. A structure that is incidental and subordinate to the principal structure on the same lot or parcel.

Affordable housing. Year-round housing built with a federal, state, or municipal subsidy that has a deed-restricted sales price or rental amount that is within means of a household that is moderate income or less, as defined by R.I.G.L.§ 42-128-8.1(d), and that will remain affordable through a deed or land lease for at least thirty (30) years. Synonymous with "low or moderate income housing."

Affordable housing plan. A component of the housing element in the comprehensive community plan that addresses housing needs and is prepared according to the guidelines adopted by the state planning council. An approved affordable housing plan is a plan approved by the director of administration.

Aggrieved party. A person or entity who can demonstrate that his or its property will be injured by a decision of any town official or board responsible for administering the zoning ordinance, or anyone entitled to notice pursuant to R.I.G.L. title 45, chapter 24.

Agricultural land. Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes, including land designated as prime farm land or additional farm land of statewide importance by the soil conservation service of the U.S. Department of Agriculture.

Applicant. An owner or authorized agent of the owner submitting an application or appealing an action of any official or board.

Application. The completed form or forms and all accompanying documents, exhibits, and fees an applicant is required to submit for approval or permitting.

Aquifer. A saturated, permeable geologic formation that can yield significant quantities of water to wells, springs or surface water bodies.

Aquifer protection permit. A permit allowing a use designated by the letter "A" in the primary or in the secondary groundwater and wellhead protection overlay district in the use table of this ordinance.

Best management practices. A schedule of activities, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce the degradation of the town's groundwater quality.

Buffer. Land maintained in either a natural or landscaped state that is used to screen or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building height. On all structures, building height is measured to the top of the highest point of the existing or proposed structure, excluding spires, chimneys, flag poles, and similar projections. On an undeveloped lot, building height is measured from the average existing-grade elevation at the proposed midpoint of the structure's foundation. On an existing structure, building height is measured from the average grade of the outermost corners of the foundation. On a structure in a special flood hazard area, as shown on the official Federal Emergency Management Agency (FEMA) flood insurance rate maps, the base flood elevation on the FEMA map, plus up to five (5) feet of any existing or proposed freeboard, less the average existing grade elevation, is excluded from the building height calculation. Freeboard is the number of feet the lowest floor of a structure must be elevated above the base flood elevation to provide safety.

Cannabis cultivator. An entity licensed to cultivate, process and package cannabis, to deliver cannabis to cannabis establishments and to transfer cannabis to other cannabis establishments, but not to consumers. See R.I.G.L. § 21-28.6-3(11).

Cannabis product manufacturer. An entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to deliver cannabis and cannabis products to cannabis establishments and to transfer cannabis and cannabis products to other cannabis establishments, but not to consumers. See R.I.G.L § 21-28.11-3(14).

Cannabis retailer. An entity licensed pursuant to R.I.G.L. § 21-28.11-10.2 to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments and to consumers. See R.I.G.L. § 21-28.11-3(16).

Cannabis testing laboratory. A third-party analytical testing laboratory that is licensed annually by the R.I. cannabis control commission, in consultation with the department of health, to collect and test samples of cannabis and cannabis products pursuant to regulations issued by the commission and is:

- – (1) Independent financially from any medical cannabis treatment center or any licensee or cannabis establishment for which it conducts a test; and
  - – (2) Qualified to test cannabis in compliance with regulations promulgated by the commission pursuant to this chapter. The term includes, but is not limited to, a cannabis testing laboratory as provided in R.I.G.L. § 21-28.11-11. See R.I.G.L. § 21-28.11-3(17).

Residential cluster development. A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. Under cluster development there is no increase in the number of lots over that which would be permitted under conventional development except for provisions which include incentive bonuses for certain types or conditions of development.

Common ownership. Ownership of two (2) or more contiguous lots by the same individual, individuals, entity, or entities; or ownership by an association of property owners such as a homeowners' association.

Community residence. A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. See R.I.G.L. § 45-24-31(16).

Compassion center. A not-for-profit corporation licensed under R.I.G.L. § 21-28.6-12 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses medical marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser. See R.I.G.L. 21-28.6-3(6).

Comprehensive plan. The document adopted and approved pursuant to R.I.G.L. title 45, chapter 22.2 to which any zoning ordinance adopted pursuant to R.I.G.L. title 45, chapter 24 shall be in compliance.

Contaminated site solar energy system. A solar energy system located on a contaminated site pending remediation as of February 16, 2021 or a remediated and restricted contamination site as of February 16, 2021. A contaminated site solar energy system shall be reviewed as a major land development project.

Contaminated site pending remediation. A property that has been identified and confirmed by the R.I. department of environmental management as of February 16, 2021, as being contaminated through issuance of a "Letter of Responsibility," but has not yet been remediated to the satisfaction of the R.I. department of environmental management.

Day care—Day care center. A facility other than a family day care home that provides daytime care and supervision.

Day care—Family day care home. A home where daytime care and supervision is provided for no more than eight (8) individuals, including up to six (6) individuals who are not related to the caregiver.

Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; any change in use, or alteration or extension of the use, of land.

Development plan review. Design or site plan review of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for developments including, but not limited to:

- – (1) A change in use at the property where no extensive construction of improvements is sought;
  - – (2) An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;
  - – (3) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units;
  - – (4) Development in a designated urban or growth center;
  - – (5) Institutional development design review for educational or hospital facilities; or
  - – (6) Development in a historic district.

Dwelling unit. A structure or portion thereof providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

Extractive industry. The extraction of minerals, including solids such as coal and ores and sand and gravel; liquids such as crude petroleum; and gases such as natural gases. The term also includes quarrying; well operation; milling such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

Family member. A person related by blood, marriage, or other legal means, including but not limited to a child, parent, spouse, mother-in-law, father-in-law, grandparent, grandchild, domestic partner, sibling, care recipient, or member of the household.

Floodplain or flood hazard area. An area that has a one (1) percent or greater chance of inundation in any given year, as delineated by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) (42 U.S.C. 4011 et seq.). See R.I.G.L. § 45-22.2-4.

Ground-mounted solar energy system. A solar energy system that is structurally appended to the ground and is not attached to a structure or building.

Groundwater. Underground water that completely fills the spaces between particles of sediment and within rock formations.

Halfway house. A residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

Hazardous material. Any material defined as a "hazardous substance" by section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (42 USC 9605) as amended. Hazardous material shall include, but shall not be limited to, any hazardous waste as well as any of the following materials: acetone, ethanol, ethylene oxide, methanol, methylene chloride, perchloroethylene and petroleum products.

Historic district commission. The body established by chapter 7 of the code of ordinances that is authorized to approve construction, alteration, repair, removal, or demolition affecting the exterior appearance of a structure or its appurtenances in the historic district or in a historic cemetery. See R.I.G.L. title 45, chapter 24.1.

Customary home occupation. Any activity customarily carried out for gain by a resident that is conducted as an accessory use in the resident's dwelling unit. A customary home occupation shall employ no more than one (1) person other than the resident. The term includes the office of a contractor and the daily storage of no more than three (3) commercially registered vehicles with a gross vehicle weight rating of no more than tenty thousand (20,000) pounds, but does not include outdoor equipment or material storage.

Household. One (1) or more persons living together in one (1) dwelling unit who have common access to, and use of, all living areas and all areas for eating and food preparation and storage. A household may consist of a family and its servants or employees, if any; or no more than four(4) unrelated persons.

Hybrid cannabis retailer or hybrid compassion center. A compassion center licensed pursuant to R.I.G. L. title 21, chapter 28.6 that is authorized to sell nonmedical or adult-use cannabis to consumers. See R.I.G.L. § 21-28.11-3(28).

Impervious surface. A surface that inhibits the absorption of water into the underlying soil including but not limited to concrete or pavement.

Infrastructure. Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

Land development project. A project in which one (1) or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one (1) or more uses, units, or structures, including but not limited to planned development or cluster development for residential, commercial, institutional, recreational, open space, or mixed uses.

Large scale solar energy system. Any solar energy system that is not either an accessory solar energy system or a contaminated site solar energy system.

Lot. Either (a) The basic development unit for determination of lot area, depth, and other dimensional regulations; or (b) A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and is recognized as a separate legal entity for purposes of transfer of title.

Lot area. The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.

Lot depth. The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

Lot frontage. That portion of a lot abutting a street. Lot frontage must be contiguous to meet minimum frontage requirements.

Lot line. A line of record, bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public or private space and shall include:

- – (1) *Front lot line.* The lot line separating a lot from a street or right-of-way. On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; and on a through lot, the lot line abutting the street providing the primary access to the lot.
  - – (2) *Rear lot line.* The lot line opposite and most distant from the front lot line, or in the case of a triangular or otherwise irregularly shaped lot, an assumed line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In the event that the front property line is a curved line, the rear property line is an assumed line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.
  - – (3) *Side lot line.* Any lot line other than a front or rear lot line. On a corner lot, a side lot line is along the street lot line other than the front lot line.

Lot, through. A lot that fronts on two (2) substantially parallel streets, or fronts on two (2) streets that do not intersect at the boundaries of the lot.

Lot width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

Low- and moderate-income housing. Synonymous with "affordable housing."

Mixed use. A mixture of land uses within a single development, building, tract or parcel.

Maximum lot coverage. The maximum percentage of a lot that is permitted to be covered by buildings and impervious surfaces.

Modification. A dimensional variance granted by the zoning enforcement officer pursuant to section 13 of this ordinance.

Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of the zoning ordinance and not in conformity with the provisions of the ordinance or amendment.

- – (1) *Nonconforming by use.* A lawfully established use of land, building, or structure that is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of the zoning ordinance shall be nonconforming by use;
  - – (2) *Nonconforming by dimension.* A building, structure, or parcel of land not in compliance with the dimensional regulations of the zoning ordinance. Dimensional regulations include all regulations of the zoning ordinance other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of the zoning ordinance shall be nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

Overlay district. A zoning district that is superimposed on one (1) or more other zoning districts or parts of districts and that imposes requirements in addition to those otherwise applicable to the underlying district.

Performance standards. A set of criteria or limits relating to elements that a particular use or process must meet or may not exceed.

Permitted use. A use allowed by right that is specifically authorized in a particular zoning district.

Preapplication conference. A review meeting held between applicants and reviewing agencies before formal submission of an application for a permit or for development approval.

Primary groundwater and wellhead protection zone overlay district. Those areas depicted on that certain map entitled "Groundwater and Wellhead Protection Areas Map, Hopkinton, RI," dated September 28, 2009, or the most recent revision adopted by the town council, which map is on file in the records of the town clerk. The groundwater and wellhead protection areas map, Hopkinton, RI shall be amended, at a minimum, on a bi-annual basis and the town planner shall be responsible for presenting an amended map to the town planning board for its review and referral to the town council with a recommendation that it be adopted.

Roof-mounted solar energy system. A solar energy system that is structurally attached to the roof of a building or structure.

Setback line. A line parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which a structure must be erected or placed.

Site plan. The development plan for one (1) or more lots that shows the existing or the existing and the proposed conditions of the lot.

Solar energy system. The equipment and requisite hardware and structures that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. This shall include photovoltaic arrays and installations that utilize ground-mounted systems. A solar energy system, when the principal use of a parcel, shall be deemed to be a manufacturing use.

Solar energy system operator. The agent or entity that conducts the daily operation and maintenance of the solar energy system under contractual agreement with the solar energy system owner.

Solar energy system owner. The owner of equipment and appurtenances comprising the solar energy system; said entity may also be the solar energy system operator.

Solar glare. The effect produced by light reflecting from a solar panel with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Solid waste. Any solid waste as defined in the R.I. Department of Environmental Management Rules and Regulations for solid waste management facilities, February 1991, and amendments thereto; and which shall include garbage, refuse and other discarded solid materials generated by residential, institutional, commercial, industrial and agricultural sources but does not include solids or dissolved materials in domestic sewage or sewage sludge, nor does it include hazardous waste. Solid waste shall also include non-hazardous liquid, semi-solid and containerized gaseous waste.

Street right-of-way. The entire area dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

Substandard lot of record. Any lot lawfully existing at the time of adoption or amendment of the zoning ordinance and not in conformance with the dimensional provisions of that ordinance.

Use. The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Variance. Permission to depart from the literal requirements of the zoning ordinance.

Waters. As defined in R.I.G.L. § 46-12-1(23).

Wellhead protection area. The critical area surrounding a community water system well or non-transient non-community water system well through which water will move toward and reach such wells, as depicted on that certain map titled "The Groundwater and Wellhead Protection Map, Hopkinton, RI," dated March 22, 2004 or the most recent revision adopted by the town council, which map is on file in the records of the town clerk.

Wetland, freshwater. As defined in R.I. Department of Environmental Management Regulations.

Zoning certificate. A document signed by the zoning enforcement officer that acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of the town zoning ordinance or is an authorized variance or modification.

(Ch. 134, § 2, 12-19-94; Ch. 131, 3-22-04; Ch. 211, 11-16-09; Ch. 214, 9-20-10; Ch. 246, 7-18-16, Revised: 1-22-19; Ch. 279, 4-19-21; Ch. 285, 8-1-22; Ch. 286, 10-3-22; Ch. 292, §(Exh. A), 12-18-23)

FIGURES FOR LOT DEFINITIONS #'S: 39-46

§ 3. Compliance with this ordinance

No building, structures or land located within the Town of Hopkinton shall be used and no building, structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the provisions of this ordinance.

(Ch. 134, § 3, 12-19-94)

§ 4. Division into districts

For the purposes of this ordinance the Town of Hopkinton is hereby divided into those zoning districts the location and boundaries of which are as shown and depicted on that certain map entitled: "Town of Hopkinton Zoning Map" prepared by Cherenzia & Assoc., Ltd., October 1994, Scale 1 =1200 and that set of maps entitled: "Town of Hopkinton Zoning District Maps," prepared by Cherenzia & Assoc., Ltd., October 1994, sheets 1—31, which maps are on file in the records of the town clerk of the Town of Hopkinton and which are adopted and made a part of this ordinance. The boundary lines of said districts are intended and are to be interpreted to follow the boundary lines of existing lots of record and the centerline of roadways, except as is clearly depicted to the contrary.

The Residential Special, Neighborhood Business Special, Commercial Special and Manufacturing Special zoning districts are composed of parcels of property which heretofore were the subject of a zoning map boundary change or amendment to the text of the prior zoning ordinance and in connection with which the town council imposed use limitations, conditions, and/or restrictions. The terms of such limitations, conditions, and/or restrictions shall continue to be applicable to each said property and shall be deemed readopted and incorporated herein. Except as the limitations, conditions, and/or restrictions as individually applicable to the property within each said zoning district are controlling the use and dimensional regulations of this ordinance from the Rural Farming Residential - 80 district shall apply to the Residential Special district, the Neighborhood Business district shall apply to the Neighborhood Business Special district, the Commercial district to the Commercial Special district, and the Manufacturing district to the Manufacturing Special district.

(Ch. 134, § 4, 12-19-94)

§ 5. District use regulations

The following district use table establishes in each district those uses permitted and those uses permitted by special-use permit or by aquifer protection permit. All uses not so permitted in a district are prohibited therein. Except for those uses and activities specifically identified in subsection (a) of this section, which follows below, any accessory use customarily incident to a use permitted in a district and located on the same lot shall be permitted; any accessory use customarily incident to a use permitted in a district by special use permit or aquifer protection permit and located on the same lot shall be permitted upon the grant of the special-use permit or aquifer protection permit unless limited by special condition attached to the grant of the special-use permit or aquifer protection permit. It shall be the responsibility of the zoning enforcement officer to determine which use classification a proposed use is governed by. Notwithstanding any other provisions of this section, accessory dwelling units (ADUs) shall be permitted only as provided in section 5.2.

- – (a) *Prohibitions.* The following are prohibited:
    - (1) Residential underground storage tank (UST) installations.
    - (2) Non-residential UST installations in a primary protection zone district. Non-residential UST installations (except those regulated by RIDEM) are permitted in the secondary protection zone by aquifer protection permit only.
    - (3) In the primary protection zone district, any discharge of liquid wastes and waste water containing suspended particles on site to the subsurface through septic systems, dry wells, galleys, or other means, except for the discharge of sanitary waste in accordance with an approved RIDEM individual septic disposal system. Such discharge is permissible in the secondary protection zone by aquifer protection permit only. RIDEM approved activities associated with the subsurface disposal of sewage from individual sewage disposal systems are permitted. This shall not include the discharge of storm-water runoff into the subsurface by drywells, galleys, or other means, nor shall this include the retention and/or detention of storm-water runoff by open basins provided that appropriate oil separation methods are utilized where applicable.
    - (4) Land disposal of sewage sludge and septage in the primary protection zone. Such disposal is permissible in the secondary protection zone district by aquifer protection permit only.
    - (5) Uncovered storage of road salt and deicing material, without an impermeable storage and handling surface that will prevent contaminated runoff.
    - (6) In the primary protection zone, washing of motor vehicles, except incidental to residential uses, or in a car wash that has an aquifer protection permit, uses recycled water, and does not discharge to the environment.
    - (7) Outdoor storage of hazardous materials, unless the fire district chief has determined that indoor storage would create a fire hazard in which case an aquifer protection permit shall be required.
    - (8) In the primary protection zone, storage of petroleum or liquid refined petroleum products or their transfer through piping systems, except within a building (or, if the fire district chief has determined that indoor storage would create a fire hazard, in an accessory covered containment structure) as heating fuel for that building. Such storage of heating fuel shall not exceed five hundred (500) gallons, except for storage regulated and permitted by RIDEM.
    - (9) In the primary protection zone, parking, for more than two (2) hours in any twenty-four-hour period, of any vehicle used for storage or delivery of fuel oil, gasoline, or other liquid petroleum products or hazardous material.
    - (10) Installation of interior floor drains designed to permit fluid from any interior space to be discharged into or onto the ground, except for sump pumps and French drains used solely to accumulate and discharge groundwater from a residence (or, by aquifer protection permit

only, from a non-residential interior space). Provided, that such drains may be permitted, by aquifer protection permit only, if designed to empty into an above ground storage tank capable of completely containing anticipated flows. Such tanks shall be subject to containment provisions as provided in this ordinance.

* (11) Uncovered storage of solid wastes and storage of solid waste in covered dumpsters with drain plugs removed.

* (12) Washing or rinsing of dumpsters in the primary protection zone and in the secondary protection zone except by aquifer protection permit and the operation does not discharge to the environment.

- (b) *Aquifer protection permits.*
  - (a) *Application.* An application for an aquifer protection permit may be made by any person, group, agency or corporation with a legal interest in the land to which it applies by filing in the office of the zoning enforcement officer an application describing the request.

The form and such data and evidence which comprises the application is in appendix C of this ordinance. The form and the information required by the form are incorporated by reference and made a part of this ordinance.

The zoning enforcement officer or the administrative officer has the authority to waive submission of supporting information at the request of the applicant, provided, however, that the zoning board of review or the planning board has the authority to require submission of any information for which submission was initially waived. If the zoning enforcement officer or the administrative officer denies a waiver request, the applicant has the right to appear before the zoning board of review or the planning board to request the waiver.

- (b) *Planning board and conservation commission recommendations.* The zoning board, at its next meeting after receipt of a complete application for an aquifer protection permit may request that the planning board and/or town planner and the conservation commission report their findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the comprehensive plan of the town, writing to the zoning board within thirty (30) days of the zoning board request.

- (c) *Notice and hearing.* The zoning board shall hold a public hearing on any application for an aquifer protection permit in an expeditious manner after receipt in proper form of a complete application. The board shall give notice of the public hearing at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation in Hopkinton. The notice shall include the applicant's name and address and the street address and plat and lot number of the subject property, and shall describe the relief sought. The notice shall state the date, time, and location of the public hearing. The applicant shall pay the cost of the advertisement. At least fourteen (14) days before the date of the public hearing, the clerk of the zoning board of review shall send notice of the public hearing by first class mail to the applicant and to:

  * · (1) The owners of property within two hundred (200) feet of the property that is the subject of the application, whether located in Hopkinton or an adjacent town.

    · (2) The town council of any town adjacent to Hopkinton, if the subject property is located within two hundred (200) feet of the boundary of that town.

    · (3) Any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application.

The applicant shall pay the cost of the postage. At least fourteen (14) days before the date of the public hearing, the notice shall be posted in the town clerk's office, in one (1) other municipal building, and on the home page of the Town's website.

- – (d) *Findings of zoning board.* In granting an aquifer protection permit, the zoning board shall be satisfied by legally competent evidence that the proposed use will not result in concentrations of pollutants in the groundwater that will adversely affect the groundwater as a source of potable water or its classification as GAA (suitable for public or private drinking water use without treatment) or GA (may be suitable for public or private drinking water use without treatment) as promulgated in the RIDEM "Rules and Regulations for Groundwater Quality" in accordance with Chapter 46-13.1 of the General Laws of Rhode Island, 1956, as amended.
  - (e) *Maintenance.* All facilities and structures constructed in accordance with an aquifer protection permit shall be maintained by the owner or operator to assure their ability to function as designed. Failure to properly maintain such facilities and structures shall constitute a violation of this ordinance and is subject to enforcement action of the town.
- (c) *Best management practice work plan submittal.* Where an aquifer protection permit is required and the proposed use involves hazardous materials or if state or federal permit, approval or license is required because the use involves hazardous materials including hazardous waste, a best management practice work plan must be submitted that:
  - (a) Includes three (3) copies of any required state or federal permits, approvals or licenses required for the proposed use along with citation of the statute, law, ordinance or regulation requiring these documents.
  - (b) Lists all chemicals, pesticides, petroleum products and other hazardous materials and the maximum quantity to be used, stored, transferred or generated on the premises at any one time accompanied by a description of measures proposed to protect them from vandalism, corrosion, leakage, malfunction or spill including spill prevention and clean-up procedures and other countermeasures.
  - (c) Describes all hazardous or potentially hazardous wastes to be generated and the system to be used that will collect, store, treat (if necessary) and subsequently dispose, off-site, of all waste products other than sanitary sewage. Include spill prevention and clean-up procedures to be used.
  - (d) States the proposed measures to mitigate any potential adverse impact from hazardous materials or petroleum products spillage on the groundwater or structures feeding the groundwater.
  - (e) Provides a description of the method by which local, state and federal authorities will be notified in the event of an accident or spill of a hazardous material or petroleum product that will have a potentially adverse impact on the environment.
  - (f) Shows a plan prepared by the appropriate licensed professional(s) in accordance with R.I.G.L. with the dimensions, elevations and nature of the proposed use; the amount, area and type of proposed fill, area and nature of proposed grading; proposed drainage facilities; proposed roads, water and other utilities; and specifications for building construction and material.
  - (g) Shows a plan prepared by the appropriate licensed professional(s) in accordance with R.I.G.L. to include all relevant existing features within two hundred (200) feet of the property line including but not limited to the primary protection zone boundary, wetlands or water bodies, vegetation, existing development and contours at two-foot intervals. Off site conditions and features may be taken from existing sources of information and referenced on the plan.
  - (h) Includes a soils report by a professional soils scientist registered with the Society of Soils Scientists of Southern New England or a site evaluator licensed by the department of environmental management, to include the depth to groundwater and soil strata description to ten (10) feet.
  - (i) Includes a report by a groundwater hydrologist on the present surface and groundwater water quality conditions, the rate and direction of groundwater movement and a description of the analysis method used; and the potential impact to ground and surface waters from the proposed use including spills. Such report shall also include the cumulative impacts of discharge pollutants over an extended period of time and a description of mitigation measures to include identification

of any irreversible alteration of natural features as a result of the proposed action and the proposed rate and volume of groundwater withdrawal and the potential cumulative impacts of groundwater withdrawal.

- (j) Provides compelling evidence of qualified professional supervision in the design, installation, operation and maintenance of facilities or containers to be used for the handling, storage, generation and disposal of hazardous materials and petroleum products.
- (k) Requires that indoor storage of hazardous materials and petroleum products shall be within a containment structure that meets the following standards:
  - (1) Constructed in such a manner as to prevent the release of hazardous materials and petroleum products and constructed of such materials that are impermeable and compatible to the materials being contained.
  - (2) The containment structure shall, at minimum, be designed to contain the following volumes:
    - (a) For above ground storage tanks greater than one hundred (100) percent of the capacity of the largest tank.
    - (b) For individual containers, e.g., drums greater than ten (10) percent of the total volume of all the containers or the volume of the largest container, whichever is greater.
- (l) Requires that outdoor storage of hazardous materials and petroleum products shall be within a containment structure that meets the following standards:
  - (1) Impermeable base and surrounding dike that is compatible with the material being contained.
  - (2) The containment structure shall, at minimum, be designed to contain the following volumes:
    - i. For above ground storage tanks greater than one hundred (100) percent of the capacity of the largest tank.
    - ii. For individual containers, e.g., drums greater than ten (10) percent of the total volume of all the containers or the volume of the largest container, whichever is greater.
  - (3) The containment structure shall be protected by a roof and adequate sides to prevent entry of precipitation.
- (m) Requires that drums and storage containers be fitted with secure lids at all times to prevent spills and leaks; be stored as full as possible to prevent vapors and the chance of explosion; have drip pans under spigots and that the operator control and absorb material spilled from the tops of the drum.
- (n) Requires storage areas to be inspected weekly looking for leaks and for deterioration caused by corrosion or other factors, recording the inspections in an inspection log and filling out a weekly hazardous material storage area inspection checklist form as set forth in appendix G hereof (said form and the data and/or evidence required thereby are incorporated herein and made a part of this ordinance) during the inspection; keep these records for at least three (3) years from the date of the inspection and make these records available to the zoning enforcement officer. If storage includes hazardous waste for which a weekly hazardous waste storage area inspection checklist form is required to be recorded (refer to Section 2.0 of the Hazardous Waste Compliance Workbook for Rhode Island Generators, RIDEM Office of Technical and Customer Assistance dated March 2002, or the most recent revisions thereto), keep these records as required by RIDEM and make these records available to the zoning enforcement officer.
- (o) Requires containers and tanks to be clearly labeled as to contents.

- (p) Requires hazardous materials generation and storage areas to be clearly marked to indicate the presence of hazardous materials. Material safety data sheets (MSDS) shall be kept for all hazardous materials near the point of generation and storage for ready access by employees, inspectors, etc.
- (q) Requires venting systems for evaporation or other type of discharge to the atmosphere of hazardous materials to be designed with a recovery system to prevent the release of contaminated condensate or drippage.
- (r) Requires areas used for loading and transferring hazardous materials and petroleum products to have an impermeable surface and a dike to contain spills or leaks.
- (s) Requires a new aquifer protection permit application when additions are proposed to the list of hazardous materials and petroleum products; when changes are proposed to the methods of handling, storage and disposal of hazardous materials and petroleum products; when there is a proposed increase in the maximum quantities of hazardous materials and petroleum products involved; or when there is potential to significantly increase the impact on the groundwater.
- (t) Requires adequate quantity of spill containment materials be maintained on hand, document training in the use and prevention of spills and releases and a written plan of use and disposal for these materials for all potential spills or releases.
- (u) Address fire protection systems needed for flammable or combustible materials stored in these areas, i.e. to prevent catastrophic fire and release of materials resulting from the fire.

District Use Table

P = Permitted, N = Prohibited, S = Special Use Permit, A = Aquifer Protection Permit

Use Category	RFR-80	RES-1	Neighborhood Business	Commercial	Manufacturing	Aquifer Primary	Overlay Secondary
	0 Residential						
01 Single Family	P	P	P	N	N	P	P
02 Two Family	P	N	P	N	N	P	P
03 Multi Family	P	N	N	N	N	P	P
04 Bed & Breakfast	P	P	P	P	N	P	P
05 Hotels & Motels	N	N	N	P	N	A	P
06 Assisted Housing & Nursing Homes	N	N	N	P	N	A	P
07 Customary Home Occupation	P	P	P	P	N	P	P
08 Community Residences	P	P	P	N	N	P	P

09 Family Day Care Homes	P	P	P	N	N	P	P
10 Halfway House	N	N	N	N	N	P	P
	1 Extractive & Industrial Nonmanufacturing						
10 Agriculture, including:							
101 Field Crops	P	P	P	P	P	A	P
102 Fruit, Tree Nut & Vegetable Farms	P	P	P	P	P	A	P
103 Livestock Farms	P	N	N	P	P	A	A
104 General Farms	P	P	P	P	P	A	P
105 Noncommercial Farms	P	P	P	P	P	P	P
11 Agricultural Services, Hunting & Trapping	P	P	P	P	P	P	P
12 Forestry							
121 Timber Tracts	P	P	P	P	P	P	P
122 Forest Nurseries & Tree Seed Gathering & Extracting	P	P	N	P	P	P	P
123 Forestry Services	P	P	P	P	P	P	P
13 Fisheries							
131 Finfish	N	N	N	P	P	A	A

132 Shellfish	N	N	N	P	P	A	A
14 Mining							
141 Dimension Stone	N	N	N	N	N	N	A
142 Crushed & Broken Stone	N	N	N	N	N	N	A
143 Commercial Soil, Sand & Gravel	N	N	N	N	N	N	A
15 Metals and Minerals Wholesalers							
151 Coal & other minerals	N	N	N	N	N	N	A
152 Petroleum Bulk Stations	N	N	N	N	N	N	A
16 Construction & General Contractors							
160 General Contracting - Office & Indoor Equipment Storage	N	N	N	P	P	A	P
161 Heavy Construction, inc. excavation equipment & materials storage	N	N	N	N	P	A	P
162 Plumbing, Heating & A/C	N	N	N	P	P	A	P

163 Painting, Paper Hanging & Decorating	N	N	N	P	P	A	P
164 Electrical Work	N	N	N	P	P	P	P
165 Masonry & Stonework	N	N	N	P	P	A	P
166 Carpentering & Wood Floorwork	N	N	N	P	P	A	P
167 Roofing & Sheet Metal Work	N	N	N	P	P	A	P
168 Concrete Work	N	N	N	P	P	A	P
169 Water Well Drilling	N	N	N	N	P	A	P
1691 Office for above uses #'s 160—169, not including storage & supplies	N	N	P	P	P	P	P
17 Misc. Special Trade Contractors							
171 Structural Steel Erection	N	N	N	N	N	A	P
172 Ornamental Metal Work	N	N	N	N	P	A	P
173 Glass & Glazing Work	N	N	N	N	P	P	P

174 Excavating & Foundation Work	N	N	N	N	N	A	P
175 Wrecking & Demolition Work	N	N	N	N	N	N	A
18 Junkyards							
181 Junkyards & scrap wholesaling	N	N	N	N	N	N	A
182 Recycling Facility, Storage Only	N	N	N	N	N	N	A
	2 Manufacturing						
20 Food and Kindred Products							
201 Meat Products	N	N	N	N	N	A	P
202 Dairy Products	N	N	N	N	P	A	P
203 Canning & Preserving Foods	N	N	N	N	P	P	P
204 Grain Mill Products	N	N	N	N	P	P	P
205 Bakery Products	N	N	N	N	P	P	P
206 Sugar	N	N	N	N	P	P	P
207 Confectionery & Related Products	N	N	N	N	P	P	P
208 Beverage Industries	N	N	N	N	P	A	P

209 Rendering & Refining of Fats & Oils	N	N	N	N	N	A	P
22 Textile Mill Products							
221 Mill Products	N	N	N	N	P	N	A
222 Drying & Finishing Textiles	N	N	N	N	P	N	A
223 Floor Covering Mills	N	N	N	N	P	N	A
224 Yarn & Thread Mills	N	N	N	N	P	N	A
23 Apparel & Other Finished Products from Fabric	N	N	N	N	P	P	P
24 Lumber & Wood Products Except Furniture							
241 Sawmills & Planning Mills	N	N	N	N	P	A	P
242 Millwork & Prefabri-cated Structural Wood Products	N	N	N	N	P	A	P
243 Wooden Containers	N	N	N	N	P	P	P

25 Furniture & Furnishing Manufacturing	N	N	N	N	P	A	P
26 Paperboard & Paper Manufacturing	N	N	N	N	P		
261 Paper Manufacturing (not including pulp mills)	N	N	N	N	P	A	A
262 Manufactured Products from Paper & Paperboard	N	N	N	N	P	A	P
27 Printing & Publishing	N	N	N	N	P	A	A
28 Chemicals & Pharmaceuticals	N	N	N	N	N	A	A
29 Petroleum Refining & Related Industries	N	N	N	N	N	N	A
	3 Manufacturing						
30 Rubber & Miscellaneous Plastics							
301 Tires & Tubing	N	N	N	N	N	N	A
302 Rubber Footwear	N	N	N	N	N	A	A
303 Reclaimed Rubber	N	N	N	N	N	N	A

304 Fabricated Rubber Products not elsewhere classified	N	N	N	N	N	N	A
305 Miscellaneous Plastics Products	N	N	N	N	P	A	A
306 Large Scale Solar Energy System	N	N	N	N	N	N	N
307 Accessory Solar Energy System (roof mounted)	P	P	P	P	P	P	P
308 Accessory Solar Energy System (ground mounted)	P	N	N	N	N	A	A
309 Contaminated Site Solar Energy System	N	N	N	N	N	A	A
31 Leather & Leather Products							
311 Leather Tanning & Finishing	N	N	N	N	N	N	A
312 Industrial Leather Belts & Packing	N	N	N	N	P	A	P
313 Boot & Shoe Cut Stock	N	N	N	N	P	A	P

314 Footwear, except Rubber	N	N	N	N	P	A	P
315 Gloves & Mittens	N	N	N	N	P	A	P
316 Luggage	N	N	N	N	P	A	P
317 Handbags & Other Personal Leather Goods	N	N	N	N	P	A	P
32 Stone, Clay & Glass Products							
321 Flat Glass	N	N	N	N	N	N	A
322 Glass & Glassware, Pressed or Blown	N	N	P [1]	P	P	A	P
323 Glass Products Made of Purchased Glass	N	N	P	P	P	A	P
324 Cement, Hydraulic	N	N	N	N	N	N	A
325 Structural Clay Products	N	N	N	N	P	A	P
326 Pottery & Related Products	N	N	P [1]	P	P	A	P
327 Concrete, Gypsum & Plaster	N	N	N	N	N	A	P
3272 Concrete Products, including Block & Brick	N	N	N	N	N	A	A

3273 Ready-Mix Concrete	N	N	N	N	N	N	A
3274 Lime	N	N	N	N	N	A	P
3275 Gypsum Products (Plaster)	N	N	N	N	N	A	P
328 Cut Stone & Stone Products	N	N	N	N	P	A	P
329 Abrasive, Asbestos & Misc. Nonmetal-lic Mineral	N	N	N	N	N	N	A
33 Primary Metals Industries	N	N	N	N	N	N	A
34 Fabricated Metal Products, except Ordnance, Machinery & Trans-portation Equipment							
341 Fabricated Metal Products, except Ordnance, Machinery & Trans-portation Equipment	N	N	N	N	P	A	A
342 Coating & Engraving	N	N	N	N	P	N	A
35 Machinery, except Electrical	N	N	N	N	P	N	A

36 Electrical & Electric Machinery, Equipment & Supplies Except Batteries							
361 Electrical & Electric Machinery, Equipment & Supplies Except Batteries	N	N	N	N	P	N	A
362 Electrical Batteries	N	N	N	N	N	N	A
363 Design, engineering & assembly of lighting systems, electronic equipment & components (Not component manufacturing from raw materials)	N	N	N	N	N	A	A
37 Transportation Equipment	N	N	N	N	N	N	A
38 Professional, Scientific, and Controlling Instruments; Photo & Optical Goods, Watches & Clocks	N	N	N	N	P	A	A

39 Misc. Manufacturing Industries							
391 Jewelry & Silverware	N	N	P [1]	N	P	N	A
392 Metal Plating	N	N	N	N	N	N	A
393 Toys & Amusement, Sporting & Athletic Goods & Musical Instruments	N	N	P [1]	N	P	A	P
394 Pens, Pencils & Office and Artists' Materials	N	N	N	N	P	A	P
395 Costume Jewelry, Costume Novelties, Buttons & Misc. Notions, except Precious Metals	N	N	P [1]	N	P	A	P
396 Misc. Manufacturing							
3961 Matches	N	N	N	N	N	A	P
3962 Lamp Shades	N	N	P [1]	N	P	A	P
3963 Mortician's Goods	N	N	N	N	P	A	P
3964 Furs, Dressed & Dyed	N	N	N	N	N	N	A
3965 Signs & Advertising Displays	N	N	P [1]	P	P	A	A

3966 Umbrellas, Parasols & Canes	N	N	P [1]	N	P	A	P
399 Ordnance & Accessories	N	N	N	N	N	A	A
	4 Transportation, Communications & Utilities						
40 Railroad Transportation	N	N	N	N	N	A	A
41 Local & Suburban Transit and Passenger Transportation and Related Service Facilities							
411 Local & Suburban	N	N	N	P	P	A	A
412 Taxicabs	N	N	N	P	P	A	A
413 Passenger Transit Charter Services	N	N	N	P	P	A	A
4141 School Bus (storage)	P	P	P	P	P	P	P
4142 School Buses (storage)	N	N	N	P	P	A	A
415 Terminal & Services Facilities for Motor Vehicle Passenger Transit	N	N	N	P	P	N	A

42 Trucking Transportation & Short Term Truck Storage							
421 Local & Long Distance Trucking, without storage	N	N	N	N	P	A	A
422 Local & Long Distance Trucking, with storage	N	N	N	N	P	A	A
45 Air Transportation	N	N	N	N	N	N	A
46 Warehousing, Public & Private							
461 Farm Product Warehousing	N	N	N	P	P	A	P
462 Refrigerated Warehousing	N	N	N	P	P	A	P
463 Food lockers, with & without Food Preparation Facilities	N	N	N	P	P	P	P
464 Household Goods Warehousing	N	N	N	P	P	A	P

465 General Warehousing	N	N	N	P	P	A	P
48 Utilities, Communications & Sanitary Services							
481 Telecommunications towers cellular/PCS antennas and towers	N	N	N	P	P	P	P
482 Fuel & Power (for use or sale off-site excluding photovoltaic solar)	N	N	N	N	N	A	A
484 Sanitary Sewerage Disposal Services	N	N	N	N	P	A	P
485 Refuse Disposal, Landfills & Incineration	N	N	N	N	N	N	N
486 Electric Substation (limited capacity/size to 115K or less)	N	N	N	N	N	A	A
488 Wind Turbines	N	N	N	N	N	N	N
49 Customs Brokers & Freight Forwarders	N	N	N	N	P	P	P

	5 Commercial						
50 Wholesale							
501 Motor Vehicles & Auto Equipment	N	N	N	N	P	A	P
502 Drugs, Chemicals & Allied Products	N	N	N	P	P	A	A
503 Dry Goods & Apparel	N	N	N	P	P	P	P
504 Groceries & Related Products	N	N	N	P	P	P	P
505 Farm Products - Raw Materials	N	N	N	N	P	A	P
506 Electrical Goods/Electronics	N	N	N	P	P	P	P
507 Hardware, Plumbing & Heating, A/C & Refrigeration Equipment & Supplies	N	N	N	P [2]	P	A	P
508 Machinery, Equipment & Supplies	N	N	N	P [2]	P	A	P
509 Tobacco & Tobacco Products	N	N	N	P	P	A	P
510 Beer, Wine & Distilled Alcoholic Beverages	N	N	N	P	P	A	P
511 Paper & Paper Products	N	N	N	N	P	P	P

512 Furniture & Home Furnish-ings	N	N	N	P	P	P	P
513 Lumber & Construc-tion Materials	N	N	N	P	N	A	P
52 Retail Trade - Building Materials, Hardware & Farm Equipment							
521 Lumber & Other Building Materials	N	N	N	P	N	A	P
522 Heating & Plumbing Materials	N	N	N	P	N	A	P
523 Paint, Glass & Wallpaper Stores	N	N	N	P	N	A	P
524 Electri-cal/Electric Supply Stores	N	N	N	P	N	P	P
525 Hardware & Farm Equipment	N	N	N	P	N	A	P
53 Retail Trade - General Merchan-dise							
531 De-partment Stores	N	N	N	P	P	A	P
532 Mail Order Houses	N	N	N	P	P	A	P

533 Limited Price Variety Stores	N	N	N	P	P	A	P
534 Merchandise Vending & Machine Operators	N	N	N	P	N	P	P
535 Direct Selling Organizations	N	N	N	P	N	P	P
536 Dry Goods & General Merchandise	N	N	P	P	N	P	P
537 General Stores	N	N	P	P	P	P	P
538 Outlet/Mall/Plaza	N	N	N	P	P	P	P
54 Retail Trade - Food							
541 Grocery Stores & Deli	N	N	P	P	P	P	P
542 Meat & Fish Markets	N	N	P	P	P	P	P
543 Fruit & Vegetable Stores	N	N	P	P	P	P	P
544 Candy, Nut & Confectionery Stores	N	N	P	P	P	P	P
545 Dairy Products Stores	N	N	P	P	P	P	P
546 Retail Bakeries, Manufacturing	N	N	P	P	P	P	P

547 Retail Bakeries, Non-Manufacturing	N	N	P	P	P	P	P
548 Egg & Poultry Store	N	N	P	P	P	P	P
55 Auto-motive Dealers & Gas Service Stations							
551 Motor Vehicle Dealers, New & Used	N	N	N	P	N	N	A
552 Motor Vehicle, Used Only	N	N	N	P	N	N	A
553 Tire, Battery & Accessory Dealers	N	N	N	P	N	N	A
554 Gasoline Diesel Service Stations	N	N	N	N	N	N	N
555 Mobile Home Dealers, New & Used	N	N	N	P	N	N	A
556 Aircraft Dealer, New & Used & Service	N	N	N	P	N	N	A
557 Marine Dealer, New & Used & Service	N	N	N	P	N	A	A
56 Retail Trade - Apparel & Accessories	N	N	N	P	P	P	P

57 Retail Trade - Furniture, Home Furnishings & Equipment							
571 Furniture, Home Furnishings & Equipment Stores	N	N	P [1]	P	P	P	P
572 Household Appliance Stores	N	N	P [1]	P	P	P	P
573 Radio, Television & Music Stores	N	N	P [1]	P	P	P	P
58 Retail Trade - Eating & Drinking Places							
581 Eating Places	N	N	P [1]	P	P	P	P
582 Drinking Places (Alcoholic Beverages)	N	N	N	P	P	P	P
583 Combo Bars & Restaurants	N	N	N	P	P	P	P
59 Retail Trade - Miscellaneous Retail Stores							
591 Drug Stores	N	N	P	P	P	P	P
592 Liquor Stores	N	N	P	P	P	P	P
5931 Antique Store	N	N	P	P	P	A	P

5932 Secondhand Clothing & Shoe	N	N	P	P	P	P	P
5933 Secondhand Furniture	N	N	P	P	P	A	P
5934 Secondhand Books	N	N	P	P	P	P	P
594 Bookstores & Stationary Stores	N	N	P	P	P	P	P
595 Sporting Goods & Bicycle Shops	N	N	P	P	P	P	P
596 Farm & Garden Supply Stores	N	N	P	P	P	A	P
597 Jewelry Stores	N	N	P	P	P	P	P
598 Fuel & Ice Dealers	N	N	P	P	N	N	A
5991 Florists	N	N	P	P	P	P	P
5992 Tobacco Stores	N	N	P	P	P	P	P
5993 News Dealers & New Stands	N	N	P	P	P	P	P
5994 Camera & Photo Supply Stores	N	N	P	P	P	A	P
5995 Gift, Novelty & Souvenir Shops	N	N	P	P	P	P	P
5996 Optical Goods Stores	N	N	P	P	P	P	P

5997 Drive Through Facility	N	N	N	N	N		
	6 Personal, Business & Professional Services						
60 Finance, Insurance & Real Estate							
601 Credit Agencies & Other Than Banks	N	N	N	P	P	P	P
602 Security & Commodity Brokers, Dealers, Exchanges & Services	N	N	N	P	P	P	P
603 Insurance Carriers	N	N	N	P	P	P	P
604 Insurance Agents	N	N	N	P	P	P	P
605 Real Estate	N	N	N	P	P	P	P
606 Combo; Real Estate, Insurance, Loan & Law Offices	N	N	N	P	P	P	P
607 Holding & Other Investment Companies	N	N	N	P	P	P	P
608 Banking	N	N	N	P	P	P	P
Personal Services							

611 Laundries, Laundry Services & Cleaning & Dyeing Plants	N	N	N	N	N	N	A
612 Photo Studios, including Commercial	N	N	N	P	P	A	A
613 Beauty Shops	N	N	P [1]	P	P	A	P
614 Barber Shops	N	N	P [1]	P	P	A	P
615 Shoe Repair, Shoe Shine & Hat Cleaning Shops	N	N	P [1]	P	P	P	P
616 Funeral Services	N	N	N	P	P	A	P
617 Crematories	N	N	N	N	N	P	P
618 Pressing, Alteration & Garment Repair	N	N	P	P	P	P	P
62 Miscellaneous Business Services							
621 Advertising	N	N	N	P	P	P	P
622 Consumer Credit, Mercantile Reporting & Adjustment & Collection Agencies	N	N	N	P	P	P	P

623 Duplicating, Blueprinting, Photocopying, Mailing & Steno Services	N	N	N	P	P	A	P
624 Services to Dwellings & Other Bldg.	N	N	N	P	P	A	P
625 News Syndicates	N	N	N	P	P	P	P
626 Private Employment Agencies	N	N	N	P	P	P	P
627 Research, Development & Testing Labs	N	N	N	N	P	A	A
628 Business & Mgt. Consulting	N	N	N	P	P	P	P
629 Travel Agencies & Bureaus	N	N	P	P	P	P	P
63 Automotive Repair & Services							
631 Automobile Rentals	N	N	N	P	N	A	P
632 Automobile Parking	N	N	N	P	N	A	P
633 Automobile Repair Shops	N	N	N	P	N	N	A

634 Automobile Services, except Repair	N	N	N	P	N	A	A
635 Trailer Rentals	N	N	N	P	N	A	P
64 Miscellaneous Repair Services							
641 Electrical/Electronic Repair Shop	N	N	P [1]	P	P	P	P
642 Watch, Clock & Jewelry Repair	N	N	P [1]	P	P	P	P
643 Reupholster & Furniture Repair	N	N	P [1]	P	P	A	P
644 Bicycle Repair	N	N	P [1]	P	P	P	P
645 Leather Goods Repair	N	N	P [1]	P	P	P	P
646 Locksmith & Gunsmith Shops	N	N	P [1]	P	P	A	P
647 Musical Instruments Repair	N	N	P [1]	P	P	A	P
648 Repair & Related Services Not Elsewhere Classified	N	N	P [1]	P	P	A	P

65 Indoor Commercial Amusement Services							
651 Dance Halls, Studios & Schools	N	N	N	P	P	P	P
652 Theatrical Producers, Bands, Orchestras & Entertainers	N	N	N	P	P	P	P
653 Bowling Alleys, Billiards & Pool	N	N	N	P	P	P	P
654 Motion Picture Production Services & Theaters	N	N	N	P	P	A	P
655 Gambling Facilities, including but not limited to: Casino, Bingo Hall [3] , Hai Jai [Jai Alai], etc.	N	N	N	N	N	A	P
67 Medical, Health & Legal Services	N	N	P	P	P	A	P
Other Professional Services							

681 Engineering & Architectural Services	N	N	P	P	P	P	P
682 Nonprofit Educational & Scientific Research Agencies	N	N	P	P	P	P	P
683 Accounting, Auditing and Bookkeeping Services	N	N	P	P	P	P	P
7 Public and Quasi-Public Services							
70 Postal Services	P	P	P	P	P	P	P
71 Military Services	N	N	N	P	P	A	P
72 Other Federal Government	N	N	N	P	P	A	P
73 State Government	N	N	N	P	P	A	P
73-1 Local Government	P	P	P	P	P	A	P
74 Public Schools	P	P	P	P	P	A	P
75 Private Schools							
751 Private Secondary Education	N	N	N	P	N	A	P
752 Private Primary Education	N	N	N	P	N	A	P

753 Private Nursery Schools	P [2]	N	N	P		P	
754 Private Correspondence & Vocational Schools	P [2]	N	N	P	N	A	P
758 Day care center	P	N	P [4]	P [4]	N	P	P
76 Museums, Arboreta, Libraries, Churches & Cemeteries	P	P	P	N	N	A	P
761 Art gallery/studio (non-caustic/non-hazardous materials)	P	N	P	N	N	P	P
77 Hospitals, Sanatoria, Convalescent & Rest Homes							
771 General Hospitals	N	N	N	P	P	A	A
772 Mental Institutions	N	N	N	N	N	A	A
773 Special Hospitals	N	N	N	N	N	A	A
774 Sanatoria, Convalescent & Rest Homes	N	N	N	N	N	A	P

78 Nonprofit Membership Organizations	P	P	P	P	N	P	P
	8 Recreation						
80 Outdoor Government Public Recreation							
801 Playgrounds, Playfields & Tot Lots	P	P	P	P	N	P	P
802 Major Parks (>5 Acres)	P	P	P	P	N	A	P
803 Minor Parks (<5 Acres)	P	P	P	P	N	P	P
804 Stadia & Fairgrounds	P	P	P	P	N	A	P
805 Campgrounds	P	P	P	P	N	A	P
806 Golf Courses	P	P	P	P	N	A	P
807 Ski & Toboggan Runs	P	P	P	P	N	A	P
808 Skating Rinks	P	P	P	P	N	A	A
811 Boating Areas	P	P	P	P	N	P	P
812 Bathing Beaches	P	P	P	P	N	P	P
813 Fishing Sites	P	P	P	P	N	P	P
814 Swimming Pools, outdoor	P	P	P	P	N	A	P

82 Indoor Government Public Recreation							
821 Swimming Pools	P	P	P	P	N	A	P
822 Arenas	P	P	P	P	N	A	P
823 Skating Rinks	P	P	P	P	N	P	P
824 Community Centers	P	P	P	P	N	P	P
83 Outdoor Private Land Recreation							
831 Stadia	N	N	N	P	P	A	A
832 Race Tracks	N	N	N	N	N	N	A
833 Camps & Campgrounds	N	N	N	P	N	A	P
834 Riding Academies	P	N	P	P	N	A	P
835 Skating Rinks	N	N	N	P	N	A	A
836 Ski & Toboggan Runs	N	N	N	P	N	A	P
837 Gun Clubs	N	N	N	N	N	A	P
838 Golf Courses	N	N	N	N	N	A	P
839 Amusement Theme Park	N	N	N	N	N	A	A
84 Outdoor Water-Based Private Recreation							

841 Boating Areas	N	N	N	P	N	P	P
842 Bathing Beaches	N	N	N	P	N	P	P
843 Fishing Sites	P	P	P	P	N	P	P
844 Swimming Pools, Outdoor	N	N	N	P	N	A	P
85 Indoor Private Recreation							
851 Swimming Pools	P	P	N	P	P	A	P
852 Arenas	N	N	N	P	P	A	P
853 Skating Rinks	N	N	N	P	P	P	P
854 Gun Clubs	N	N	N	N	N	P	P
87 Private Nonprofit Recreation							
871 Subdivision Parks	P	P	P	P	P	A	P
872 Subdivision Community Centers	P	P	P	P	P	P	P
873 Camps	N	N	N	N	N	A	P
874 Golf Courses	N	N	N	N	N	A	P
875 Gun Clubs	N	N	N	N	N	A	P
9 Medical and Recreational Marijuana and Related Uses							
900 Compassion Center	N	N	N	P	P	P	P

901 Hybrid Cannabis Retailer (Medical and Recreational)	N	N	N	P	P	P	P
902 Cannabis Retailer (Recreational only)	N	N	N	P	P	P	P
903 Cannabis Cultivator	N	N	N	P	P	A	A
904 Cannabis Testing Laboratory	N	N	N	P	P	A	A
905 Cannabis Product Manufacturer	N	N	N	P	P	A	A

Footnotes:

[1] Uses are restricted to 2,500 square feet of gross floor area.

[2] Uses are restricted to 5,000 square feet of gross floor area.

[3] The term "Bingo Hall" as used herein shall be defined as an establishment primarily for the conduct of bingo games but not including the use of video lottery terminals (VLTs) or slot machines. An establishment is considered to be primarily for the conduct of bingo games if it runs bingo games more than two (2) times per week, or runs bingo games that involve greater than forty (40) participants, or runs bingo games involving money which exceeds the lowest possible amount allowed by the Gaming Unit of the Rhode Island State Police.

[4] Limited to parcels one-half acre in size and larger. Prohibited in parcels under one-half acre.

(Ch. 134, § 4, 5, 12-19-94; Ch. 131, 3-22-04; Ch. 149, 2-1-99; Ch. 154, 5-15-00; Ch. 189, 5-15-06; Ch. 199, § 1, 9-15-07; Ch. 210, § 1, 7-20-09; Ch. 212, 4-5-10; Ch. 218, 4-18-11; Ch. 230, 7-1-13; Ch. 232, 1-6-14; Ch. 268, 7-15-19; Ch. 269, 10-7-19; Ch. 279, 4-19-21; Ch. 280, 6-21-21; Ch. 285, 8-1-22; Ch. 286, 10-3-22; Ch. 288, 5-1-23; Ch. 292, §(Exhs. A and B), 12-4-23; Ch. 299, 1-21-25)

§ 5.1. Supplementary regulations—Telecommunications towers, cellular/PCS towers and antennas

- (1) *Purpose.* This section regulates the placement of new telecommunication towers and accessory equipment and the addition of communication equipment to existing structures. The intent of this section is to:

  - (a) Require the location of towers for telecommunication equipment in non-residential areas and minimize the number of towers in the community;
  - (b) Strongly encourage the joint use of new and existing tower sites;
  - (c) To minimize the following adverse impacts on the community:
    * 1. To prevent the degradation of scenic views that contribute to the character of the town.
    * 2. To prevent the degradation of neighborhood values that may result from the location of incompatible commercial land uses in residential areas of the town.
    * 3. To prevent or reduce public health hazards that may result from the operation of communications towers adjacent to or nearby residences.
  - (d) Provide guidelines to facilitate the application process.
  - (e) This article shall not govern any tower that is under fifty (50) feet in height and is constructed or installed for the following primary purposes:
    * 1. Two-way radio systems.
    * 2. Amateur radio, as well as other radio services utilized by individuals at their residences as a hobby.
    * 3. Residential television/satellite reception.

- (2) *Definitions.* As used in this section, the following terms are defined as follows:

  Antenna means any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

  Cellular/PCS means telecommunications systems which utilize a network of towers over a geographical area and whose purpose is primarily to provide mobile telephone and messaging services. This includes but is not limited to cellular systems, personal communications services (PCS) and enhanced specialized mobile radio systems (ESMR)

  Height is the distance measured from average finish grade to the highest point on the tower or other structure, even if said highest point is an antenna.

  Tower means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antenna and related equipment.

- (3) *General guidelines and requirements.*
  - a. *Inventory of existing sites.* Each applicant for a special use permit for an antenna and or tower shall provide to the building department an inventory of existing towers that are within the Town of Hopkinton and within eight (8) miles of the proposed tower location, including specific information about the location, height, design and antenna capacity of each tower. This information will be made publicly available. All applicants shall send certified mail announcements to those parties identified in the inventory declaring their sharing capabilities and siting needs.
  - b. *Federal requirements.* All towers must meet standards and regulations in effect at the time of the application of any agency of the federal government with the authority to regulate towers and antennas. Subsequent failure to bring towers and antennas into compliance with revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - c. *Safety standards.* The owner of a tower shall ensure that it is maintained in compliance with the Rhode Island State Building Code. If the building official concludes that a tower and/or antenna fails to comply with the Code, then the building official shall proceed in accordance with Chapter 27.3 of Title 23 of the R.I.G.L. entitled "State Building Code".

- d. *Reporting standards.* The permittee shall submit a report upon completion of construction and annually on January 1st, as well as a report every year thereafter, to the Building Official which provides quantified electromagnetic field (EMF) measurements and compares these measurements to current Federal and American National Standards Institute (ANSI) standards or subsequent standards. If the facility does not meet Federal and ANSI standards, the permit may be modified or revoked.

- (4) *Special use permits.*
  - a. *Information required.* Each applicant requesting a special use permit under this article shall submit an application for a special use permit.

In addition, the applicant shall provide information on radio frequency coverage, tower height requirements, fencing, and other information deemed by the zoning board of review at the time of review of application for completeness to be necessary to assess compliance with this article.

- b. *Suitability of existing towers or other structures for collocation.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the zoning board that no existing tower or structure can accommodate the applicant's proposed antenna. The zoning board of review may require the applicant to pay for the services of an independent consultant who will be selected by the zoning board of review. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicants proposed antenna shall include the following:
  - (1) No existing towers or structures are located within the geographic area required to meet applicants engineering requirements.
  - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (4) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (5) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - (6) Except in cases where mechanical, structural or regulatory factors prevent them from sharing, applicants cannot be denied or deny space on a tower.
  - (7) All towers shall be available for use by the town's public safety agencies' radio communications equipment, free of tower rental fees providing that such use is reasonable, poses no technical difficulties and does not compromise the mechanical integrity of the tower.

- (5) *Design standards.* The following design standards shall apply to all towers and antennas.
  - a. *Minimum capacity.* Any tower initially constructed for the primary use of a cellular type communications network and/or personal communications services (PCS) network shall be designed and constructed to accommodate at least three (3) typical cellular/PCS systems.
  - b. *Height, setbacks and separation.*
    - (1) Tower height shall be the least minimum feasible and operable height possible which is consistent with the technical evidence for the radial area and the terrain being served, provided however that the maximum height shall be no greater than one hundred seventy-five (175) feet.
    - (2) Towers shall be set back a distance equal to three (3) times the tower height from any residential structure, zoning district boundary or lot line, whichever is closer.

    - (3) Guys and accessory facilities must satisfy the minimum zoning district setback requirements for accessory structures.
    - (4) Tower separation shall be maximized and the applicant shall provide technical evidence that the proposal identifies a maximum separation.
  - c. *Visual and aural impacts*
    - (1) In order for the town to assess the visual impact of the proposed tower the applicant shall be required to fly a helium balloon at the proposed tower location and flown at the proposed height for a period of five (5) days, providing such an operation poses no safety hazard. The balloon shall be of an orange or red color, shall be a minimum of two and one-half (2.5) feet in diameter, shall be securely anchored and shall be of durable construction to withstand the testing period. The dates of this operation and its intended purpose shall be announced in a public notice in the local newspaper.
    - (2) Unless otherwise required by FAA regulations, conventional lattice type towers shall maintain a galvanized steel finish so as to reduce visual obtrusiveness. Monopole type towers shall be painted a light, sky blue color to blend into the skyline.
    - (3) Buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities into the natural setting.
    - (4) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color so as to make the antenna and related equipment as visually unobtrusive as possible.
    - (5) Towers shall not be artificially lighted unless required by any agency of the federal government with the authority to regulate towers and antennas.
    - (6) Noise. The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:
      - a. Existing, or ambient (the measurements of existing noise);
      - b. Existing plus proposed facilities (the maximum estimate of noise from the proposed facility plus the existing noise environment).

Such statements shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate.

- - (7) There shall be no commercial signage attached to any tower or antenna. A small sign of dimensions acceptable to the board, indicating the name and telephone number of the tower owner shall be attached to the security fence. Safety signs as required by law shall be permitted.
  - d. *Landscaping.*
    - (1) Tower facilities shall be effectively screened with plant materials that effectively screens the tower base from adjacent residential property.
    - (2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
  - e. *Security fencing.*
    - (1) Towers and equipment shall be enclosed by security fencing not less than six (6) feet in height, with appropriate anti-climbing devices.
- (6) *Removal of abandoned antennas and towers.* The applicant/owner shall post a bond to cover the cost of removal. The applicant shall submit a re-evaluated bond every two (2) years or the permit will expire. The applicant shall submit an estimated cost of removal prepared by a consultant acceptable to the

zoning board of review. Any antenna or tower that is not operated for its intended communications purpose for a period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the building official notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the town may remove such antenna or tower at the expense of the tower's owner. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Ch. 149, 2-1-99)

§ 5.2. Supplemental regulations, accessory dwelling units

Accessory dwelling units shall only be permitted as part of an owner-occupied residence as a reasonable accommodation for family members with disabilities or who are sixty-two (62) years of age or older, or to accommodate other family members. The intent of this section is to comply with the minimum requirements of R.I.G.L. § 45-24-37(e) and to prohibit the use of accessory dwelling units beyond the minimum requirements of R.I.G.L. § 45-24-37(e).

- – (1) *Purpose.* This article regulates the design, construction, and occupancy of accessory dwelling units . The intent of this section is to:
    - a. Provide affordable opportunities for town residents requiring additional living space for the purpose of housing family members in an independent yet secure manner
    - b. To protect neighborhood values and characteristics, especially the single family, low density, rural features that dominate the town's development patterns
    - c. To ensure the protection of the environment and avoid pollution impacts resulting from intensified land use associated with the development of accessory dwelling units.
    - d. To provide guidelines to facilitate the application process for accessory dwelling units.
    - e. To satisfy the minimal requirements of the State Zoning Enabling Act as set forth in R.I.G.L. § 45-24-37(e).
  - (2) *Guarantee of owner and family member occupancy.* The owner or owners of the residential lot upon which the ADU is located shall occupy one (1) of the residences thereon, except for bona fide temporary absences. Prior to the issuance of any zoning certificate or building permit for an ADU a certificate in the form of a sworn affidavit (See attached affidavit form) to verify that the owner is in residence and that the ADU shall be occupied only by the owner or family members shall be presented to the building/zoning official. No occupancy of an ADU shall be permitted except in conformance with an approved zoning certificate duly issued by the zoning official confirming that the requirements of this section have been met.
  - (3) *Change of ownership.* Change of ownership of the residential lot where the ADU is located shall cause the use as an ADU to terminate automatically. Subsequent owners of the lot may make an application for a zoning certificate in their own name. Review of this subsequent application shall be conducted by the zoning enforcement officer. The zoning enforcement officer shall inspect the ADU to determine whether all the requirements and conditions of this section are met. In instances where there continues to be full compliance with the terms and conditions of this section, the zoning enforcement officer may issue a new zoning certificate without review by the zoning board.
  - (4) *Conditions.* The ADU shall be designed so that to the degree reasonably feasible, the appearance of the property remains that of a single or multi-family residential property. Therefore:
    - a. In general, any new entrances added to an existing residential structure shall be located to the side or the rear of the building. In accordance with the applicable sections of the Rhode Island Building Code, the ADU must have at least one (1) means of egress and one (1) egress window in all bedrooms.

    - b. Additional floor space resulting from the construction of an ADU that is not incorporated into the primary residential structure shall not exceed twenty-five (25) percent of the total floor area of the primary residence but in no case shall the ADU comprise less than three hundred fifty (350) square feet of total floor space or more than nine hundred (900) square feet of total floor space.
    - c. Only one (1) accessory dwelling unit is permitted per residential lot.
- (5) *Occupancy.*
    - a. Occupancy of all ADUs shall be limited to two (2) persons.
    - b. ADUs cannot be used as short-term rentals and cannot be advertised or marketed for rental to the public.
- (6) *Occupancy.* Occupancy of all accessory dwelling units shall be limited to two (2)persons.
- (7) *Utilities.* Both the ADU and the primary residential unit shall jointly share utilities if within the same structure. Electric service shall remain single service. The heating source for the ADU shall be from the furnace or electric service of the main residence. These requirements do not apply to ADUs that are located in a separate structure such as a detached garage.
- (8) *Application procedures.*
    - a. *Floor plan/building elevation.* Applications for construction of ADUs must be presented to the building official and/or zoning official and accompanied by a zoning certificate application and floor plan of the existing residence (if ADU is attached) and of the proposed accessory unit. Floor plans must be drawn to Rhode Island State Building Code standards, must be of sufficient clarity and detail to provide the building official with sufficient information on which to demonstrate the adequacy of the proposed ADU and compliance with this section, and shall be drawn at a scale of not less than one-fourth (¼) inch to a foot.
    - b. *System suitability determination.* All applications for an ADU shall be accompanied by a valid "system suitability determination" issued by the Rhode Island Department of Environmental Management Individual Sewage Disposal Systems Division to ensure protection of natural resources and human health. Applications which propose to add no additional bedrooms to the number of bedrooms existing in the main residential dwelling at the time of the application shall be exempt from this provision.
    - c. *Site plan.* Each application shall be accompanied by a site plan prepared by a licensed professional engineer or licensed surveyor that clearly shows the location of all existing buildings, utilities, driveways, wells, stone walls, fences, and existing vegetation along with the proposed ADU.
    - d. *Parking.* One (1) additional off-street parking space shall be provided to accommodate the ADU. Additional parking on the side of the main residence facing the street shall be prohibited.

(Ch. 151, 12-6-99; Ch. 285, 8-1-22; Ch. 286, 10-3-22)

§ 5.3. Reserved

§ 5.4. Affordable housing fund

- (a) *Legislative findings.*

Whereas there is a shortage of affordable and accessible housing in the Town of Hopkinton, as documented by the Town of Hopkinton Comprehensive Community Plan and more specifically its housing element;

Whereas revenues may be received by the town through fees paid in-lieu of development and other contributions received under the Town of Hopkinton Inclusionary Zoning Ordinance (Section 5.3);

Whereas revenues may be received by the town through contributions from individuals, town appropriations or charitable organizations for the development of affordable housing;

Therefore, the Town of Hopkinton hereby establishes an Affordable Housing Fund to encourage a range of affordable housing choices so that the town can continue to be home to a vital mix of people with a wide variety of income levels.

- (b) *Statement of purpose.* To establish the Hopkinton Affordable Housing Fund (Fund) to act as a source for funding of affordable housing development in the town; to increase the resources available to create and preserve affordable housing that will help meet the ten (10) percent affordable housing goal set for the town by the State Low and Moderate Income Housing Act; to revitalize Hopkinton's neighborhoods, to implement the town's comprehensive community plan and more specifically its housing element; and to assist the town to leverage additional outside resources which may be used to provide affordable housing.
- (c) *Establishment and administration of the affordable housing fund.* The fund shall hereby be established by the town as a separate segregated account under the name of the Hopkinton Affordable Housing Fund held and awarded by the town only for the implementation of those goals established in this statement of purpose. The fund shall be administered by the Hopkinton Finance Department.
- (d) *Oversight.* The affordable housing partnership with the input and advice of the planning department shall act as an advisory board for the fund. The affordable housing partnership shall establish an application and application process for all persons or entities seeking funding under this section and shall recommend to the town council for adoption a protocol/criteria for ranking applications that shall be consistent with this section and shall be used by the affordable housing partnership and the town council in reviewing and reaching determinations on applications submitted.

Following completion of the application process, the affordable housing partnership may recommend projects it deems appropriate to the town manager for presentation to the town council. The town council will make all final funding decisions relative to the distribution and expenditure of all funds held by the fund following a public hearing.

The town council shall be guided by the stated findings and purpose of this section in all decisions that it makes relative to expenditures from the fund but all such decisions shall be in its sole discretion. In reaching its determinations as to expenditures from the fund, the town council may seek input and advice from any town board or commission or any other source from which it believes assistance would be useful.

- (e) *Suitable contributions.* The fund may accept:

- Revenue from all fees paid in-lieu of development and any other contributions received under the Town of Hopkinton Inclusionary Zoning Ordinance (Section 5.3).
- Contributions from individuals, corporations, charitable or other organizations that are dedicated to and intended for the support and production of affordable housing development in Hopkinton.
- Resources appropriated by the town or any other governmental entity.

Any assets remaining in the fund at the end of any fiscal year shall be carried into the next fiscal year, including all interest and income earned, as well as any repayments or forfeitures of loans and grants.

- (f) *Awards.* Awards will be made only to projects that are determined in the sole discretion of the town council to be consistent with the goals and policies of the town's comprehensive community plan. All monetary awards will be made in the form of a grant or loan. Non-profit community development corporations, non-profit housing development organizations, affordable housing land trusts, and for-profit housing developers are eligible recipients for awards. Awards may be made to projects that contribute to achieving, maintaining, or exceeding the town's goal of ten (10) percent affordable housing as defined by the Rhode Island Low-Moderate Income Housing Act (Ch. 45-53) which defines affordable housing as federal, state or locally subsidized housing provided to low or moderate income households as defined in applicable federal or state statute, or local ordinance and that will remain affordable for not less than thirty (30) years. Awards may be made for developments that provide affordable homeownership

and/or rental opportunities to low- and moderate-income families in Hopkinton. Funded developments may consist of either new construction of affordable housing or rehabilitation of existing structures provided that new affordable units result.

Money from the fund may be used in the following ways:

- – (1) To pay for all or part of the cost of constructing low- or moderate-income housing.
  - – (2) As municipal subsidies that help make housing affordable.
  - – (3) To leverage funds from other sources in order to construct low- or moderate-income housing.
  - – (4) To purchase land upon which low- or moderate-income housing will be constructed.
  - – (5) To purchase property for rehabilitation and conversion to low- or moderate-income housing.
  - – (6) As loans for the construction or creation of low- or-moderate income housing.
- (g) *Monitoring of fund distributions.* Entities receiving affordable housing funds shall submit quarterly reports to the planning department on January 1, April 1, July 1 and October 1 of each calendar year until project completion. The following information shall be provided:
  - – (1) All expenditures of affordable housing funds, including support materials necessary to justify expenditures (i.e. receipts for work performed); and
  - – (2) A written project status narrative describing activities undertaken during the reporting period, changes in the scope of work, changes in timetables affecting project completion dates, and specific accomplishments, problems or anticipated delays.

(Ch. 215, 9-20-10

§ 5.5. Solar energy systems

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Editor's note— At the direction of the town, former § 5.5 has been repealed and former § 5.3 has been renumbered as new § 5.5 as set out herein. The former § 5.5 pertained to photovoltaic solar energy systems and derived from Ch. 246, adopted July 18, 2016; and Ch. 246(Revised), adopted Jan. 22, 2019.

§ 5.5.1. Purpose and applicability

- (a) The purpose of this section is to regulate the installation of solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such systems. These standards are intended to ensure that solar energy systems are compatible with the surrounding area, provide for public safety, and minimize impacts on scenic, natural, and historic resources. The provisions of this section shall apply, as specified herein, to construction, operation, and/or repair of solar energy system installation in the town.
- (b) Accessory solar energy systems for which a building permit application has been submitted prior to the enactment of this section shall not be subject to the requirements found herein.
- (c) *Severability.* Should any section, subdivision, clause, or phrase of the ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

(Ch. 279, 4-19-21)

§ 5.5.2. Large scale solar energy systems

- (a) Large scale solar energy systems shall be prohibited throughout the Town of Hopkinton.

(Ch. 279, 4-19-21)

§ 5.5.3. Accessory solar energy systems

- (a) Accessory solar energy systems shall be permitted as set forth in the table of permitted uses in section 5 of this appendix.
- (b) Roof-mounted solar energy systems proposed on new structures or on additions to existing structures shall be reviewed according to the review procedure established by this appendix for the structure or addition. The review procedure for accessory solar energy systems is summarized in the following table:

Accessory Solar Energy Systems	
Size/Type	Review Procedure
Roof-mounted on an existing structure, all sizes	Building permit only
Roof-mounted on a proposed structure, all sizes	The review procedure required for the new structure
Ground mounted	Special use permit

- (c) Ground mounted accessory solar energy systems shall be sized to generate no more energy than one hundred twenty-five (125) percent of the energy that is necessary to support the residence. Accessory solar energy systems that generate more energy than stated above are prohibited.
- (d) At the time of application for a special use permit, as is applicable pursuant to this section, the applicant must demonstrate that any ground mounted accessory solar energy system has been designed to produce no more than one hundred twenty-five (125) percent of the energy that is necessary to support the residence. On a parcel with an existing residence, the applicant shall provide the energy consumption documentation for the use(s) for the previous three-year period. For all new residences, where ground mounted accessory solar is proposed, the applicant shall provide an estimate of energy usage prepared and certified by a qualified engineer or the utility.
- (e) Accessory solar energy systems shall not be constructed, installed, or modified as provided in this section before a building permit is obtained.
- (f) Ground-mounted accessory solar energy systems shall be subject to the following requirements:
  - (1) Height of all ground-mounted solar energy systems shall not exceed six (6) feet above the average grade of the lot it is built on.
  - (2) A disconnect will be required at the time of installation and the electric utility provider shall be notified of this installation.
  - (3) All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground, unless physical constraints to the land make underground lines impossible or impractical as determined by the building official.
  - (4) Applicants proposing ground-mounted solar energy systems shall provide an appropriate buffer to adequately mitigate visual impacts on surrounding properties and the neighborhood in general. Selection of the proposed buffer should be based on the context and characteristics of the specific site. Fencing with design and materials that are appropriate to the surrounding natural and built environment may be permitted; however, vegetative buffers are preferred. The vegetative buffer surrounding the perimeter of the installation shall consist of plants from Rhode Island native plant database and shall be planted at full specified height at the time of planting.

- (5) Ground mounted solar shall be setback one hundred (100) feet from side or rear of property line, and ground-mounted solar energy systems shall not be located within a front yard of a property
- (6) The applicant shall submit a landscaping plan with building permit application for ground-mounted solar energy systems, landscaping must be provided to adequately screen the views of the panels.
- (7) The town's building and/or zoning enforcement officers may order removal or repair of any accessory ground-mounted solar energy system that is constructed, operated, or maintained in a manner that does not comply with this section or that does not comply with the terms of any approvals or permits issued by the town.
- (8) Decommissioning and removal at end of useful life of accessory ground mounted solar are the responsibility of the property owner.
- (9) When the accessory ground mounted solar energy system is scheduled to be decommissioned, the applicant shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal. The owner shall physically remove the solar energy system no more than one hundred eighty (180) days after the discontinued operations. Decommissioning shall consist of:
  - a. Physical removal of all solar energy panels, mounting systems, structures, equipment, security barriers and transmission lines from the site - including below grade foundations, transmissions/distribution lines, and other structures;
  - b. Disposal of all solid and hazardous waste (if any) in accordance with local and state disposal regulations;
  - c. Stabilization or revegetation of the site as necessary to minimize erosion; and
  - d. Any earth disturbance as a result of the removal of the system shall be graded and reseeded.

- (g) Roof-mounted solar energy systems shall be subject to the following requirements:
  - (1) It shall not exceed the height requirements prescribed by the zoning district in which they are located.
  - (2) On flat roofs, accessory solar energy systems shall be set back from the edge and/or behind architectural features to be minimally visible.
  - (3) Panels and devices may be set at a pitch and elevated, only if not visible from public streets.
  - (4) On pitched roofs, the edge of the solar energy system shall be parallel to the roofline.
  - (5) Roof mounted systems shall be sited so as to provide all proper clearances from other building roof penetrations, including but not limited to, plumbing stacks, elevator shafts and chimneys, and shall conform to the town's Building Code.
  - (6) Detailed calculations and engineered drawings of the mounting must be provided. Flat roof elements shall not have equipment or support structures that are visible from public streets, public facilities or neighboring properties and shall be placed as close to the roof plane as possible.
  - (7) Flush mounting is preferred on pitched roofs and shall not project vertically above the peak of the roof and/or no more than the height requirements for the zone in which they are located.
  - (8) Equipment and support structures shall not extend beyond the existing roof area or above the top of the wall or existing roof peak of the building on which they are mounted.
  - (9) Panels shall be installed per state building code and fire code.

(Ch. 279, 4-19-21)

§ 5.5.4. Contaminated site solar energy systems

- (a) This section is intended to promote the development of solar energy systems on properties that have been identified and confirmed by the Rhode Island Department of Environmental Management (RIDEM) as hazardous waste contamination sites, in order to catalyze property remediation and to direct solar energy systems away from forested areas, prime agricultural lands, and properties with high intrinsic value under another use scenario.
- (b) Contaminated site solar energy systems shall be allowed on two (2) types of contaminated property, as described below:
  - (1) *Contaminated site pending remediation:* A contaminated site pending remediation is a property that has been identified and confirmed by RIDEM as of February 16, 2021, as containing a hazardous material contamination through issuance of a "Letter of Responsibility", but which has not yet been remediated to the satisfaction of RIDEM. The intended outcome of permitting a solar energy system on a site pending remediation is to offset the cost of remediation by allowing a beneficial use of the property to occur.
  - (2) *Remediated and restricted contamination site:* A remediated and restricted contamination site is a property (1) that has been identified and confirmed by RIDEM as of February 16, 2021, as having contained a hazardous material contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM as documented within a "Letter of Compliance" or an "Interim Letter of Compliance"; and (3) for which RIDEM has required the use of the property to be restricted through an Environmental Land Use Restriction. The intended outcome of permitting a solar energy system on a remediated and restricted contamination site is to allow an already disturbed property to be used for renewable energy generation, directing solar energy systems away from less desirable areas, such as forested areas and prime agricultural lands.
- (c) Contaminated site solar energy systems shall be considered principal solar energy systems, classified as a major land development, and shall be reviewed according to the procedures established by this section, except that a public hearing before the planning board, advertised and noticed pursuant to the requirements for public notice contained within the Town of Hopkinton Subdivision and Land Development Regulations, shall be required for all applications, provided that if a project is to require six (6) or more months of construction (as noted by the developer or extrapolated by the town based on other projects) the applicant shall provide formal written notice by mail to all abutters and residents within five hundred (500) feet that provides the location and description of the project along with an estimated construction duration. The required review process is summarized, below:

Contaminated Site Solar Energy Systems	
Size/Zoning District	Review Procedure
All contaminated site solar energy systems	Review as a major land development project
Major changes to previously approved systems	The same review process by which the solar energy system was originally r

- (d) Applications for major land development project review of contaminated site solar energy systems shall include, in addition to the requirements set forth in the town's subdivision and land development regulations and the requirements of this section, the following, based on the type of contaminated site on which the system is proposed:
  - (1) Systems proposed on a contaminated site pending remediation shall submit:
    - a. The associated "Letter of Responsibility" and "Remedial Approval Letter" from RIDEM, and all applicable attachments or appendices;
    - b. A copy of any environmental land use restriction (ELUR) required by RIDEM to be imposed on the contaminated site(s) along with a narrative explaining the content of such restriction;

        * c. Confirmation from RIDEM that a solar energy system is an acceptable use for the contaminated site(s); and
        * d. A site plan and associated materials delineating the extent of the contamination previously or currently existing on the site(s) and the extent of disturbance that will be required to perform the approved remediation activities, including square footage calculations of said areas compared to the total area of the subject site(s).
    - (2) Systems proposed on a remediated and restricted contamination site(s) shall submit:
        * a. The associated "Letter of Compliance" or "Interim Letter of Compliance" from RIDEM;
        * b. Written confirmation from RIDEM that the proposed contaminated site solar energy system is consistent with the requirements for maintaining compliance; and
        * c. A site plan and associated materials delineating the extent of the remediation activities and any clearing that was necessary due to remediation activities, including square footage calculations of contaminated areas compared to the total area of the subject site(s).
- (e) Any approval issued for a system proposed on a contaminated site pending remediation shall be conditioned on receipt of a "Letter of Compliance" or an "Interim Letter of Compliance" from RIDEM prior to issuance of a permit for installation of the solar energy system, in addition to the conditions required by section 5.5.5.
- (f) Contaminated site solar energy systems shall meet the applicable dimensional and site design requirements of section 6 and this section, except where an alternative standard is proposed by this section.
- (g) In granting approval for a contaminated site solar energy system, the planning board must make the following findings of fact:
    - (1) Permitting use of the parcel for a contaminated site solar energy system will:
        * a. Allow remediation of a contaminated site as of February 16, 2021, on the list of such sites stated in the appendix to this ordinance by offsetting the cost of such remediation and allowing a beneficial use of the property to occur; or
        * b. Allow an already remedied property as of February 16, 2021, on the list of such sites stated in the appendix to this ordinance to be used for renewable energy generation, directing solar energy systems away from less desirable areas, such as forested areas and prime agricultural lands.
- (h) Contaminated site solar shall not occupy more than one hundred fifty (150) percent of the actual contaminated area on site as recognized by the Rhode Island Department of Environmental Management.
- (i) Forested areas shall not be clear-cut for the purpose of installing solar installations. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy system, and shall not exceed twenty-five (25) percent of the existing tree and vegetation cover.
- (j) Contaminated site solar energy systems shall be subject to the following requirements:
    - (1) The construction and operation of solar energy systems shall comply with all applicable federal, state, and local requirements, including, but not limited to, all applicable safety, construction, electrical, environmental and communications requirements. All buildings and fixtures forming part of, or associated with, a solar energy system shall be constructed in accordance with the Rhode Island State Building Code.
    - (2) Construction of the solar energy system shall only be allowed between 8:00 a.m. and 5:00 p.m. and shall not be allowed on Saturday or Sunday.

- (3) The maximum height of contaminated site solar energy systems shall be no more than twelve (12) feet above finished grade.
- (4) Solar energy systems shall be sited and designed to prevent or minimize any negative aesthetic impacts on neighboring properties, conservation areas, rivers, ponds or public roads and to avoid any compromise of prominent view sheds, or of any view sheds including any wild or scenic river or tributary. No portion of the solar system shall intrude within any area within one-quarter mile of any river, tributary, or any integral body of water.
- (5) Applicants shall propose an appropriate landscape or no cut buffer that adequately mitigates visual impacts on surrounding properties and the neighborhood in general. Selection of the proposed buffer should be based on the context and characteristics of the specific site and shall be done in consultation with a landscape architect. Buffers that the planning board may require to be implemented include, but are not limited to:
  - a. 150-foot wooded buffer; or
  - b. 75-foot partial landscape screen; or
  - c. 30-foot full landscape screen.
- (6) All contaminated site solar energy systems shall be designed and located to prevent reflective glare toward any inhabited buildings on adjacent properties. Glare generated from solar panels shall not interfere with traffic or create a safety hazard.
- (7) On-site drainage management and erosion and sedimentation control shall conform to the latest Rhode Island Stormwater Design and Installation Standards Manual, and the RI Soil Erosion and Sediment Control Handbook, as well as all applicable town regulations.
- (8) All utility connections from the solar energy system and interconnection of the solar energy system to the grid shall be placed underground, except where above-ground interconnection is expressly required by National Grid.
- (9) Clearing of natural vegetation shall be strictly limited to what is necessary for the construction, operation, and maintenance of the solar energy system or as otherwise prescribed by applicable laws and regulations. Removal of trees within a town right-of-way shall be subject to receipt of approval from the department of public works, which shall be approved at the discretion of the director of the department of public works. Excavation and filling of project sites shall be limited to what is necessary to stabilize the installation area. There shall be no clearance of vegetation within a 400-foot distance of any wild and scenic river or tributary.
- (10) Lighting of the contaminated site solar energy system shall be limited to that required for safety and operational purposes. All site lighting shall be directed downward and incorporate full cut-off fixtures to reduce light pollution and confine the light footprint to the facility site.
- (11) No building permit shall be issued for the contaminated site solar energy system unless and until notice is provided by the town planner to the town building official in writing that all of the applicable approvals have been received and all of the applicable requirements of this chapter have been met.
- (12) All mechanical equipment associated with contaminated site solar energy systems, including but not limited to controls, energy storage devices, batteries, heat pumps, exchangers, or other materials, hardware, or equipment necessary to the process by which solar radiation is converted into another form of energy shall be designed to prevent unauthorized access.
- (13) All panels, equipment, and structures associated with a contaminated site solar energy systems shall meet twice the principal setback requirements prescribed by the zoning district in which they are located, except that such solar energy systems shall be set back from property lines abutting residentially zoned parcels, or parcels containing residential uses, a minimum of six

hundred (600) feet, and from property lines abutting public and private roads a minimum of four hundred (400) feet.

- (14) Contaminated site solar energy systems, including all associated equipment, shall be enclosed by a perimeter fence, which shall be not less than six (6) feet in height and shall incorporate wildlife passage features for small mammals and birds in its design and installation. The perimeter fence shall be secured from unauthorized entry.
- (15) The site design for contaminated site solar energy systems shall include adequate access and parking, and driveway and access aisle widths shall allow accessibility to the solar energy system premises by the property owner and emergency response personnel and equipment.
- (16) A means of shutting down the solar energy system connection to National Grid's interconnection shall be clearly and sufficiently marked.
- (17) The ground cover and subgrade beneath the solar panels and associated equipment shall be designed to provide a stable, structural surface capable of properly supporting the components of the solar energy system. Grass is the preferred treatment versus gravel, crushed stone or the like, however each application shall be assessed during the planning board review process, as applicable, to determine the most appropriate ground cover.
- (18) Any new proposed access entry drives from public rights-of-way shall require the issuance of Physical Alteration Permits (PAP) from the Town of Hopkinton or RIDOT depending on whether town or state roadways are being utilized for access purposes.
- (19) The contaminated site solar energy system shall be maintained by the solar energy system owner and/or operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs, maintenance of the landscape buffers, care and replanting if necessary, of any vegetative screening, cleaning, clearing and repairing of stormwater and drainage infrastructure, and integrity of security measures. No chemicals, solvents or herbicides, excluding water, will be used in the operation and maintenance of the solar energy system. The equipment shall remain in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property and disposed of in accordance with all applicable federal, state, and local regulations.
- (20) All plants and other material used for screening shall be no less than six (6) feet in height at the time of installation. Additionally, the planning board may require certain vegetation to be used for understory cover that may serve to further screen the project. The owner of the solar energy system and any successors shall maintain the screen and understory cover for the life of the project.
- (21) Contaminated site solar energy systems shall keep with the existing contours of the land to the extent feasible. The use of blasting during site preparation or construction is prohibited.
- (22) A sign shall be posted at the solar energy system, displaying the name of the owner and operator of the facility and providing a twenty-four-hour emergency contact number. Said sign shall be no greater than six (6) square feet in surface area. In the event of a change of ownership, the sign shall be replaced to display the name of the new owner and operator of the facility within thirty (30) days of the transfer of ownership, providing a twenty-four-hour emergency contact number for the new owner/operator. Notice of change of ownership shall also be mailed by first class mail to the town planner within thirty (30) days of the change of ownership. The solar energy system shall not be used for displaying any advertising except for reasonable identification of the operator of the facility. Any such signage shall comply with the section 27 of the Zoning Ordinance.
- (23) As part of any approval, the applicant and the planning board shall set a proposed date for decommissioning, which date may only be extended upon further approval by the planning board. If decommissioning has not been completed within one hundred eighty (180) days of abandonment or the proposed date of decommissioning, whichever is sooner, the town shall give

written notice to the landowner and/or solar energy system owner and operator to accomplish the decommissioning within thirty (30) days. If the decommissioning has not been completed within thirty (30) days of said written notice by the town, the town and/or the town's representative shall have the authority to enter the property and decommission the solar energy system, charging the landowner and/or solar energy system owner and operator for all costs and expenses, including reasonable attorney's fees for collection.

- (24) Planning board approval of a contaminated site solar energy system shall be conditioned on the establishment and posting of a financial guarantee, in a form and amount determined by the planning board deemed sufficient to cover the cost of decommissioning and removal of the solar energy system at the end of its useful life or when abandonment occurs plus inflation and at least a twenty (20) percent contingency.
- (25) The calculation of the decommissioning reserve shall be predicated upon the assumption that one hundred (100) percent of the retired solar panels will be recycled by an accredited solar panel waste recycler, without any credit on the financial guarantee amount for anticipated salvage value or reuse value of any project components.
- (26) To the extent that the financial guarantee is utilized for decommissioning the solar energy system and does not cover the full cost of decommissioning, as a condition of approval, the owner of the real property on which the solar energy system is located shall agree that a lien shall be placed on the real property in favor of the town for the uncovered costs of decommissioning expended by the town. All financial guarantees collected under this section shall be placed in a restricted account to only be used on the cost of decommissioning solar energy systems.
- (27) Planning board approval of a contaminated site solar energy system shall be conditioned on the provision of an on-site public safety response training with the police chief, and/or their designee(s), the fire chief of the applicable fire district, and/or their designee(s), and the emergency medical services director, and/or their designee(s),within one (1) month of completion of installation of the system.
- (28) To ensure the fulfillment of the requirements of this section, the planning board or the zoning board of review shall have the authority to require the provision of additional landscaping beyond the minimum requirements of this section and the town's subdivision and land development regulations, where such is necessary to mitigate negative impacts to adjacent properties or prominent community view sheds, or due to the unique characteristics of the subject property.

(Ch. 279, 4-19-21)

§ 5.5.5. Inspection and enforcement

The building/zoning official and town engineering consultant shall have the power to inspect any solar energy system at any time to ensure compliance with the provisions of this appendix. Any entity who fails or refuses to adhere to all of the provisions of this appendix or any conditions imposed by the town, State of Rhode Island or Federal government, shall be deemed in violation and liable to the Town of Hopkinton for penalties not to exceed five hundred dollars ($500.00) per day for each violation. Each day of existence of a violation shall be deemed a separate offense.

The town's engineer or designee shall inspect any contaminated site solar energy system at the expense of the applicant on a weekly basis during construction, and during the month of April each year after completion of construction. Said inspection will include a review of any and all reports as required by the State of Rhode Island, the Town of Hopkinton and the Federal government. The applicant and any successors shall reimburse the town for any cost incurred as specified in the stormwater facility maintenance agreement.

(Ch. 279, 4-19-21)

§ 6. Dimensional regulations

Requirement	Zoning Districts [5] R-1	RFR-80	Neighborhood Business	Commercial [1]	Manufacturing [1,7]
Lot Frontage Minimum	100'	225'	150'	150'	225'
Front Yard [2] Setback Minimum	25'	60'	40'	60'	75'
Side Yard [2] Setback minimum	15'	40'	25'	25'	50'
Rear Yard [2] Setback Minimum	30'	50'	30'	50'	75'
Height - Main Structure Maximum	35'	40'	40'	40'	40'
Height - Accessory Structure Maximum	25'	25'	25'	25'	25'
Lot Area [6] (1,000 Sq. Ft.) Minimum	20 [3]	80	40	60	80
% Coverage [4] Maximum	30	15	90	75	75

[1] No commercial or manufacturing structure shall be located closer than one hundred (100) feet to a residential zone district boundary line.

[2] The front yard setback area of Commercial or Manufacturing districts shall be maintained in a vegetated condition; where Commercial or Manufacturing property abuts a residential zone district boundary, the side and rear yard setback area abutting said residential boundary shall also be maintained in a vegetated condition.

[3] The subdivision of any land within the R-1 zoning district after the adoption of this ordinance shall also require a minimum density of at least sixty thousand (60,000) square feet per building lot.

[4] The maximum percent of the lot area which may be covered by buildings and impervious surfaces.

[5] The dimensional regulations of the RFR-80 district shall apply to the Residential Special district (RS), the Neighborhood Business district shall apply to the Neighborhood Business Special district (NBS), the Commercial district to the Commercial Special district (CS), and the Manufacturing district to the Manufacturing Special district (MS).

[6] For two-family and multifamily dwellings, the minimum lot size shall be determined by multiplying the number of units by eighty thousand (80,000) square feet.

[7] Electric substation in manufacturing zones shall require front, side and rear yard setbacks to be two hundred (200) feet from any residential use. The maximum percentage coverage of the lot that may be covered by buildings, transformers, fencing and impervious surfaces shall not exceed twelve (12) percent and the minimum lot size shall be twelve (12) acres.

(Ch. 134, § 6, 12-19-94; Ch. 210, § 2, 7-20-09)

§ 7. Substandard lots of record

- (A) *Merger.* Where contiguous unimproved or improved and unimproved lots of record are in the same ownership and do not conform to the area and frontage requirements for the district in which they are located on the effective date of the adoption or subsequent amendment of this zoning ordinance, such lots shall merge to the extent necessary to create dimensionally conforming lots or to reduce the extent of the nonconformity, except for the following:
  - (1) Any lot created for development and platted with planning board approval before the date of enactment of this ordinance shall not be required to merge with an adjacent lot.
  - (2) A lot that is nonconforming by area shall not be required to merge with an adjacent lot if the nonconforming lot has an area at least as large as half of the lots within two hundred (200) feet of the nonconforming lot.
- (B) If a lot substandard in area was legally created and is not required to merge with an adjacent lot in the same ownership, the owner of the lot shall not be required to obtain relief from the zoning board of review to construct a building on the lot simply because the lot is nonconforming in area. The required minimum front, side, and rear yard depths shall be reduced, and the maximum building lot coverage shall be increased, by the same proportion that the lot area is not in conformity with the minimum lot area for the zoning district. If further dimensional relief is necessary to construct the building, that relief is available by modification or by dimensional variance.

(Ch. 134, § 7, 12-19-94; Ch. 292, §(Exh. C), 12-4-23)

§ 8. Nonconforming development

- (A) *Continued existence.* Any use, activity, structure, building, sign, or other improvement lawfully existing at the time of the adoption or subsequent amendment of this zoning ordinance but which is nonconforming by use or nonconforming by dimension under the terms of this ordinance or subsequent amendment hereto shall be permitted to continue. This shall not exempt the nonconforming development from the regulations of this or other town ordinances, state statutes or common-law requirements requiring that property be used so as not to create a nuisance.
- (B) *Nonconforming by use.* A nonconforming use shall not be altered or intensified.
- (C) *Nonconforming by dimension.* A dimensionally nonconforming building or structure may be altered if the alteration does not increase the nonconformity. A dimensionally nonconforming building or structure shall not be enlarged or expanded in a manner that increases its dimensional nonconformity.
- (D) *Abandonment.* If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use shall consist of some overt act, or failure to act, which would lead one (1) to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use unless the owner can demonstrate an intent not to abandon the use. An involuntary interruption of nonconforming use, such as by fire and natural catastrophe, does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of one (1) year, the owner of the nonconforming use will be presumed to have abandoned the nonconforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.
- (E) *Maintenance or repair.* Nothing in this ordinance shall prevent or be construed to prevent routine maintenance of a nonconforming use or a dimensionally nonconforming building or structure.
- (F) *Limitation.* A use established by variance or special-use permit shall not acquire the rights of this section.

(Ch. 134, § 8, 12-19-94; Ch. 208, 4-21-08; Ch. 292, §(Exhs. A and D), 12-4-23)

§ 9. Variances

- (A) *Application.* An application for relief from the literal requirements of this ordinance may be made by filing an application with the required supporting information in the office of the zoning enforcement officer, or, if the application is filed concurrently with an application for land development project approval, in the office of the administrative officer. The form for a use variance and the form for a dimensional variance are appendices to this ordinance and are incorporated herein and made a part of this ordinance.

The zoning enforcement officer or the administrative officer has the authority to waive submission of supporting information at the request of the applicant, provided, however, that the zoning board of review or the planning board has the authority to require submission of any information for which submission was initially waived. If the zoning enforcement officer or the administrative officer denies a waiver request, the applicant has the right to appear before the zoning board of review or the planning board to request the waiver.

Upon receipt of the complete application, the zoning enforcement officer or administrative officer shall immediately schedule a public hearing. If the zoning board of review will hear the application, a copy shall be transmitted to the planning board.

- (B) *Planning board recommendations.* The zoning board may request that the planning board or the town planner provide a written statement on the general consistency of the application with the goals and purposes of the comprehensive plan within thirty (30) days.
- (C) *Notice and hearing.* The zoning board shall hold a public hearing on the applicationin an expeditious manner and shall give notice of the public hearing at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation in Hopkinton. The notice shall include the applicant's name and address and the street address and plat and lot number of the subject property, and shall describe the relief sought. The notice shall state the date, time, and location of the public hearing. The applicant shall pay the cost of the advertisement. At least fourteen (14) days before the date of the public hearing, the clerk of the zoning board of review shall send notice of the public hearing by first class mail to the applicant and to:
  - (1) The owners of property within two hundred (200) feet of the property that is the subject of the application, whether located in Hopkinton or an adjacent town.
  - (2) The town council of any town adjacent to Hopkinton, if the subject property is located within two hundred (200) feet of the boundary of that town.
  - (3) Any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application.

The applicant shall pay the cost of the postage. At least fourteen (14) days before the date of the public hearing, the notice shall be posted in the town clerk's office, in one (1) other municipal building, and on the home page of the town's website.

- (D) In granting a variance, the zoning board shall require that evidence satisfying the following standards be entered into the record of the proceedings:
  - (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant except for those disabilities covered by the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et. seq.
  - (2) That the hardship is not the result of any prior action of the applicant.
  - (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which this ordinance is based.

- (E) The zoning board shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
  - (1) In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance.
  - (2) In granting a dimensional variance, that the hardship that 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, which shall mean that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.
- (F) An applicant may apply for, and be issued, a dimensional variance for a use allowed by special-use permit.

(Ch. 134, § 10, 12-19-94; Ch. 292, §(Exh. E), 12-4-23)

§ 10. Special-use permits

- (A) *Application.* An application for a special-use permit listed in the district use table in Section 5 of this ordinance may be made by filing an application form with the required supporting information in the office of the zoning enforcement officer or, if the application is filed concurrently with an application for land development project approval, in the office of the administrative officer. The form is an appendix to this ordinance and is incorporated herein and made a part of this ordinance.

The zoning enforcement officer or the administrative officer has the authority to waive submission of supporting information at the request of the applicant, provided, however, that the zoning board of review or the planning board has the authority to require submission of any information for which submission was initially waived. If the zoning enforcement officer or the administrative officer denies a waiver request, the applicant has the right to appear before the zoning board of review or the planning board to request the waiver.

Upon receipt of the complete application, the zoning enforcement officer or the administrative officer shall immediately schedule a public hearing. If the zoning board of review will hear the application, a copy shall be transmitted to the planning board.

- (B) *Planning board recommendations.* The zoning board may request that the planning board or the town planner provide a written statement on the general consistency of the application with the goals and purposes of the comprehensive plan within thirty (30) days.
- (C) *Notice and hearing.* The zoning board shall hold a public hearing on the application in an expeditious manner and shall give notice of the public hearing at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation in Hopkinton. The notice shall include the applicant's name and address and the street address and plat and lot number of the subject property, and shall describe the relief sought. The notice shall state the date, time, and location of the public hearing. The applicant shall pay the cost of the advertisement. At least fourteen (14) days before the date of the public hearing, the clerk of the zoning board of review shall send notice of the public hearing by first class mail to the applicant and to:
  - (1) The owners of property within two hundred (200) feet of the property that is the subject of the application, whether located in Hopkinton or an adjacent town.
  - (2) The town council of any town adjacent to Hopkinton, if the subject property is located within two hundred (200) feet of the boundary of that town.
  - (3) Any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application.

The applicant shall pay the cost of the postage. At least fourteen (14) days before the date of the public hearing, the notice shall be posted in the town clerk's office, in one (1) other municipal building, and on the home page of the town's website.

- (D) In granting a special-use permit, the zoning board shall be satisfied by legally competent evidence that:
  - (1) The proposed use will be compatible with the neighboring uses and will not adversely affect the use and enjoyment of nearby property.
  - (2) The proposed use will be constructed or established at a location in the zoning district where it will be consistent with the character and appearance of nearby uses.
  - (3) The proposed use will be compatible with the orderly growth and development of the town, and will not harm the environment.
  - (4) That all best practices and procedures to minimize the possibility of any adverse effects on neighboring property, the town, and the environment have been considered and will be employed, including but not limited to considerations of soil erosion, water supply protection, septic disposal, wetland protection, and traffic limitation, safety and circulation.
- (E) An applicant may apply for, and be issued, a dimensional variance for a use allowed by special-use permit, provided, however, that a dimensional variance shall not be granted for a solar energy system that is allowed by special use permit. If the special use could not exist without the dimensional variance, the board shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate, based on both the special use permit criteria and the dimensional variance evidentiary standards.

(Ch. 134, § 10, 12-19-94; Ch. 181, § 1, 10-18-04; Ch. 279, 4-19-21; Ch. 292, §(Exh. F), 12-4-23)

§ 11. Special conditions

In granting a variance or in making any determination upon which it is required to pass after a public hearing, the zoning board may apply such special conditions that may, in its opinion, be required to meet the intent and purposes of the comprehensive plan and this ordinance. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Special conditions shall be based on competent credible evidence on the record, and may include, but are not limited to, provisions for:

- (1) Minimizing adverse impact of the development upon other land, including the type, intensity, design, and performance of activities.
- (2) Controlling the sequence of development, including when it must be commenced and completed.
- (3) Controlling the duration of use or development and the time within which any temporary structure must be removed.
- (4) Ensuring satisfactory installation and maintenance of required public improvements.
- (5) Designating the exact location and nature of development.
- (6) Establishing detailed records by submission of drawings, maps, plats or specifications.

(Ch. 134, § 12, 12-19-94; Ch. 292, §(Exh. G), 12-4-23)

§ 12. Creation of vested rights

An application shall be vested for the purposes of this ordinance as follows:

- (A) When planning board or zoning board approval is not required, an application is vested when the building official issues a building permit. The application is vested under the zoning ordinance and regulations in effect on that date.

- (B) When only planning board approval is required for development, an application is vested on the date the administrative officer certifies as complete the application for the first formal stage of review. The application is vested under the zoning ordinance and regulations in effect on the date of certification.
- (C) When only zoning board approval is required, an application is vested on the date the administrative officer or the zoning enforcement officer determines that the application is complete. The applicant is vested under the zoning ordinance and regulations in effect on the date of certification.

(Ch. 134, § 12, 12-19-94; Ch. 292, §(Exh. H), 12-4-23)

§ 13. Modifications

- (A) *Definition.* A modification is a dimensional variance granted by the zoning enforcement officer. The zoning enforcement officer is authorized to approve modifications to the required side yard, rear yard, and maximum lot coverage dimensions that are specified in the table below.

	Required	Maximum % modification	Maximum modification
R-1			
Side yard setback	15 feet	25%	3.75 feet
Rear yard setback	30 feet	25%	7.5 feet
Lot coverage	30%	15%	4.5% of lot area
RFR-80			
Side yard setback	40 feet	25%	10 feet
Rear yard setback	50 feet	25%	12.5 feet
Lot coverage	15%	15%	2.25% of lot area
Neighborhood Business			
Side yard setback	25 feet	25%	6.25 feet
Rear yard setback	30 feet	25%	7.5 feet
Commercial			
Side yard setback	25 feet	25%	6.25 feet
Rear yard setback	50 feet	25%	12.5 feet
Lot coverage	75%	15%	11.25% of lot area
Manufacturing			
Lot coverage	75%	15%	11.25% of lot area

- (B) *Application.* To request a modification, an applicant shall complete an application form and submit it to the zoning enforcement officer. If the modification is five (5) percent or less, the zoning enforcement officer has the authority to grant a permit for the modification without public notification. The zoning enforcement officer shall approve modification within ten (10) days if he or she finds that all of the following criteria are satisfied:
  - (1) The modification is reasonably necessary for the full enjoyment of the permitted use.
  - (2) The modification will not substantially injure or substantially impair the appropriate use of neighboring property.
  - (3) The modification would not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations.
  - (4) The modification would not violate any rules or regulations with respect to freshwater wetlands.
- (C) *Public notice.* If the zoning enforcement officer finds that all of the criteria in subsection (B), above, are satisfied, and the modification is five (5) percent or less, the zoning enforcement officer shall issue

a modification permit. If the zoning enforcement officer finds that all of the criteria in subsection (B), above, are satisfied, and the applicant is requesting a modification of more than five (5) percent, notice of the modification application shall be published in a newspaper of local circulation in Hopkinton and shall be sent by first class mail to the owners of property abutting the property that is the subject of the modification application. The notice, which shall include the street address of the property, shall state that the modification will be granted unless written objection is received within fourteen (14) days. The applicant shall pay for the postage and advertising.

- (D) *Issuance of permit.* If no written objection is received within fourteen (14) days, the zoning enforcement officer shall issue a modification permit. The zoning enforcement officer may apply any special conditions to the permit that are necessary to ensure that the modification complies with the intent and purposes of the zoning ordinance.
- (E) *Denial or objection.* If written objection is received within fourteen (14) days, or if the zoning enforcement officer denies the modification application, the modification application shall be scheduled for hearing as an application for a dimensional variance before the zoning board of review, or before the planning board under unified development review. The notice and advertising requirements applicable to variances shall apply.
- (F) *Records to be kept.* The zoning enforcement officer shall keep a record of all modification applications, determinations, objections received, and special conditions applied to any permits.

(Ch. 134, § 13, 12-17-94; Ch. 208, 4-21-08; Ch. 292, §(Exh. I), 12-4-23)

§ 14. Land development projects

- (A) A land development project is a project in which one (1) or more lots, tracts, or parcels of land are developed or redeveloped as a coordinated site for one (1) or more uses, units, or structures, including but not limited to planned development or cluster development for residential, commercial, institutional, recreational, open space, or mixed uses.
- (B) All open land in a land development project or subdivision that is reserved for public or common use shall either be conveyed to the town for park, open space, agricultural, or other specified use or uses, or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the development or owners of shares within a cooperative development. If the open land is conveyed to such a corporation or trust, ownership shall pass with conveyance of each individual lot or unit. In any case where the land is not conveyed to the town, a restriction or conservation easement enforceable by the town shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway without prior approval of the town council.

14.1 Residential cluster development

- – (A) *Intent.* Residential cluster developments are intended to:
    - (1) Encourage development of harmonious, efficient and convenient environments that are consistent with the comprehensive plan;
    - (2) Increase housing opportunity by promoting variety in residential types, density and site design;
    - (3) Encourage the preservation of unique natural features of the site, and
    - (4) Facilitate the economical and efficient provision of necessary community services, roadways, recreation and open space.

These purposes and objectives are to be realized through flexibility in design, lot dimension, and preservation and dedication of open space.

- – (B) *Site size.* The site proposed for a residential cluster development shall be no less than ten (10) acres unless the planning board or the administrative officer finds that property of less acreage is suitable by virtue of its unique historical character, topography or land features.
  - – (C) *Permitted uses.* Single-family dwellings, two-family structures, and multi-family structures are permitted in residential cluster developments.
  - – (D) *Residential density and dimensional regulations*
    - ∗ (1) Residential cluster developments are permitted only in the RFR-80 zoning district. The maximum residential density is one (1) dwelling unit per eighty thousand square feet (80,000). A density increase of up to ten (10) percent may be approved if ten (10) percent of the total number of dwelling units in the development will be low- or moderate-income housing.
    - ∗ (2) The following minimum lot sizes are required for the following uses:

Single-family detached dwelling - 40,000 sq. ft.

Two-family or duplex structure - 60,000 sq. ft.

Multi-dwelling-unit structure - 80,000 sq. ft.

- – ∗ (3) Where the applicant can demonstrate that public water is available or the development will have its own water system, lots with reduced area may be approved as follows:

Single-family detached dwelling - 30,000 sq. ft.

Two-family or duplex structure - 50,000 sq. ft.

Multi-dwelling-unit structure - 70,000 sq. ft.

- – ∗ (4) Where the applicant can demonstrate that public water is available or the development will have its own water system, and the applicant can demonstrate that a community on-site wastewater treatment system or a denitrification on-site wastewater treatment system will be approved and constructed, lots with reduced area may be approved as follows:

Single-family detached dwelling - 20,000 sq. ft.

Two-family or duplex Structure - 40,000 sq. ft.

Multi-dwelling-unit structure - 60,000 sq. ft.

On-site wastewater treatment systems located in common open space shall be owned and maintained by the homeowners' association.

Land unsuitable for development may be part of a lot but shall not comprise any part of the minimum lot size.

All dimensional regulations applicable to residential cluster developments are shown in Table 14.1A.

- – (E) *Standards for duplexes, townhouses, and rowhouses:*
  - ∗ (1) No more than fifty (50) percent of developable area of any residential cluster development shall contain duplexes, townhouses, or other multi-family buildings. If structures other than detached single-family dwellings are proposed, the applicant shall submit detailed plans for the proposed buildings that show type of construction, sizes of units, style, location on lots, and site layout, including landscaping and the location of driveways and parking areas.
  - ∗ (2) No rowhouse structure shall contain more than four (4) dwelling units.
  - ∗ (3) Each structure containing townhouses shall be located on a separate lot.
  - ∗ (4) Each townhouse lot shall have a yard of at least five hundred (500) square feet, reasonably secluded from view from street or neighboring property. Driveways, off-street parking, garages, or other accessory buildings shall not be located in the yard.

    - (5) The minimum distance between any two (2) rows of townhouse buildings shall be eighty (80) feet. The minimum distance between abutting ends of townhouses in the same general plane or row shall be thirty (30) feet.

- (F) *Open space:*

    - (1) At least thirty (30) percent of the total area of the land suitable for development, excluding streets, wetlands, ponds, marshes, protected natural areas, and areas classified as unique, shall be reserved as open space. The open space shall conform to the requirements of section 9.2 of the land development and subdivision regulations.

    - (2) The open space lot or lots in a residential cluster development shall not be taxed separately from the building lots. The value of the open space shall be added to the property taxes assessed against each lot.

- (G) *Streets and parking.* All streets shall be constructed in compliance with the requirements of the land development and subdivision regulations. If the proposed development will contain no more than 7 lots, the applicant may request that the street will be privately owned and maintained. At least two (2) off-street parking spaces shall be provided for each dwelling unit.

- (H) *Approval.* Residential cluster developments shall be reviewed and approved as provided by Art. IX, section 9.2 of the land development and subdivision regulations.

14.2 Residential compounds

- (A) *Definition and purposes.*

A residential compound is a subdivision of no more than seven (7) building lots with a maximum residential density of one (1) dwelling unit per five (5) acres, where private streets provide access to lots. Residential compounds are intended to:

- (1) Preserve the town's rural character.
    - (2) Enable residents to own larger parcels suitable for small farms or homesteads.
    - (3) Provide for limited development in areas of the town that are remote or have poorly-drained soil.
    - (4) Enable families to establish large homesteads in which lots may be conveyed to family members.

- (B) *Future development restricted:*

No parcel that has been developed as a residential compound may be further subdivided. This restriction shall not prevent development of residential compounds in incremental stages or phases, but no lot created as part of a residential compound shall be further reduced in size.

- (C) *Density and dimensional requirements:*

    - (1) A parcel developed as a residential compound shall have a minimum of fifty (50) feet of frontage on a public town street or a state highway. The residential density of the subdivision shall not exceed one (1) dwelling unit per five (5) acres of land suitable for development as that term is defined in the land development and subdivision regulations. No more than seven (7) building lots shall be created. No more than one (1) principal single-family dwelling unit shall be located on each lot.

    - (2) The following dimensional regulations shall apply to building lots:

Minimum lot area - 2 acres

Minimum frontage on a street - 30 feet

Minimum front yard depth - 75 feet

Minimum side yard depth - 40 feet

Minimum rear yard depth - 40 feet

- – (D) *Standards for private streets:*

Streets shall be constructed according to the standards in Art. XVII of the land development and subdivision regulations. The minimum width of a street right of way shall be fifty (50) feet and the minimum width of the travel surface shall be twenty (20) feet.

- – (E) *Open space:*
  - ∗ (1) Any land in a residential compound in excess of that required to satisfy the density and dimensional requirements may be included in any building lot or may be used to create one (1) or more open space lots. Open space lots may be used only for conservation, noncommercial outdoor recreational facilities, agriculture, or the preservation of scenic or historic sites or structures, and structures accessory to any of those uses. Each open space lot shall have frontage of at least thirty (30) feet on a private street. The planning board shall approve the proposed uses of the open space and the location of any structures on it.
  - ∗ (2) The open space lot or lots in a residential compound shall not be taxed separately from the building lots. The value of the open space shall be added to the property taxes assessed against each lot.
  - – (F) Residential compounds shall be reviewed and approved as provided by Art. IX, section 9.1 of the land development and subdivision regulations.

Dimensional Regulations for Residential Cluster Developments

TABLE 14.1A

	Minimum lot area	Minimum front yard depth	Min
No community water, community OWTS or denitrification OWTS			
Single-family detached dwelling	40,000 sq. ft.	40 ft.	20 ft
Two-family or duplex structure	60,000 sq. ft.	40 ft.	15 ft
Multi-dwelling-unit structure	80,000 sq. ft.	40 ft.	15 ft
Common water			
Single-family detached dwelling	30,000 sq. ft.	25 ft.	20 ft
Two-family or duplex structure	50,000 sq. ft.	25 ft.	15 ft
Multi-dwelling-unit structure	70,000 sq. ft.	25 ft.	15 ft
Common water and community OWTS or denitrification OWTS			
Single-family detached dwelling	20,000 sq. ft.	25 ft.	20 ft
Two-family or duplex structure	40,000 sq. ft.	25 ft.	15 ft
Multi-dwelling-unit structure	60,000 sq. ft.	25 ft.	15 ft

[1] Does not apply where units share a common wall.

[2] Sixty (60) feet for nonresidential buildings.

(Ch. 134, § 14, 12-19-94; Ch. 237, 7-21-14; Ch. 292, §(Exh. J), 12-4-23)

§ 15. Development plan review

- (A) Development plan review is a review by the administrative officer, the technical review committee, or the planning board of the design or site plan for a permitted use. Its purpose is to encourage com-

pliance with design and performance standards under specific and objective guidelines. Development plan review may be used to approve developments including, but not limited to:

- 1. A change in use at the property where no extensive construction of improvements is sought.
- 2. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
- 3. An adaptive reuse project located in a residential zone that results in fewer than nine (9) residential units.
- 4. Development in a designated urban or growth center.
- 5. Institutional development design review for educational or hospital facilities.
- 6. Development in a historic district.
- 7. The installation of a Photovoltaic Solar Energy System (PSES) in compliance with section 5.5 of this ordinance.

- (B) An applicant for development plan review may request approval of a modification, a variance, or special use permit. A request for a modification shall be submitted to the zoning enforcement officer pursuant to section 13 of this ordinance. The planning board shall review an application for development plan review that requests a variance or a special-use permit under unified development review.
- (C) The procedural requirements and design standards for development plan review are in section 9.4 of the land development and subdivision regulations.

(Ch. 134, § 15, 12-19-94; Ch. 292, §(Exh. K), 12-4-23)

§ 16. Zoning ordinance adoption and amendment

- (A) *Authority of town council to adopt—Consistency with comprehensive plan.* For the purpose of promoting the public health, safety, morals, and general welfare, the town council shall have the authority, in accordance with the provisions of R.I.G.L. title 45, chapter 24, to adopt, amend, and repeal the zoning ordinance. The zoning ordinance shall be consistent with the comprehensive community plan enacted pursuant to R.I.G.L. title 45, chapter 22.2.
- (B) *Procedure for adoption or amendment.*
  - (1) A person proposing an amendment to the zoning ordinance shall submit an application to the town clerk on the form provided for that purpose.
  - (2) The town clerk shall refer the amendment application to the town council and to the planning board for study and recommendation.
  - (3) The planning board shall review the application and make a written recommendation on the proposed amendment to the town council within forty-five (45) days.
- (C) *Planning board recommendation.* A planning board recommendation to the town council concerning a proposed amendment to the zoning ordinance, whether the proposal originates from a property owner or from the planning board itself, shall include:
  - (1) A statement about the consistency of the proposed amendment with the comprehensive plan, including the plan's goals and policies statement, implementation program, and all other applicable elements of the plan.
  - (2) A statement concerning how the proposed amendment addresses each of the purposes of zoning in R.I.G.L. § 45-24-30 that are applicable to the proposal.
- (D) *Public hearing.* Within sixty-five (65) days of the receipt of an application for amendment to the zoning ordinance, the town council shall conduct a public hearing on the proposed amendment.

- (E) *Newspaper advertisement.* The public hearing shall be advertised at least once a week for three (3) successive weeks in a newspaper of local circulation in Hopkinton. The third week may be the week in which the public hearing is to be held. The notice shall:
  - (1) State the date, time, and location of the hearing.
  - (2) State that adoption, amendment or repeal of the zoning ordinance is under consideration.
  - (3) Reproduce or summarize the proposed amendment.
  - (4) State the time and place where a copy of the entire proposed amendment may be examined or copied.
  - (5) State that the proposal may be altered or amended before the public hearing closes, without further advertising, because of further study or because of views expressed at the public hearing.
- (F) *Map amendments.* If the proposed amendment includes a specific change in a zoning map but does not affect zoning districts generally:
  - (1) The newspaper advertisement shall include a map of the property that is the subject of the amendment, showing the existing lots and lot boundaries, the existing and proposed zoning district boundaries, existing streets and their names, and town boundaries if applicable, and
  - (2) Written notice, which may be a copy of the newspaper advertisement, shall be mailed at least fourteen (14) days before the public hearing by first class mail. The notice shall be mailed to:
    - (a) The owners of property within two hundred (200) feet of the property that is the subject of the amendment, whether located in Hopkinton or an adjacent town. The last known names and addresses of the property owners shall be obtained from current real estate tax assessment records.
    - (b) The town council of any town adjacent to Hopkinton if the property is located within two hundred (200) feet of the boundary of that town.
    - (c) The town council of any town where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within two thousand (2,000) feet of the property.
    - (d) The governing body of any state or municipal water department or agency, special water district, or private water company, or any private property owner, that has riparian rights to a surface water resource or surface watershed that is used or is suitable for use as a public water source and that is within two thousand (2,000) feet of the property that is the subject of the application, provided that the governing body of the state or municipal water department or agency, special water district, or private water company, or the private property owner, has filed with the Hopkinton building official a map survey, which shall be kept as a public record, showing the areas of surface water resources or watersheds and parcels of land within two thousand (2,000) feet.
    - (e) Any individual or entity holding a recorded conservation or preservation restriction on the property.

If the applicant mails the notices, the applicant must submit to the town clerk before the public hearing an affidavit attesting to the mailing, a copy of the notice mailed, and the names and addresses to which the notices were mailed.

- (3) At least fourteen (14) days before the date of the public hearing, the notice shall be posted in the town clerk's office, in one (1) other municipal building, and on the home page of the town's website.
- (G) *Lot merger.* If a proposed text amendment would cause one (1) or more lots to become nonconforming in area or frontage, written notice, which may be a copy of the newspaper advertisement, shall be mailed at least two (2) weeks before the public hearing, by first class mail, to the owner of each lot

that would become nonconforming. If this zoning ordinance contains a section automatically merging nonconforming lots in the same ownership, the notice shall contain a copy of the merger section and shall state that adoption of the proposed amendment may cause a legal nonconforming lot to merge with an adjacent nonconforming lot if both lots are owned by the same person or persons.

- (H) *Defect in notice.* No defect in the form of any notice shall render any ordinance amendment invalid, unless the defect is found to be intentional or misleading. The applicant for the ordinance amendment shall bear the cost of the newspaper advertisement and any individual notice required.
- (I) *Alteration of advertised amendment.* If the advertised proposal is altered or amended, the change must be presented during the public hearing so that interested persons have an opportunity to comment on it.
- (J) *Conditions and restrictions.* The town council shall act on the proposed ordinance amendment within forty-five (45) days after the date the public hearing is closed, unless the property owner who requested the amendment consents to a longer period. When approving a zoning ordinance amendment, the town council may restrict the use of the property to one (1) or more of the permitted or conditionally permitted uses in the zoning district, and may impose limitations, conditions, and restrictions on the property that include, but are not limited to:
  - (1) A requirement that a property owner obtain a permit or approval from any state or local governmental agency or instrumentality having jurisdiction over use of the land.
  - (2) Limitations, conditions or restrictions related to the effectiveness or continued effectiveness of the zoning ordinance amendment.
  - (3) Limitations, conditions or restrictions concerning the use of the land.

The town clerk shall clearly note any limitations, conditions, or restrictions on the zoning map, and shall record the limitations, conditions, or restrictions in the land evidence records. If any limitation, condition, or restriction in an ordinance is declared invalid by a court, the remainder of the ordinance shall not be invalid.

(Ch. 134, § 17, 12-19-94; Ch. 292, §(Exh. L), 12-4-23)

§ 17. Administration and enforcement of the zoning ordinance

The zoning enforcement officer shall be responsible for administration and enforcement of the zoning ordinance.

- – * (A) The town council shall appoint as zoning enforcement officer an individual with zoning enforcement experience or with related education, training and experience adequate to perform the duties of the position.
  * (B) The responsibilities of the zoning enforcement officer shall include:
    · (1) The issuing of required permits or certificates.
    · (2) Collection of required fees.
    · (3) Keeping of records showing compliance with uses of land;
    · (4) Authorizing commencement of development under the provisions of the zoning ordinance;
    · (5) Inspection of suspected violations.
    · (6) Issuance of violation notices with required corrective action.
    · (7) Issuance of modification permits pursuant to section 13 of this ordinance.
    · (8) Performing such other duties and taking such actions as may be assigned or designated elsewhere in this ordinance.

    - (C) In order to provide guidance or clarification, the zoning enforcement officer shall issue a zoning certificate or provide information to a requesting party within fifteen (15) days of receipt of a written request. A person who does not receive a response to such a request within fifteen (15) days has the right to appeal to the zoning board of review for the determination.
    - (D) If a proposed land use is not specifically listed in the zoning ordinance, the property owner may request, in writing, that the zoning enforcement officer determine whether the proposed use is of a similar type, character, and intensity as a specifically listed special use. Upon such a determination, the zoning enforcement officer shall consider the proposed use to be a use requiring a special-use permit.

(Ch. 134, § 18, 12-19-94; Ch. 292, §(Exh. M), 12-4-23)

§ 18. Custody and maintenance of the zoning ordinance

The town clerk shall be the custodian of the zoning ordinance and zoning map or maps created thereunder.

- – (1) The responsibility for the maintenance and update of the text and zoning map comprising the zoning ordinance shall be the town planner and the town clerk. Changes which impact the zoning map shall be depicted on the map within ninety (90) days of the authorized change(s); and
  - (2) The town planner and planning board shall be responsible for review of the zoning ordinance at reasonable intervals, at a minimum of once every five (5) years; and whenever changes are made to the comprehensive plan, for the identification of any changes necessary and for the forwarding of these changes to the town council, in the form of a proposal for adoption, amendment or repeal of the zoning ordinance.

(Ch. 134, § 18, 12-19-94)

§ 19. Zoning board of review, establishment and procedures

- (A) The town council shall appoint a zoning board of review consisting of five (5) regular members and two (2) alternate members. If a vacancy occurs in any seat, the town council shall appoint a new member to serve the remainder of the term. The town council shall have the authority to remove a member for cause after a hearing.
- (B) The regular members shall be appointed to staggered five-(5) year terms. The alternate members, who shall be designated as first alternate and second alternate, shall be appointed to one-(1) year terms. The alternate members shall be present at and may participate in public hearings. The first alternate shall vote if a regular member is unable to vote, and the second alternate shall vote if two (2) regular members are unable to vote. In the absence of the first alternate, the second alternate shall serve as the first alternate. No regular or alternate member shall vote on an application unless the member has attended the entire public hearing on that application.
- (C) The board may retain legal, technical, or clerical assistance to aid in the discharge of its duties.
- (D) The chairperson or acting chairperson shall have the authority to administer oaths and compel the attendance of witnesses by issuing subpoenas.
- (E) The board shall adopt written rules of procedure.

(Ch. 134, § 19, 12-19-94; Ch. 292, §(Exh. N), 12-4-23)

§ 20. Zoning board of review, powers and duties

- (A) The zoning board shall have the following powers and duties:
  - (1) To hear and decide appeals of any order, requirement, decision, or determination made by the zoning enforcement officer or any other administrative official in the enforcement or interpretation of this ordinance.

  - (2) To hear and decide appeals from a party aggrieved by a decision by the Hopkinton historic district commission, pursuant to R.I.G.L. §§ 45-24.1-7.1 and 45-24.1-7.2.
  - (3) To approve variances pursuant to the terms of this ordinance.
  - (4) To approve special-use permits pursuant to the terms of this ordinance.
  - (5) To refer matters to the planning board or other town boards or agencies for findings and recommendations;
  - (6) To issue conditional approvals of variances and special-use permits when a proposed use also requires an approval from a state or federal agency and that approval has not yet been issued. A decision granting a conditional zoning approval shall include the date on which the approval will expire if the state or federal approval has not been issued.
  - (7) To hear and decide other matters upon which the board may be authorized to pass under this ordinance or other ordinances or statutes.
- (B) The zoning board of review shall be required to vote as follows:
  - (1) Four (4) members shall be necessary to conduct a hearing. A member who has a conflict of interest in any matter shall recuse himself or herself, shall not sit as an active member, and shall take no part in the conduct of the hearing. No more than five (5) regular or alternate members shall be entitled to vote on any issue.
  - (2) The affirmative votes of a majority of the sitting members is necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of an applicant on any matter within the board's jurisdiction, including applications for variances, special-use permits, and aquifer protection permits.

(Ch. 134, § 20, 12-17-94; Ch. 131, 3-22-04; Ch. 292, §(Exh. O), 12-4-23)

§ 21. Application procedure

- (A) The application procedures for the filing of appeals, requests for variances, special-use permits, and such other applications as may be specified herein, with the zoning board, consistent with the provisions of R.I.G.L., chapter 45-24-58, shall be those adopted and appearing in appendices A, B, C, and F Town of Hopkinton Applications and Checklists.
- (B) A time period of one (1) year shall be required to pass before a successive similar application may be filed.
- (C) Preapplication conference. At the request of either the town or the applicant, a preapplication conference shall be held to:
  - (1) Acquaint the applicant with the comprehensive plan, as it may apply to the parcel, as well as the zoning and other ordinances that affect the proposed development;
  - (2) Suggest improvements to the proposed design on the basis of a review of the sketch plan;
  - (3) Advise the applicant to consult appropriate authorities on the character and placement of public utility services; and
  - (4) Help the applicant to understand the steps to be taken to receive approval.
- (D) An application fee as set forth in appendices A, B, C, and F shall be paid together with those actual costs incurred for mailing, legal advertising and professional services as determined by the zoning board to conduct adequate review and hearing of applications, including the costs of a competent stenographer, shall be paid by the appellant or applicant. Also, fees shall be charged for the issuance of zoning certificates, and for the recording of the decisions thereon. No application shall be deemed complete until all fees have been paid to the town.

(Ch. 134, § 21, 12-19-94)

§ 22. Prosecution of violations

- (A) A violation of the provisions of this ordinance, or any terms or conditions imposed by any decision of the zoning board of review or the zoning enforcement officer, shall be punishable by a fine of not more than five hundred dollars ($500.00). Each day of violation shall constitute a separate offense. All fines shall be payable to the town of Hopkinton.
- (B) The town may bring suit in the Hopkinton municipal court or the superior court to impose a fine for violation of this ordinance or any terms or conditions imposed by any decision of the zoning board of review or the zoning enforcement officer; to compel compliance with this ordinance or any terms or conditions imposed by any decision of the zoning board of review or the zoning enforcement officer; or to restrain violation of this ordinance or any terms or conditions imposed by any decision of the zoning board of review or the zoning enforcement officer. An action for the imposition of a fine may be consolidated with an action for injunctive relief in the superior court. The suit may seek:
  - (1) To restrain the erection, alteration, or use of any building, structure, sign, or land erected, altered, or used in violation of the provisions of this ordinance or any terms or conditions imposed by any decision of the zoning board of review or the zoning enforcement officer, and to order its removal or abatement; and
  - (2) To compel compliance with the provisions of this ordinance or any terms or conditions imposed by any decision of the zoning board of review or the zoning enforcement officer; and
  - (3) To order the removal by the property owner of any building, structure, sign, or improvement existing in violation of this ordinance or any terms or conditions imposed by any decision of the zoning board of review or the zoning enforcement officer, and to authorize the zoning enforcement officer, in the case of default by the property owner, to remove it at the property owner's expense; and
  - (4) To order reimbursement to the town for any work or materials done or furnished by or at the cost of the town; and
  - (5) To order restoration by the property owner, where practicable; and
  - (6) To impose fines and other penalties for violation of this ordinance or any terms or conditions imposed by any decision of the zoning board of review or the zoning enforcement officer.

(Ch. 134, § 22, 12-19-94; Ch. 207, 10-15-07; Ch. 292, §(Exh. P), 12-4-23)

§ 23. Zoning board of review, decisions and records

- (A) The zoning board of review shall render a decision on each application within fifteen (15) days of the day the public hearing was closed.
- (B) The board's written decision shall be posted in the town clerk's office with thirty (30) days of the day the decision was rendered. A decision granting a variance or special use permit shall be recorded in the land evidence records.
- (C) The written decision shall include findings of fact, conclusions of law, and any conditions placed on approval of an application, as well as the name and vote of each member who voted and the names of members who did not vote or who were not present.
- (D) A copy of the decision shall be mailed within one (1) day of the day it was recorded or posted, by any method that provides confirmation of receipt, to the applicant and to any person who submitted a written request to receive it.
- (E) The zoning board of review shall keep written minutes of its meetings that record the names of the members present, the names of the members absent, and the vote of each board member on each motion.

- (F) The zoning board of review shall keep records of its examinations, findings of fact, and other official actions, all of which shall be recorded and filed in the office of the zoning board in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the superior or supreme court, the zoning board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.

(Ch. 134, § 23, 12-19-94; Ch. 292, §(Exh. Q), 12-4-23)

§ 24. Appeals to the zoning board of review

- (A) Any person aggrieved by an order, requirement, decision, or determination made by the zoning enforcement officer or any other administrative official in the enforcement or interpretation of this ordinance may appeal to the zoning board of review. The appeal shall be filed within a reasonable time of the date the aggrieved party knew or should have known of the order, requirement, decision, or determination.
- (B) The appeal shall be takenby filing a notice of appeal stating the grounds for the appeal. The appeal shall be filed with the clerk of the zoning board of review and with the administrative official who made the order, requirement, decision, or determination. The officer shall immediately transmit all the papers constituting the record upon which the action appealed from was taken to the zoning board of review. The application form for the appeal is an appendix to this ordinance.
- (C) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the zoning board that a stay would, in the officer's opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed other than by a restraining order, which may be granted by the superior court.
- (D) The zoning board of review shall schedule a public hearing on the appeal within sixty-five (65) days of the day the appeal was filed and shall give notice of the public hearing at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation in Hopkinton. The notice shall include the applicant's name and address and the street address and plat and lot number of the subject property, and shall describe the appeal. The notice shall state the date, time, and location of the public hearing. The applicant shall pay the cost of the advertisement. At least fourteen (14) days before the date of the public hearing, the clerk of the zoning board of review shall send notice of the public hearing by first class mail to the appellant and to:
  - (1) The owners of property within two hundred (200) feet of the property that is the subject of the application, whether located in Hopkinton or an adjacent town.
  - (2) The town council of any town adjacent to Hopkinton, if the subject property is located within two hundred (200) feet of the boundary of that town.
  - (3) Any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application.

The applicant shall pay the cost of the advertising and postage. At least fourteen (14) days before the date of the public hearing, the notice shall be posted in the town clerk's office, in one (1) other municipal building, and on the home page of the town's website.

- (E) In exercising its powers, the zoning board may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such orders, requirements, decisions, or determinations as ought to be made, and to that end shall have the powers of the officer from whom the appeal was taken. The decision of the zoning board of review shall comply with section 23 of this ordinance.

(Ch. 134, § 24, 12-19-94; Ch. 292, §(Exh. R), 12-4-23)

§ 25. Participation in zoning hearing

Participation in a zoning hearing or other proceeding by a party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, a knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

(Ch. 134, § 25, 12-19-94)

§ 26. Appeals to the superior court

- (A) Appeal of a zoning board of review decision.
  - (1) A party aggrieved by a decision of the zoning board of review may file an appeal pursuant to R.I.G.L. §§ 45-24-69 and 45-24-69.1 in the Washington County superior court within twenty (20) days of the date the written decision was posted in the town clerk's office or recorded in the land evidence records.
  - (2) The clerk of the zoning board of review shall file the original or certified copies of documents constituting the record of the case appealed from, together with such other facts as may be pertinent, with the clerk of the court within thirty (30) days after being served with the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the members of the zoning board shall be made parties to the proceedings. The appellant shall be responsible for ordering and paying for the transcript of the public hearing.
  - (3) An aggrieved party who files an appeal in the superior court shall give notice of the appeal to those persons who were entitled to notice of the hearing before the zoning board of review. The notice shall be sent by first class mail within ten (10) business days of the date the appeal was filed. The notice shall contain the date of the notice; the caption and civil action number of the case; the county in which the case was filed; the date the case was filed; the name, address, and telephone number of the attorney filing the appeal or of the aggrieved party. The notice shall state in boldface type that an appeal has been filed in the superior court, that the aggrieved party will serve the complain on the named defendants; that persons receiving the notice may retain counsel and participate in the appeal so far as the law allows; and that the appeal is governed by R.I.G.L. §§ 45-24-69 and 45-24-69.1. Within twenty (20) days after the notices are sent, the aggrieved party shall file an affidavit in the court containing the names and addresses of the person to whom the notice was sent; the date the notice was sent; an affirmation that the notices were sent by first class mail, postage prepaid, in envelopes containing a return address; and the return address; and a list of the notices that were returned to the sender. A copy of the notice shall be attached to the affidavit.
- (B) Appeal of enactment or amendment of the zoning ordinance.
  - (1) An appeal of an enactment of or an amendment to a zoning ordinance may be takenpursuant to R.I.G.L. § 45-24-71 by filing a complaint in the Washington County superior court within thirty (30) days after the enactment or amendment became effective.
  - (2) The appeal may be filed by an aggrieved party, by a legal resident of Hopkinton, by an owner of real property in Hopkinton, or by an association of residents or property owners in Hopkinton.
  - (3) The complaint shall set forth with specificity the area or areas in which the enactment or amendment does not conform with the comprehensive plan or the manner in which it constitutes a taking of private property without just compensation.
  - (4) The appeal shall not stay the enforcement of the zoning ordinance, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

(Ch. 134, § 26, 12-19-94; Ch. 292, §(Exh. S), 12-4-23)

§ 27. Signs

- (A) *Purpose.* The provisions of this section (the word "section" when capitalized, indicates Section 27 of the Hopkinton Zoning Ordinance) are made to establish reasonable and impartial regulations for all exterior signs and to further the objectives of the Hopkinton Comprehensive Community Plan; to protect the general public health, safety, convenience and welfare; to eliminate traffic hazards caused by signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and aesthetically harmonious community; to protect property values; and to further economic development.
- (B) *Definitions.* As used in this section unless otherwise expressly stated in this section the following definitions shall apply:

Awning sign. A frame structure with a covering designed in awning form, the purpose of which includes signage.

Banner. Any piece of flexible material bearing a design, motto, advertisement or commercial message.

Billboard. See definition of "off-premise sign."

Bulletin board. A permanent structure where current notices and information are posted, which may be of interest to the general public.

Commercial center. A group of commercial businesses or uses in one (1) or more buildings or structures, located on a single site, and managed by a single business entity.

Directory. A sign which identifies the occupant(s) and/or uses in a professional, business, or manufacturing building(s) on the site of the uses.

Directional sign. A sign giving directions to the location of any use or activity.

Electric awning sign. A frame structure with translucent covering designed in awning form, the purpose of which includes signage, and which is internally illuminated.

Freestanding sign. A sign that is detached from a building and has a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

Illuminated sign. A sign illuminated from within, including neon signs.

Indirectly illuminated sign. A sign illuminated from an artificial exterior source.

Light Emitting Diodes (LED). A light source that contains semiconductors and electroluminescence to create light, using a small semiconductor crystal with reflectors and other parts to make the light brighter and focused into a single point.

Marquee. Any permanent roof-like structure projecting from a building designed and constructed to provide protection from the weather.

Manufacturing park or center. A group of manufacturing businesses or uses in one (1) or more buildings or structures, located on a single site, and controlled by a single business entity.

Monument sign. A ground sign generally having a low profile with little or no open space between the ground and the sign that has a structure constructed of masonry, wood, or materials similar in appearance.

Nit. A unit measurement of luminance or the intensity of visible light, where one (1) nit is equal to one (1) candela, per square meter.

Nonconforming sign. A sign that met all legal requirements, when constructed, but that is not in compliance with this section.

Off-site directional sign. A directional sign which is not on the premises of the use or activity.

Off premise sign. A sign, including a billboard, which advertises a use or activity, or a product not sold nor manufactured on the property on which the sign is located.

On-premise sign. A sign which advertises a use or activity located on, or a product sold or manufactured on the property on which the sign is located.

Organic Light Emitting Diodes (OLED). A light source used for visual displays that contains thin flexible sheets of an organic electroluminescent material.

Plaza. An open area or courtyard within a developed site.

Portable sign. A sign not attached to a building or structure or attached to the ground and which is capable of being placed upon various locations on a lot, for example; A-frame signs, trailer signs and the like.

Projecting sign. A sign that projects from the exterior of any building or wall.

Roof-mounted sign. A sign placed upon the roof of any building or portion thereof, or erected on a framework supported by the roof of a building.

Sign. Any device, fixture, placard, or structure that uses any color, form, image, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Static message. Text, graphic or other digital displays that show little or no change in movement.

Temporary sign. A sign that is displayed only for a specified period of time.

Trailer sign. A sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a self-propelled or towed vehicle. Such signs shall include advertising signs attached to a truck, chassis, detachable vehicle trailer or other such signs, but shall not include signs painted or otherwise inscribed on a self-propelled or towed vehicle which identify the product, service or an activity for which the vehicle is used, unless the principal use of such vehicle is for advertising purposes.

Wall-mounted sign. A sign erected against, painted on or attached to the wall of any building or structure, including signs affixed to fences, screens and freestanding walls.

Window sign. Any sign that is placed inside or upon the window panes or glass and is readily visible from the exterior of the window.

- (C) *Sign computations.*
  - (1) *Area.* The area of a sign face shall be taken as the smallest rectangle that will enclose the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, fence or wall. Any such fence or wall shall otherwise meet the zoning ordinance regulations and be clearly incidental to the display itself. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than sixteen (16) inches from one another, the area of the sign shall be taken as the area of the larger face.
  - (2) *Height.* The height of a sign is measured from the normal grade directly below the sign to the highest point of the sign or any of its supports. Any elevation of the normal grade in the vicinity of the sign will be added to calculate the maximum height of the sign.
  - (3) *Setback.* The distance from the outermost edge of the sign to the public right-of-way.
  - (4) *Projection over public right-of-way.* The distance perpendicular to the property line, from the property line to the outermost edge of the sign, over any public right-of-way.
- (D) *Signs permitted in any zoning district (no sign permit required).* The following signs are permitted, provided, however, that such signs shall conform to all other applicable regulations, and further

provided that such signs shall be neither illuminated nor indirectly illuminated, except as otherwise specified herein:

- (1) *Name and address of resident,* not to include any commercial advertising. Such signs shall not exceed two (2) square feet in area per side, and shall be limited to one such sign per dwelling unit.
- (2) *No trespassing signs,* or other such signs regulating the use of the property on which it is located, provided such signs do not exceed two (2) square feet in area.
- (3) *Real estate signs,* which advertise the sale, lease or rental of the property on which it is located, and shall not exceed six (6) square feet in area.
- (4) *Signs Erected by the Town of Hopkinton, the State of Rhode Island or by the United States of America,* pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation. Such signs may not be illuminated.
- (5) *Memorial signs or tablets,* and signs denoting the date of erection of buildings. Signs denoting the date of erection of buildings shall be wall-mounted or located on the ground and shall not exceed three (3) square feet in area.
- (6) *Election signs,* permitted in all zoning districts, with permission of the land owner. Election signs shall be removed within ten (10) days after the election, by the landowner where the sign is located. Signs are not to exceed thirty-two (32) square feet. No signs may be posted within a public right-of-way, including trees, utility poles or traffic signs.
- (7) *The following signs customary and necessary to the operation of gasoline filling stations* - Any sign required by federal or state statute, not to exceed two and one-half (2½) square feet per side, each.
- (8) *Sale of produce raised on land signs* shall be no larger than twelve (12) square feet per side or two (2) signs no larger than six (6) square feet each per side, and shall not be illuminated in any manner.
- (9) *Handicapped parking space sign* - Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- (10) Bulletin boards, for non-commercial institutions, such as libraries, churches and schools, when located on-premise, provided such signs do not exceed fifteen (15) square feet total and bear no commercial advertising. There shall be no more than one such sign per site. Such sign may be indirectly illuminated. Where a bulletin board has two (2) or more faces, the area of all faces shall be included in determining the area of the bulletin board, except that where two (2) such faces are placed back to back and are at no point more than sixteen (16) inches from one another, the area of the bulletin board shall be taken as the area of the larger face.
- (11) *Trash container/dumpster* - Signage or lettering indicating the owner/operator of the trash container shall be limited to three (3) square feet. All such containers located in the Town of Hopkinton shall comply with this requirement within one (1) year of the adoption of this section.
- (12) *Sale signs* - Signs which advertise sale events are permitted for a time period of up to two (2) weeks per event or per holiday.

- (E) *Signs prohibited in all zoning districts.* The following signs shall not be permitted in any zoning district:
  - (1) *Signs which have any visible moving parts,* including signs which are designed to achieve movement by action of wind currents, or which have mobile or revolving parts or which have animated parts (except time or temperature devices), provided however, that barber poles ordinarily and customarily used in connection with barber shops are allowed if they comply with all provisions of this Section.

- (2) *Signs which incorporate* in any manner any intermittent or moving illumination, animation, or illumination which varies in color (except intermittent time or temperature devices).
- (3) *Any sign or sign support which constitutes a hazard to public safety or health,* including signs which obstruct the vision of a driver, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads; or which obstruct free ingress to or egress from an exit way; or which make use of words such as "stop", "look", "one way", "danger", "yield", or any similar words, phrases, symbols, lights or characters, which may interfere with, mislead or confuse traffic.
- (4) *Searchlights* are prohibited.
- (5) *Pennants, spinners, banners and streamers* unless associated with events of religious, public or charitable organizations are permitted for a period not to exceed twenty (20) days or for new business openings for a period not to exceed twenty (20) days. Also, entrance pennants, banners and flags not to exceed two (2) per location shall be allowed. Vender related banners shall be allowed at the rate of two (2) banners per twenty-five (25) linear feet of building.
- (6) *Projecting signs* which are erected so as to project from the exterior of any building, or wall and which exceed twelve (12) square feet in area, or which project more than four (4) feet from the exterior of said building or wall. Nothing herein shall be construed to permit the erection of any projecting sign over a municipal right-of-way, without the approval of the building inspector.
- (7) *Roof-mounted signs* - which are mounted above the highest peak of the roof on which they are placed.
- (8) *Trailer signs or portable signs,* including portable billboards.
- (9) *Off-premises signs,* including billboards, unless as permitted in subsections (j)(2) and (k).
- (10) *Awning or electric awning signs* - However, canvas awning signs with no illumination and conforming to dimensional requirements within the zoning district which it is located, are permitted.
- (11) *Window signs,* which in the aggregate exceed fifty (50) percent of the total window area.
- (12) *Inflatable signs/devices.*
- (13) *Vendor or franchise signs* - Permanent signs which are required by vendor or franchise related products and do not meet current requirements of this section, relief shall be available from the zoning board of review through an application for a special use permit.

- (F) *Signs in residential zoning districts.* All signs in Residential Districts shall conform to the following regulations:
  - (1) *Single use.* There shall be no more than one (1) sign, other than a sign identifying the name and address of the occupant as specified in Section 27(d)(1), for such residential lot. Such signs may identify the premises and/or identify a permitted customary home occupation, including real estate and professional offices in the home, and shall not exceed six (6) square feet per side in area.
  - (2) *Lighting of signs.* Only indirectly illuminated continuous light, directed away from adjacent properties and traffic.
  - (3) *Entrance signs.* Permanent signs at major entrances to residential developments designed only to identify such developments shall be permitted provided such signs bear no commercial advertising, and do not exceed fifteen (15) square feet in area.
  - (4) *Dimensional requirements.*

Height:	6 feet
Front yard setback:	10 feet •

Side yard setback:	15 feet
Rear yard setback:	15 feet
• = or equal to the least setback of abutting buildings.	

- (G) *Signs in neighborhood business district.* All signs in the Neighborhood Business District shall conform to the following regulations:
  - (1) *Single use.* There shall be no more than one sign for the principal property, use or business, except as otherwise specified in this section. The sign may be either wall-mounted, freestanding, marquee, monument or projecting.
  - (2) *Multiple uses.* There may be no more than one (1) directory identifying the uses or businesses on the property. The uses or businesses shall share the maximum total square footage allowed in this district. In addition, one (1) wall mounted sign not to exceed three (3) square feet shall be allowed per business or use.
  - (3) *Dimensional requirements.*

Size:	20 square feet
Height:	8 feet
Front yard setback:	10 feet •
Side yard setback:	15 feet
Rear yard setback:	15 feet
• = or equal to the least setback of abutting buildings.	

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  - (4) *Lighting of signs.* Only indirectly illuminated continuous light, directed away from adjacent properties and traffic.
  - (5) *Vision.* No freestanding sign shall be erected in such a manner as to materially impede vision or obstruct access to or from any public street, sidewalk, driveway, off-street parking or loading facility, or any other access required by this section.
- (H) *Signs in commercial districts.* All signs in the commercial district shall conform to the following regulations:
  - (1) *Single use.* There shall be no more than one (1) sign for the principal property, use or business, except as otherwise specified in this section. The sign may be either wall-mounted, freestanding, marquee, monument or projecting. No billboards or outdoor advertising, structures, either mobile or stationary, shall be permitted, other than signs. If the building or use fronts on more than one (1) public street, one (1) such sign shall be permitted on each exterior face of the building.
  - (2) *Multiple uses.* In commercial centers there may be no more than one (1) wall-mounted sign for each business or use. In addition to such wall-mounted signs, there shall be permitted in commercial centers one (1) common freestanding sign identifying all uses in the center. The dimensional limits of such signs are included in Table 1 below. If the business or use has multiple exterior wall faces, one such sign shall be permitted on each exterior face, which fronts on a public street provided the business or use fronts more than one (1) public street, and is without a common free-standing sign.

Table 1
Size Limits for Common Freestanding Sign:

Gross Floor Area of Commercial Center (Square Feet)	Maximum Area of Freestanding Sign (Square Feet)	Maximum He
<50,000	32 Square Feet	12 Feet
>50,000	64 Square Feet	16 Feet

- – (3) *Additional signs permitted in commercial centers.*
  - a. *Informational or directory signs* identifying on-premises traffic, hours of operation, business affiliations, parking or other functional activity, such as lavatory facilities, telephones, sections of a building, entrances, offices, tenant names in commercial centers, bearing no commercial advertising. There shall be no more than one (1) sign for each applicable activity or building, unless part of an approved signage plan for a commercial center, and each sign shall not exceed three (3) square feet. Such signs may not be illuminated.
  - b. *Main entry signs* to identify the entrance into a commercial center. Signs shall display only the name of the center or its logo. A main entry sign shall not be permitted if an informational or directory sign is constructed. A main entry sign shall conform to the dimensional requirements of subsection (h)(4).
  - c. *Ceiling hung signs* to identify entrances to each tenant space or use. Signs shall display the name of tenant or its logo of the center. Signs shall not exceed eight (8) square feet. Ceiling hung signs shall be rigidly secured and shall have a minimum clearance of seven (7) feet - six (6) inches.
  - d. *Plaza directory sign* to identify tenants within a plaza. Signs may contain multiple tenant names on a freestanding support system, with a combined sign area not to exceed four (4) square feet. One such sign hall be permitted per plaza area.
  - e. *Special use signs* to identify the location of central facilities or a multi-use space within a commercial center such as a food court, atrium, etc. for use by the general public. Such signs shall indicate the use or its logo of the center, and shall conform to the dimensional requirements specified in subsection (h)(4).
- – (4) *Dimensional requirements.*

Size: One (1) square foot per two (2) linear feet of building length, not to exceed thirty-two (32) square feet.

Height:	12 feet
Front yard setback:	10 feet
Side yard setback:	15 feet
Rear yard setback:	15 feet
* No sign shall be placed within forty (40) feet of a residential district.	

- – (5) *Lighting of signs.* Only indirectly illuminated continuous light, directed away from adjacent properties and traffic.
- – (6) *Vision.* No freestanding sign shall be erected in such a manner as to materially impede vision or obstruct access to or from any public street, sidewalk, driveway, off-street parking or loading facility, or any other access required by this section.
- (I) *Signs in manufacturing districts.* All signs in the manufacturing district shall conform to the following regulations:

- (1) *Single use.* There shall be no more than one (1) sign for the principal property, use or business, except as otherwise specified in this section. The sign may be either wall-mounted, freestanding, marquee, monument or projecting and sized according to the following: one (1) square foot per two (2) linear feet of building length, not to exceed sixty-four (64) square feet.
- (2) *Multiple use.* The following signs are permitted in manufacturing parks or centers:
  - a. One freestanding sign for the park/center not to exceed thirty-two (32) square feet in the form of a directory sign or identification sign.
  - b. One sign per individual building, not to exceed twenty (20) square feet.
  - c. One sign per individual establishment within each individual building, not to exceed twenty (20) square feet.
- (3) *Dimensional requirements.*

Height:	15 feet
Front yard setback:	10 feet
Side yard setback:	15 feet
Rear yard setback:	15 feet

* No sign shall be placed within forty (40) feet of a residential district.

- (4) *Lighting of signs.* Only indirectly illuminated continuous light, directed away from adjacent properties and traffic.
- (5) *Vision.* No freestanding sign shall be erected in such a manner as to materially impede vision or obstruct access to or from any public street, sidewalk, driveway, off-street parking or loading facility, or any other access required by this section.

Table 2
Summary Dimensional Limits: All Zoning Districts +
DISTRICT

DIMENSION	RES-HOME	RES-REAL EST.	RES-ENTRY SIGN	COM-SINGLE & MULTI 50K SF
SIZE	2 SF	6 SF	15 SF	32 SF MAX *
HEIGHT	6 FT	6 FT	6 FT	12 FT
FRONT YARD SETBACK	10 FT	10 FT	10 FT	10 FT
SIDE YARD SETBACK	15 FT	15 FT	15 FT	15 FT
REAR YARD SETBACK	15 FT	15 FT	15 FT	15 FT

* = One (1) square foot per two (2) linear feet of building length, not to exceed …

+ = Unless otherwise specified

SF = Square Feet

FT = Feet

RES = Residential Districts

COM = Commercial Districts

MAN = Manufacturing Districts

In commercial and manufacturing districts, no sign shall be placed within forty (40) feet of a residential district.

- (J) *Temporary signs.* The following temporary signs are allowed in any Zoning District provided that they conform to the following provisions, and that they are granted a temporary sign permit as required in subsection (n). Such temporary signs shall be neither illuminated nor indirectly illuminated.
  - (1) *Contractor identification signs,* customary and necessary in connection with the erection of buildings or other significant construction work shall be limited to one (1) sign for each construction project to include the identification of the project, designer, sponsor or builder. Such signs shall not exceed twelve (12) square feet in any residential district, twenty (20) square feet in any neighborhood business district, or thirty-two (32) square feet in any commercial or manufacturing district, and shall be removed within ten (10) days after the expiration of the permit. Signs, not to exceed six (6) square feet, identifying the contractor or builder only on a single-family home construction site, shall not be subject to this section.
  - (2) *Event signs,* no larger than twenty (20) square feet which advertise auctions and special events conducted by non-profit organizations provided such signs shall not be in place more than thirty (30) days. No more than three (3) signs advertising any such event shall be erected or maintained at any one (1) time within the Town of Hopkinton.
  - (3) *Real estate signs* which are in place for more than six (6) months, and which advertise in any way the sale or lease of the property on which they are located, which do not exceed six (6) square feet in a residential district, shall be exempt from obtaining a temporary sign permit. However, signs in a neighborhood business district shall not exceed twenty (20) square feet, or thirty-two (32) square feet in a commercial or manufacturing district and shall be subject to this section. No such real estate sign shall be maintained more than ten (10) days after completion of the lease or sale of the property.

For approved residential subdivisions, in lieu of individual lot for sale signs, there may be one (1) common sign, not to exceed thirty-two (32) square feet per side, per separate entrance, advertising the property for sale and not to be in place for more than two (2) years, without an extension granted by the zoning board of review.

- (K) *Off-site directional signs.*
  - (1) Off site directional signs shall be permitted in any zoning district where the location of a use requires such signs in order to avoid confusion, traffic congestion or similar inconveniences, and to facilitate travel to such location. Off-site directional signs shall require the permission of the landowner for their erection. Such signs shall measure six (6) inches by twenty-four (24) inches, have a white background with green letters of Helvetica style. Such signs shall be no less than six (6) feet in height and no more than ten (10) feet in height. Multiple signs at one (1) location shall be adhered to a single support system to the maximum extent possible.
  - (2) Off-site directory sign, proposed by a group of businesses, located along the Route 3 corridor and within a commercial or manufacturing district, may be permitted by approval of the zoning board of review as a special use permit, as provided for herein, and with RIDOT approval of the location.
- (L) *Sign permits.* A sign permit shall be required for all signs hereafter erected, installed or replaced, unless specifically exempted by this section. Such permits shall be issued by the zoning enforcement officer and shall be in addition to any other permits required by this or any other ordinance of the town.
- (M) *Application for a sign permit.*
  - (1) Application for sign permit shall be made in writing upon forms provided by the zoning enforcement officer.
  - (2) The following information shall be provided:
    - a. The size and type of the proposed signs, area, height, width, thickness, illumination, and material of which is to be constructed.

        * b. A detailed drawing showing the description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign, position of lighting or other extraneous devices, and support structures.
        * c. The location of the sign in relation to the building and all property lines and streets.
        * d. Name, address, telephone number of the applicant and/or owner
        * e. Address of the property where sign is to be located (plat and lot).
        * f. Signature(s) of the applicant and/or owner.
    - (3) The zoning enforcement officer may require any other such information as may be reasonably necessary to administer the provisions of this section relating to signs. For temporary signs, information required in subsection (2)a., b., and c. above may be waived by the zoning enforcement officer provided that other information necessary to determine compliance with the ordinance is prohibited.

- (N) *Issuance of permits.* If the zoning enforcement officer finds the proposed sign to be in compliance with this section, he/she shall issue such sign permit within ten (10) days after the filing of the application.

If the erection or installation of the sign authorized under any such permit has not been started within six (6) months from the date of the issuance of such permit, and diligently pursued until completed, the permit shall become null and void.

The expiration date of a temporary sign shall be clearly displayed on the sign.

- (O) *Temporary sign permits.* No temporary sign, as described in subsection (j), shall be erected, installed or maintained without first obtaining a permit thereof. Any such permit may be issued for a period not to exceed six (6) months, and shall provide that any sign authorized by such permit shall be removed at the expiration of said six-month period, or within ten (10) days after the completion of the activity advertised, whichever shall be sooner, and shall not exceed the six-month period.

A permit for a temporary sign may be extended or renewed at the discretion of the zoning enforcement officer for additional six-month periods, not to exceed a total of twenty-four (24) months, unless otherwise specified herein.

If the applicant shall fail to remove such sign, the zoning enforcement officer after ten (10) days written notice to the applicant to remove such sign, and after the failure of the applicant to do so, shall cause said sign to be removed and may impose a fine upon the applicant, as set forth in Section 22 of the Hopkinton Zoning Ordinance entitled "Violations."

- (p) *Hazardous or obsolete signs.* All signs must be free from all hazards such as, but not limited to, faulty wiring or loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.

Signs associated with an abandoned use as defined herein, shall be removed within sixty (60) days after the date they become obsolete. In the event of a violation of any of the foregoing provisions of this section, the zoning enforcement officer shall give written notice to remove any such sign within sixty (60) days from the date of said notice. A sign in a state of disrepair, so as to create a nuisance, shall be removed within sixty (60) days of written notice by the zoning enforcement officer.

- (Q) *Abatement and removal of unlawful or unsafe signs.* Upon failure to comply with the provisions of said notice specified in subsection (O) and (P), the zoning enforcement officer shall notify the owner of such sign of the violation of this section, and request appropriate action be taken to obtain conformance with this section, or removal of such sign. When any sign is in such condition as to be an immediate hazard and peril to the safety of the public or to property, the zoning enforcement officer is hereby authorized to cause any such sign to be removed summarily without notice and shall collect from the owner of such sign all costs associated with removal.

- (R) *Non-conforming signs.* Signs existing at the time of the enactment of this Section, notwithstanding subsection (P), and not conforming to its provisions, but which did conform to previous laws, shall be regarded as non-conforming signs, which may be continued. Non-conforming signs which are relocated or replaced, shall comply immediately with the provisions of this section. An illegal sign is not a non-conforming sign. If a nonconforming sign is damaged by accident or an act of God, such sign shall be allowed to remain as a nonconforming sign. Non-conforming signs may be modified or structurally altered, however, they may not be relocated or increased in size.
- (S) *Fees.* The following fee shall be charged for the review and approval of a sign permit:

All signs: Administrative fee $10.00

- (T) Self-illuminated outdoor signs, billboards and digital media displays may use Light Emitting Diodes (LED) or Organic Light Emitting Diodes (OLED) panels, collectively referred to in this subsection (T) as "Digital signs" for the purposes of advertisement in public display, provided the following terms and conditions are met and adhered to:
  - (1) Digital signs are prohibited in residential zones within two hundred (200) feet of any residential property line.
  - (2) Digital signs shall only be used in conforming free standing or monument signs and shall not be allowed as canopy, wall, billboard or awing signs, as defined in section 27 of this ordinance, except as otherwise provided in this ordinance. Monument signs with a digital display shall not be taller than six (6) feet in height and shall comply with all measurement requirements, as defined in section 27 of this ordinance.
  - (3) Digital signs shall only display static messages; they shall not display scrolling, fading or flashing messages on any portion of the design or pictorial segment of the sign, nor shall they vary in light intensity during the display of any single message. Transitions between messages shall not use frame effects or other methods that result in movement of displayed images during transition.
  - (4) Digital displays shall not exceed fifty (50) percent of the total sign face and shall be located beneath the static message area of the sign.
  - (5) Each individual static message shall be displayed for a minimum of six (6) hours.
  - (6) Digital signs are prohibited from projecting beams or rays of light of such intensity or brilliance so to impair the vision of an operator of a motor vehicle or obscure or interfere with the effectiveness of any official traffic sign, device or signal.
  - (7) Digital signs shall possess a light sensing device that can automatically adjust the brightness of the display based on natural ambient light in the surrounding area.
  - (8) Digital signs shall not operate at a brightness level higher than .20 footcandles above the ambient light level, as measured at a distance of one hundred twenty-five (125) feet.
  - (9) Digital sign brightness limitations shall not exceed forty (40) Nits between 5:00 a.m. and 10:00 p.m., and shall not exceed twenty (20) Nits between 10:00 p.m. and 5:00 a.m.
  - (10) Each line of text or graphic in a digital display shall not be greater than twelve (12) inches in height.
  - (11) Digital sign owners shall provide the town's building and zoning official with contact information of a person who is available to respond within twenty-four (24) hours to correct a malfunction or non-compliant operation and who will be able to promptly turn off or disable any digital sign until such time as the sign can be repaired or otherwise brought into compliance.
  - (12) Digital signs shall not use, house or contain interactive features or components, or function as an interactive sign.
  - (13) Digital displays shall not extend beyond the width of the sign structure.

- (14) Town of Hopkinton officials may request certification of a digital display's brightness and/or conformance by its building and zoning official or by any qualified, independent contractor, at the owner's expense, with or without cause. If certification results in a finding that the digital sign or its components exceed brightness levels specified in subsection (T), the owner of the sign shall turn off or disable the sign within twenty-four (24) hours until the brightness level is corrected, repaired or otherwise brought into compliance.
- (15) Electrical supplies and components for all digital signs shall be concealed through the use of underground cables.
- (16) The following colors shall be used in digital signs:
  - a. Blue, green or amber for digital signs in commercial, neighborhood businesses, industrial or manufacturing zones, with the added allowance of the use of red digital numbering of posted gasoline prices illuminated on digital signs located at licensed gasoline facilities that are subject to regulation under G.L. §§ 31-37-11—31-37-13, inclusive;
  - b. Blue or Green where allowed by special use permit in residential or RFR-80 zones;
  - c. Blue, green, amber or red for emergency fire/ambulance; and
  - d. Blue, green, amber, red or white for hospital or healthcare facilities, or police.

(Ch. 134, § 27, 12-19-94; Ord. of 7-21-97; Ord. of 9-2-97; Ch. 225, § 1, 6-25-12; Ch. 249, 10-17-16; Ch. 251, 7-17-17)

§ 28. Off-street parking

- (A) *Off-street parking facilities.*
  - (1) Any structure or use, erected or constructed after the date of passage of this ordinance, shall provide off-street parking facilities in accordance with the following minimum requirements:
    - (a) Hotel or motel. Five (5) parking spaces plus one (1) parking space for each unit or room.
    - (b) Restaurant, theater or other place of public assembly. One (1) parking space for every three (3) seats or for every three (3) persons of capacity.
    - (c) Hospital or institution. One (1) parking space for every bed.
    - (d) Office use. One (1) parking space for every two hundred fifty (250) square feet of floor area plus one (1) parking space for every two (2) employees.
    - (e) Retail or personal service business. One (1) parking space for every two hundred thirty-five (235) square feet of floor area.
    - (f) Manufacturing, industrial, storage or wholesale use. Two (2) parking spaces for every three (3) employees and one (1) parking space for each truck operated by the concern.
    - (g) Any other nonresidential use. One (1) parking space for every two hundred fifty (250) square feet of floor area.
  - (2) Plans and specifications for the required parking facility and its access drives shall be submitted at the time of application for a permit for the main use. In allocating area for off-street parking facilities, each parking space shall have a minimum width of nine (9) feet, a minimum length of eighteen (18) feet and shall be served by suitable aisles to permit access into all parking spaces. In no case shall the gross area per parking space be less than three hundred (300) square feet.
  - (3) All parking facilities provided under this section, shall be constructed on or adjacent to the site of the main use. Nonresidential off-street parking lots of more than two-motor-vehicle capacity shall conform to the following standards of construction:

    - (a) The area shall have a dust-free, hard surface and shall be provided with bumper guards or tire stops when needed.
    - (b) Where such area will adjoin a parcel on which there is a residence, an opaque hedge or fence not less than five (5) feet in height shall be erected and maintained between such area and the adjoining residential district.
    - (c) Any lighting used to illuminate the parking area shall reflect away from adjoining residential areas and away from adjacent traffic arteries.

- (B) *Parking or storage of trucks, heavy construction equipment, travel trailers, tent trailers, or motorized campers in a residential zone.*
    - (1) Not more than one (1) travel trailer, pickup camper, tent trailer, or motorized camp trailer may be stored by a person on his/her own property in a residential zone.
    - (2) Trailer trucks and heavy construction equipment may not be stored or parked overnight in any front yard area, except for heavy construction equipment during the active on-site construction period.

(Ch. 134, § 28, 12-19-94; Ch. 184, 6-6-05)

§ 29. Off-street loading requirements

All commercial and industrial structures, erected subsequent to the adoption of this ordinance, shall provide off-street loading facilities. Plans and specifications for such loading facilities shall be submitted to the zoning enforcement officer at the time of application for the building permit fort the main use. Where a loading facility is to be located in or abutting a residential district, the restrictions contained in section 28 concerning surfacing, screening, and lighting shall apply. Such a loading facility shall be sufficient in size to eliminate the projection of vehicles into a street right-of-way.

(Ch. 134, § 29, 12-19-94)

§ 30. Number of structures on a lot

Not more than one (1) principal structure used for residential purposes, including trailers or mobile homes, shall be built or located upon any single lot in a residential zone except in a land development project approved by the planning board.

(Ch. 134, § 30, 12-19-94; Ch. 292, §(Exh. T), 12-4-23)

§ 31. Height restrictions

Spires, towers, belfries, steeples, flagpoles, chimneys, water standpipes, communications antennae, silos or similar structures that are accessory to a single-family or two-(2) family residence may exceed the maximum height for the zoning district. All other such structures may exceed the maximum height for the zoning district only by dimensional variance.

(Ch. 134, § 31, 12-19-94; Ch. 292, §(Exh. U), 12-4-23)

§ 32. Lots divided by a zoning district boundary

Where a lot is divided by a zoning district boundary, the regulation for either zoning district shall apply except that no district shall, in effect, be extended more than thirty (30) feet into an adjoining district.

(Ch. 134, § 32, 12-19-94)

§ 33. Flood hazard overlay district

- (A) *Purpose.* The purpose of this section is to ensure public safety, minimize hazards to persons and property from flooding, to protect watercourses from encroachment, and to maintain the capability of floodplains to retain and carry off floodwaters by ensuring that development in floodplains designated by the Federal Emergency Management Agency (FEMA) is in compliance with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The Town of Hopkinton elects to comply with said requirements.
- (B) *Applicability.* This special flood hazard area overlay district contains special flood hazard areas, including floodways and coastal high hazard areas. Special flood hazard areas are subject to recurrent flooding which presents serious hazards to the health, safety, welfare, and property of the residents of the town. Regulation of the development and alteration of such areas thus is in the public interest.
- (C) *Flood hazard overlay district defined.* The special flood hazard areas are herein established as a flood hazard overlay district. The flood hazard overlay district includes all special flood hazard areas within the Town of Hopkinton designated as zone A, AE, AH, AO, A99, V or VE on the Washington County Flood Insurance Rate Map (FIRM), as it may be amended and Digital FIRM, as it may be amended, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Washington County FIRM that are wholly or partially within the Town of Hopkinton are panel number 44009C0045J, 44009C0062J, 44009C0064J, 44009C0065J, 44009C0068J, 44009C0135J, 44009C0141J, 44009C0142J, 44009C0143J, 44009C0144J, 44009C0151J, 44009C0152J, 44009C0153J, 44009C0154J, 44009C0161J, 44009C0163J, dated April 3, 2020. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Washington County Flood Insurance Study (FIS) report dated April 3, 2020. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and the official copies are on file with the town clerk.
- (D) *Review by building official.* The building official shall review all development proposed in the flood hazard overlay district to ensure the development is in compliance with the all State Building Code requirements including the provisions of the 12th edition of the State Building Code (SBC 1 and 2-2019), and all subsequent amendments, concerning flood-resistant siting and construction.
- (E) *Disclaimer of liability.* The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.
  - (1) *Severability.* If any section, provision, or portion of this section is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.
  - (2) *Abrogation and greater restriction.* This section shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this section imposes a greater restriction, the provisions of this section shall control.
  - (3) *Enforcement.* The building official shall enforce all provisions as applicable in reference to G.L. § 23-27.3-108.1.
  - (4) *Penalties.* Every person who shall violate any provision of this Code shall be subject to penalties put forth in G.L. § 23-27.3-122.2.

(Ch. 134, § 33, 12-19-94; Ch. 216, 10-18-10; Ch. 271, 4-2-20)

§ 34. Effective date

This ordinance shall take effect upon passage.

(Ch. 134, § 34, 12-19-94)

§ 35. Severability

If any provision of this zoning ordinance or of any rule, regulation, or determination made hereunder, or the application thereof to any person, agency, or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the zoning ordinance, rule, regulation, or determination made hereunder and the application of the provisions of other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of this zoning ordinance shall not affect the validity of the remainder of the zoning ordinance.

(Ch. 134, § 35, 12-19-94)

§ 36. Adult entertainment use

- (a) *Definitions.*

Adult entertainment use. Adult entertainment establishments are sexually oriented businesses shall include:

- – a. *Adult arcade.* An establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas:
  - – b. *Adult bookstore.* Also adult novelty store or adult video store. An establishment that has a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one (1) or more of the following:
    - ∗ i. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by and emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
    - ∗ ii. Instruments, devices, or paraphernalia that are designed for use in connection with sexual activities.
  - – c. *Adult cabaret.* A night club, bar, restaurant, or similar establishment that regularly or occasionally features live performances that are characterized by the exposure of specified anatomical areas.
  - – d. *Adult motel.* A motel, hotel, or similar commercial establishment which offers public accommodations, for any form of consideration, and also offers patrons closed-circuit television transmission, films, motion video, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this type of entertainment by means of a sign visible from the public right-of-way, or by means or any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television.
  - – e. *Adult motion picture theater.* An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
  - – f. *Adult theater.* Any theater, concert hall, auditorium, or similar commercial establishment which, for any form of compensation regularly features persons who expose specified anatomical areas in live performances.
  - – g. *Escort* or *modeling agency.* A person or business association, who furnishes, offers to furnish or advertises to furnish escorts or models as herein defined, as one of its primary purposes for a fee, tip, or other compensation.

- h. *Massage parlor.* Any establishment where, for any form of consideration or gratuity, the administering of massage, alcohol rub, administering of fomentations, electric or magnetic treatments, or any other treatment and manipulation of the human body is performed by a person or persons who exposes specified anatomical areas.
- i. *Other adult entertainment uses.* Any live exhibition, performance, display or dance of any type, including but not limited to talking, singing, reading, listening posing, serving food or beverages, soliciting for the sale of food, beverages, products or entertainment, pantomiming, modeling, removal of clothing, or any services offered for amusement on any premises to which the public, patrons, or members are invited or admitted, including any private club or membership organization, and including but not limited to business establishments identified as an adult arcade, escort agency, juice bar, coffee shop, cigar shop, victualer, nude modeling studio, sexual encounter center, massage parlor, or similar or like business establishments.

Escort or model. A person who, for any form of consideration, agrees or offers to privately perform strip teases which expose specified anatomical areas or offers or agrees to model lingerie or other types of clothing which expose specified anatomical areas.

Specified anatomical areas. This term means and includes any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- b. Human make genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. This term means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth as noted above.

- (b) Additional provisions. Adult entertainment uses shall be prohibited in all zoning districts in Hopkinton except in the Industrial Zones in the town and only upon the grant of a special use permit by the Hopkinton Zoning Board of Review in accordance with Section 10 and Section 11 of the Hopkinton Zoning Ordinance. Additionally, such a special use permit shall not be granted unless each of the following standards have been met:
  - (1) The application for a special use permit pursuant to this ordinance shall provide the name and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.
  - (2) A site plan, prepared by the proper design professional, currently licensed in the State of Rhode Island and holding a valid and current certificate of authorization, in accordance with all applicable state statutes which shall show:
    - a. All existing and proposed buildings,
    - b. Existing and proposed parking spaces,
    - c. Existing and proposed driveways and access points,
    - d. Existing and proposed service areas and other open uses,
    - e. All distances and information outlined in Section 4(a) through (e),

    - f. Distances between the proposed adult entertainment establishment and any residential zoning district, public and/or private schools, churches or other religious facilities, public park and/or recreation areas, group day care centers, family day care centers, nursing homes, hospitals, penal institutions, and any other adult entertainment establishments.

  - (3) All building openings, entries, and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.
  - (4) No use shall be allowed to display for advertisement or other purposes any signs, placards, or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any explicit figures or words concerning specified anatomical areas of sexual activities as defined herein.
  - (5) No use permitted under this section shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.
  - (6) No use permitted under this section shall be allowed within a building containing other retail, consumer or residential uses.
  - (7) No use permitted under this section shall be allowed within a shopping plaza, shopping center, or shopping mall.
  - (8) All uses permitted under this section shall comply with the off-street parking and loading requirements and regulations in Hopkinton Code of Ordinances and Zoning Code.
  - (9) No use permitted under this section shall be allowed to have any flashing lights visible from outside the establishment.
  - (10) No use permitted under this section shall be allowed a free-standing accessory sign.
  - (11) No use permitted under this section shall be established prior to submission and approval of a site plan by the zoning board of review with the technical advice of the town zoning official. The site plan shall depict all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The sit plan shall show the distances between the proposed use and the boundary of the nearest residential zoning district and the property line of all other abutting uses.
  - (12) All uses permitted under this section shall comply fully with all licensing requirements of the Town of Hopkinton, including but not limited to all business and entertainment license requirements.

- (c) *Conditions.* The Hopkinton Zoning Board of Review may impose reasonable conditions, safeguards and limitations on time or use of any special use permit granted under this section and shall require that any such use permit granted herein shall be personal to the applicant, shall not run with the land and shall expire upon sale or transfer of the subject property.
- (d) *Expiration.* A special use permit granted under this section shall expire after a period of one (1) calendar year from its date of issuance and shall be automatically renewable for successive one-year periods thereafter, provided that a written request for such renewal is made to the Hopkinton Zoning Board of Review and that no objective to said renewal is made and sustained by the Hopkinton Zoning Board of Review based upon the public safety factors applied at the time that the original special use permit was granted pursuant to subsection (1), above.
- (e) *Retroactive application.* Each adult entertainment establishment and sexually oriented business in existence upon the initial reading date of this section shall apply for a special use permit within ninety (90) days of the adoption of this section.

(Ch. 177„ §§ 3—7, 10-3-05)

§ 37. Reserved

§ 38. Comprehensive permit for low or moderate income housing

- (A) *Local review board.* In accordance with R.I.G.L. title 45, chapter 53, the R.I. Low- and Moderate-Income Housing Act, as amended, the planning board is designated as the local review board with the authority to issue a comprehensive permit to build or rehabilitate a qualifying low- or moderate-income housing project. When approving a comprehensive permit application, the planning board has the authority that would otherwise be exercised by other municipal bodies or officials to issue permits or approvals for the development.
- (B) *Definitions.* The following words, wherever used in this section, unless a different meaning clearly appears from the context, have the following meanings:

Adjustment means relief from the use or dimensional requirements of the zoning ordinance or the design standards or requirements of the land development and subdivision regulations.

Affordable housing plan means the component of the housing element of the Hopkinton comprehensive plan that addresses housing needs, prepared in accordance with guidelines adopted by the state planning council and meeting the provisions of R.I.G.L. § 45-53-4(d)(1) and (e).

Approved affordable housing plan means a plan to address housing needs that is part of the comprehensive community plan's housing element, has been prepared in accordance with state planning council guidelines, and has been approved by the director of the department of administration.

Comprehensive plan means the comprehensive plan adopted and approved by the town of Hopkinton pursuant to R.I.G.L. title 45, chapters 22.2 and 22.3.

Consistent with local needs means reasonable in view of the state need for low- and moderate-income housing, considered with the number of low-income persons in Hopkinton affected and the need to protect the health and safety of the occupants of the proposed housing or of the residents of Hopkinton, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if the Hopkinton zoning ordinance and the Hopkinton land development and subdivision regulations are applied as equally as possible to both subsidized and unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are consistent with local needs when imposed by a city or town council after comprehensive hearing in a town where:

- – (1) Low- or moderate-income housing exists that is (a) In the case of an urban city or town that has at least five thousand (5,000) occupied year-round rental units and the units, as reported in the latest decennial census of the city or town, comprise twenty-five (25) percent or more of the year-round housing units, and is in excess of fifteen (15) percent of the total occupied year-round sixteen (16) rental units; or (b) In the case of all other cities or towns, is in excess of ten (10) percent of the year-round housing units reported in the census.
  - – (2) The city or town has promulgated zoning or land use ordinances, requirements, and regulations to implement a comprehensive plan that has been adopted and approved pursuant to R.I.G.L. title 45, chapters 22.2 and 22.3, and the housing element of the comprehensive plan provides for low- and moderate-income housing in excess of either ten (10) percent of the year-round housing units or fifteen (15) percent of the occupied year-round rental housing units.
  - – (3) Multi-family rental units built under a comprehensive permit may be calculated towards meeting the requirements of a municipality's low- or moderate-income housing inventory, as long as the units meet and are in compliance with the provisions of R.I.G.L. § 45-53-3.1.

Infeasible means that it is financially or logistically impracticable for an applicant to build a comprehensive permit development without changing the rent levels or unit sizes because of conditions placed on approval of the comprehensive permit by the planning board or a subsidizing government agency that relate to the size or character of the development, the amount or nature of the subsidy, or the income levels of tenants.

Letter of eligibility means a letter issued by the R.I. housing and mortgage finance corporation in accordance with R.I.G.L.. § 42-55-5.3(a).

Low- or moderate-income housing is year-round housing built with a federal , state, or municipal subsidy that has a deed-restricted sales price or rental amount that is within means of a household that is moderate-income or less, as defined by R.I.G.L. § 42-128-8.1(d), and that will remain affordable for at least thirty (30) years. Synonymous with "low- or moderate-income housing."

Meeting local housing needs means as a result of the adoption of the implementation program of an approved affordable housing plan, the absence of unreasonable denial of applications that are made pursuant to an approved affordable housing plan in order to accomplish the purposes and expectations of the approved affordable housing plan, and a showing that at least twenty (20) percent of the total residential units approved by the planning board in a calendar year are for low- and moderate-income housing.

Monitoring agent means a monitoring agent appointed by the R.I. Housing Resources Commission pursuant to R.I.G.L. § 45-53-3.2 to provide the monitoring and oversight set forth in R.I.G.L. §§ 45-53-3.2 and 45-53-4.

Municipal government subsidy means assistance made available through a town program sufficient to make housing affordable, as affordable housing is defined in R.I.G.I. § 34-42-128-8.1(d)(1). Such assistance shall include, but is not limited to, direct financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses or internal subsidies, zoning incentives, and adjustments, or any combination of those forms of assistance.

Rehabilitation means substantial upgrade or modification of the interior or exterior of a structure, correction of substandard conditions, or replacement of major housing systems in danger of failure.

- (C) *Mandatory zoning incentives.* The planning board shall approve the following zoning incentives:
  - (1) *Density bonuses.* If the applicant can demonstrate to the planning board that the R.I. Department of Environmental Management will approve the required on-site wastewater treatment systems, and that Town water is available to the site or that on-site wells will provide the water adequate to serve the proposed dwelling units, the provisions of the zoning ordinance concerning residential density shall be adjusted as follows:
    - (a) In developments in which twenty-five (25) percent of the dwelling units will be low- or moderate- income, the minimum residential density is three (3) dwelling units per acre.
    - (b) In development in which fifty (50) percent of the dwelling units will be low- or moderate-income, the minimum residential density is five (5) dwelling units per acre.
    - (c) In developments in which one hundred (100) percent of the dwelling units will be low- or moderate- income, the minimum residential density is eight (8) dwelling units per acre.
  - (2) *Parking.* Notwithstanding the parking requirements of this ordinance, no more than one (1) off-street parking space shall be required for a dwelling unit with one (1) or two (2) bedrooms.
  - (3) *Bedrooms.* An applicant shall not be required to reduce the number of bedrooms in any dwelling unit to fewer than three (3).
  - (4) *Floor area.* An applicant shall not be required to reduce the area of any room in a dwelling unit below the requirements of the R.I. building code or the R.I. housing maintenance and occupancy code.
- (D) Town ordinances or policies that limit the number of residential dwelling units that can be constructed or place a moratorium on residential development shall not apply to approval of comprehensive permit applications.
- (E) *Pre-application conference:*
  - (1) The applicant shall request a pre-application conference with the planning board. The applicant shall be required to submit only the following information: An application form for pre-application review; a brief written description of the project that includes the number of dwelling

units, type of housing, a density analysis, and a preliminary list of adjustments needed; a location map; and conceptual site plan. The applicant may also submit any other material that will help the planning board understand the proposed project.

- (2) No certification of completeness is required. The administrative officer shall schedule the pre-application conference upon submission of the required material. If the pre-application conference does not take place within thirty (30) days of the date the application is submitted, the applicant may submit an application for preliminary plan review.

- (F) *Preliminary plan review:*
  - (1) The applicant shall submit the following material for preliminary plan review:
    - (a) A completed comprehensive permit application form.
    - (b) A letter of eligibility issued by the R.I. Housing and Mortgage Finance Corporation, or in the case of projects primarily funded by the U.S. department of housing and urban development or other state or federal agency, an award letter indicating the subsidy.
    - (c) A proposed timetable for the commencement of construction and completion of the project.
    - (d) The preliminary plan checklist required by the land development and subdivision regulations and all the items required by the checklist except state or federal permits.
  - (2) The administrative officer shall certify the application as complete or incomplete within twenty-five (25) days of submission. If the application is incomplete, the administrative officer shall inform the applicant of the specific information that is missing. The running of the time period for certification shall stop when an application is incomplete. The administrative officer shall have at least ten (10) days to certify a revised application as complete.
  - (3) The administrative officer shall schedule a public hearing on the application as soon as practicable after issuing the certification of completeness. The notice requirements for a public hearing on a major land development project shall apply. A stenographer shall take the minutes of the public hearing.
  - (4) Notwithstanding the submission requirements above, the planning board may request additional, reasonable documentation during the public hearing, including but not limited to opinions of experts, credible evidence that applications have been filed for necessary federal or state permits, or recommendations from other boards, commissions, or officials.

- (G) *Preliminary plan approval:*
  - (1) The planning board must approve or deny the application within ninety (90) days of the day the preliminary plan submission was certified as complete, unless the applicant consents in writing to an extension of time. If a timely decision is not rendered, the application will be considered approved and the administrative officer shall issue a preliminary plan approval at the request of the applicant.
  - (2) To approve a comprehensive permit application, the planning board must find that the application satisfies the requirements below. The planning board must include in its decision findings of fact based on legally competent evidence in the record. The decision must specify the evidence on which each finding is based.
    - (a) The proposed development is consistent with local needs as identified in the comprehensive community plan, or, if inconsistent, the inconsistencies have been satisfactorily addressed. In particular, the proposed development is consistent with Hopkinton's affordable housing plan. "Consistent with local needs" means reasonable in view of:
      - (I) The state's need for low- and moderate-income housing.
      - (ii) The number of low-income persons in Hopkinton.

        - (iii) The need to protect the health and safety of the occupants of the development or the health and safety of Hopkinton residents.
        - (iv) The need to promote better site and building design in relation to the surroundings or to preserve open spaces.
        - (v) The need to apply Hopkinton's land use ordinances and regulations as equally as possible to subsidized and unsubsidized housing.
    * (b) The development complies with the zoning ordinance and land development and subdivision regulations, or, if adjustments or zoning incentives have been granted from the provisions of the ordinance or regulations, the need for low- or moderate- income housing outweighs the impact of the adjustments or incentives.
    * (c) The low and moderate income dwelling units will be integrated throughout the development, will be similar in scale and architectural style to the market rate units, and will be built and occupied before or at the same time as the market rate units.
    * (d) The development as approved will not have any significant negative effects on the health and safety of current or future residents of Hopkinton in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of Hopkinton.
    * (e) All of the buildings in the development will have adequate and permanent physical access to a public street.
    * (f) None of the building lots will have physical constraints to development that would make construction on those lots impracticable.
  - (3) The decision must specifically identify each adjustment and zoning incentive approved. Any approved adjustment shall be considered a municipal government subsidy.
  - (4) A majority vote of the planning board members present is necessary for approval.
  - (5) The planning board's written decision shall be recorded in the land evidence records within twenty (20) days of the day the planning board votes. Within one (1) day of recording, a copy of the decision shall be mailed, by any method that provides confirmation of receipt, to the applicant and to any other person who has made a written request to receive it.
  - (6) The approved preliminary plan expires two (2) years after the date of approval. The applicant may request two (2) to one-(1) year extensions, and must appear before the planning board to request each one-year extension. Requests for extensions must be in writing. The provisions of the applicable ordinances and regulations in effect at the time of preliminary plan approval are vested until the preliminary plan expires.
- (H) *Conditions of approval:*
  - (1) The planning board shall have the authority to impose conditions and requirements on the decision if the conditions and requirements are consistent with the approved affordable housing plan and the Low- and Moderate-Income Housing Act and if there is evidence in the record to support the need for the conditions.
  - (2) If the planning board proposes conditions to be placed on the approval that the applicant believes would make the development infeasible, the planning board shall give the applicant a reasonable period of time to respond to the proposed conditions before the planning board votes to impose the conditions. The burden is on the applicant to show that the conditions would make the development infeasible.
- (I) *Denial of approval.* The planning board may deny approval of the application for any of the following reasons:

- (1) Hopkinton has an approved affordable housing plan, Hopkinton has made significant progress in implementing the approved affordable housing plan, is meeting local housing needs, and the proposed development is inconsistent with the approved affordable housing plan. "Meeting local housing needs" means that as a result of the implementation of the approved affordable housing plan and the absence of unreasonable denial of applications that are made pursuant to that plan, at least twenty (20) percent of the total residential units approved by the planning board in a calendar year are for low- and moderate-income housing.
- (2) The proposed development is not consistent with local needs, including but not limited to the needs identified in the approved comprehensive community plan or the zoning ordinance.
- (3) The proposed development is not in conformance with the comprehensive community plan.
- (4) Hopkinton has plans to make ten (10) percent of the total occupied year-round housing low- or moderate-income housing, and has achieved that goal or has made significant progress toward meeting that goal.
- (5) The proposed development may negatively impact the environment and the health and safety of current Hopkinton residents and the applicant has not adequately addressed those concerns.

- (J) *Final plan approval:*
  - (1) The applicant shall submit the following material for final plan approval:
    - (a) All required state and federal permits; provided, however, that the administrative officer shall have the authority to require submission of state and federal permits before the first building permit is issued rather than at final plan submission.
    - (b) A draft agreement with a monitoring agent appointed by the R.I. Housing Resources Commission that will ensure that each low- or moderate-income dwelling unit is sold, leased, owned or occupied in compliance with the recorded affordability restrictions.
    - (c) A draft land lease or deed restriction with affordability liens that restricts the use of the property to low- or moderate-income housing in conformance with R.I. Housing and Mortgage Finance Corporation guidelines for at least thirty (30) years.
    - (d) The final plan checklist in the land development and subdivision regulations and all the items required by the checklist.
    - (e) Arrangements for completion of the required public improvements, including financial guarantees.
    - (f) For phased projects, the final plan submission for the second and subsequent phases of development shall include as-built drawings not previously submitted.
  - (2) The administrative officer shall certify the application as complete or incomplete within twenty-five (25) days of submission. If the application is incomplete, the administrative officer shall inform the applicant of the specific information that is missing. The running of the time period for certification shall stop when an application is incomplete. The administrative officer shall have at least ten (10) days to certify a revised application as complete.
  - (3) The administrative officer shall approve the final plan within forty-five (45) days of the date it was certified as complete; provided, however, that the applicant may be required to return to the planning board for final plan approval if the planning board has waived submission at preliminary plan review of any required information, if the application does not satisfy conditions of the preliminary plan approval; if the application does not include all the required material; or if the applicant has proposed a major change to the approved preliminary plan. The administrative officer shall have the authority to approve minor changes in the approved preliminary plan. A public hearing is required for approval of a major change to an approved preliminary plan. If the administrative officer is referring final plan approval to the planning board, the administrative

officer shall notify the applicant within fourteen (14) days of the day the final plan application was submitted.

  - (4) The administrative officer's approval of the final plan shall be recorded in the land evidence records within twenty (20) days of the day of approval.
  - (5) If a timely decision is not rendered, the application will be considered approved and the administrative officer shall issue a final plan approval at the request of the applicant.
  - (6) The approved final plan expires two (2) years after the date of approval. The applicant may request a one-(1) year extension, and must appear before the planning board to request the extension. The planning board may approve further extensions for good cause. Requests for extensions must be in writing. The provisions of the applicable ordinances and regulations in effect at the time of final plan approval are vested until the final plan expires.

- (K) *Fees.* Fees may be imposed on applications that are consistent with but do not exceed fees that would otherwise be assessed for a project of the same scope and type. The imposition of fees shall not preclude a showing by an applicant that the fees make the project financially infeasible.
- (L) *Appeal:*
  - (1) The applicant or any person aggrieved by the decision of the planning board may appeal to the Washington County Superior Court pursuant to R.I.G.L. § 45-53-5.1 within twenty (20) days of the date the board's written decision was recorded in the land evidence records.
  - (2) If the Superior Court remands the application to the planning board, the planning board shall hear the remanded application within thirty (30) days of the day it was received.

(Ch. 292, §(Exh. V), 12-4-23)

§ 39. Adaptive reuse

- (A) *Definition.* Adaptive reuse is the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting those elements to the new use.
- (B) *Residential use.* Conversion of a nonresidential building to a multi-unit residential or mixed-use building is permitted in all zoning districts, notwithstanding the use restrictions of section 5 of this ordinance, if at least fifty (50) percent of the gross floor area of the existing building is converted to dwelling units.
- (C) *Non-residential uses.* If an applicant proposes a mixed-use adaptive reuse project, the planning board shall have the authority to determine the permitted nonresidential uses to which a portion of the building may be devoted. The planning board's determination shall be based on the size of the project, the location of the project, and the character of the surrounding area.
- (D) *Review and approval.*
  - (1) An adaptive reuse project in a residential zoning district that creates fewer than nine (9) units or an adaptive reuse project in any zone that proposes no extensive exterior improvements shall be approved as a minor land development project.
  - (2) An adaptive reuse of an existing building with a gross floor area of less than twenty-five thousand (25,000) square feet for which extensive exterior improvement are not proposed shall be approved as a minor land development project.
  - (3) All other adaptive reuse projects require approval as major land development projects.
- (E) *Residential density.*
  - (1) The residential density shall be at least fifteen (15) units per acre for projects that meet the following criteria:

        * a. The project is limited to the existing building footprint and any expansion necessary to comply with building code, fire code, and utility requirements.
        * b. The project includes at least twenty (20) percent low- or moderate-income housing.
        * c. The development has access to adequate water and the R.I. department of environmental development has approved on-site wastewater treatment systems adequate to serve the entire development.
    - (2) For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing and has access to public sewer and water service or has access to adequate private water, such as a well, and wastewater treatment systems approved by the relevant state agency for the entire development, as applicable. The density proposed shall be determined to meet all public health and safety standards. The applicant shall submit a floor plan prepared by an architect licensed in Rhode Island demonstrating that each room in each unit will have the required minimum area.
    - (3) The planning board will not approve any adaptive reuse project unless the applicant can produce sufficient technical data to show to the satisfaction of the board that the development will have access to adequate public water or well water, including adequate water pressure for fire suppression systems.
- (F) *Dimensional regulations.*
    - (1) The height of the building, including HVAC and utility equipment existing or added on the roof, and the front, side, and rear yard setbacks of the building, shall be treated as if they are legally nonconforming dimensions. The planning board shall have the authority to approve addition to the existing building height, or reduction of the existing front, side, and rear yards.
    - (2) To obtain approval of addition to the existing building height or reduction of the existing front, side, and rear yards, the applicant must provide evidence that the proposed use with the proposed height and front, side, and rear yard dimensions will not substantially impact the appropriate use of the surrounding property or, if such an impact may occur, that it will be adequately mitigated by the installation or construction of fences, vegetative buffers, or by other measures.
- (G) *Off-street parking and loading.* The parking and loading requirements of sections 28 and 29 of this ordinance shall apply to development of the site, provided, however, that:
    - (1) No more than one (1) off-street parking space shall be required for each dwelling unit, and
    - (2) The planning board or the administrative officer shall have the authority to waive or modify any requirement of sections 28 or 29 of this ordinance that cannot be satisfied because of the size, shape, or location of the existing building or the size or shape of the lot on which the building is located.
- (H) *Environmental restrictions.* Adaptive reuse of a building pursuant to this section is prohibited if the R.I. Department of Environmental Management or the U.S. Environmental Protection Agency has recorded a use restriction on the property in the land evidence records.

(Ch. 292, §(Exh. W), 12-4-23)

§ 40. Unified development review

- (A) Unified development review authorizes the planning board, rather than the zoning board of review, to approve variances, special use permits, and aquifer protection permits that are requested concurrently with an application for approval of a subdivision, a land development project, or development plan review.
- (B) An applicant requests unified development review by submitting an application form for zoning relief with the application for subdivision approval, land development project approval, or development

plan review. The procedure for approval under unified development review is in section 3.3 of the land development and subdivision regulations.

- (C) When considering an application for zoning relief, the planning board is bound by the same legal requirements and the same criteria for relief that would apply to the zoning board of review's consideration of the application. The planning board shall conduct a public hearing, shall take testimony under oath, and shall make findings of fact and conclusions of law. The planning board's decision on the zoning relief shall be conditional on its approval of the land development project.
- (D) An appeal from a decision by the planning board on a variance, a special use permit, or an aquifer protection permit may be taken pursuant to R.I.G.L. § 45-23-71.

(Ch. 292, §(Exh. X), 12-4-23)

§ 41. Technical review committee

- (A) The technical review committee is a committee of town officials, town employees, a town resident, and town consultants with the authority to approve, or to review and make non-binding recommendations on, the types of applications for land development specified in section 14.2 of the land development and subdivision regulations.
- (B) The committee shall have at least three (3) members. The administrative officer shall serve as the chair of the technical review committee. The other members of the committee may include, at the discretion of the administrative officer:
  - (1) The director of public works or his or her designee.
  - (2) The zoning enforcement officer or his or her designee.
  - (3) A member of the planning board chosen by the planning board. The board shall choose an alternate member to attend meetings of the technical review committee when the regular member is not available.
  - (4) A member of the conservation commission chosen by the commission. The commission shall choose an alternate member to attend meetings of the technical review committee when the regular member is not available.
  - (5) A member of the public with technical expertise in engineering, landscape architecture, or related fields. The public member shall serve as a volunteer. The town council shall appoint the public member or shall delegate the authority to appoint the public member to the planning board.
  - (6) The chief of the fire district in which the land proposed for development is located, or his or her designee, if applicable to the development proposal under review.
  - (7) A land surveyor registered in Rhode Island, a landscape architect registered in Rhode Island, or a professional engineer registered in Rhode Island who is employed by a firm on the planning department's list of pre-qualified engineering professionals. If the consulting professional is engaged by the town for review or approval of a specific application, the applicant shall be responsible for reimbursing the town for the cost of the professional's time in accordance with section 3.6.1 of the land development and subdivision regulations.
- (C) The committee's decisions on applications and on recommendations to the administrative officer, the planning board, or the town council shall be in writing and shall be included in the file of the application for which they were issued. Copies of recommendations to the planning board shall be made available to the applicant before the meeting at which the planning board will first consider them.
- (D) The committee shall post notice of its meetings and shall keep minutes of its meetings as required by R.I.G.L. title 42, chapter 46.

(Ch. 292, §(Exh. Y), 12-4-23)

APPENDIX A

APPLICATION & CHECKLIST TO:

ZONING BOARD OF REVIEW

FOR:

USE VARIANCE

ZONING BOARD OF REVIEW

APPLICATION CHECKLIST FOR:

USE VARIANCE

The application for a Use Variance to the Zoning Board of Review must be accompanied with the following information:

- – 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 and lot, zoning district(s) and setbacks

___ existing and proposed structures, and their relationship and 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 addresses of all property owners within 200 feet of subject property

___ any peculiar site conditions or features

- – B. Three (3) copies of a separate map indicating all property owners within 200 feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.
- – C. A soil erosion and stormwater control plan with supporting calculations based standards approved by the **USDA Soil Conservation Service** and in conformity with the R.I. Erosion and Sediment Control Handbook.
- – 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, 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.
- – E. Location of existing septic system. Where construction requires approval by R.I.DEM - Division of Land Resources for a ISDS (individual sewage disposal system) or change of use permit for the proposed activity, attach a copy to the application.
- – F. Traffic Study addressing the potential impacts of the proposed activity.
- – G. On a separate site plan, indicate existing and proposed topography at two (2) foot intervals.
- – H. Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is of drinking water quality.

Note: Upon the applicant's request, the Zoning Board of Review, in appropriate circumstances, may waive the provision of any items of information listed above. The specific reasons for the request of waiver of checklist items must be described on the application. The waiver(s) requested must be approved by the Zoning Board before an application without all the items listed above will be deemed complete.

TOWN OF HOPKINTON
ZONING BOARD OF REVIEW

To: Hopkinton Zoning Board of Review
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for a **USE VARIANCE** in the application of the provisions or regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____	Address: _____
Owner: _____	Address: _____
Lessee: _____	Address: _____

1. Filing Instructions:

- – a. The original application and eleven (11) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.
- – b. A filing fee in the amount **$50.00** shall accompany an application to the Zoning Board of Review to cover the costs of processing. In addition to the $50.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services and legal advertisement, and will be billed when the final costs have been determined.
- – c. All required checklist items for a **USE VARIANCE** must accompany the application in order to be considered a complete application.

2. Location of Premises: ;hg; _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)

5. State present use of premises: _____

6. State proposed use of premises: _____

7. Is there a building(s) on the premises at present? _____

8. How long have you owned the premises? _____

State year which lot(s) were platted and recorded: _____

9. Have you submitted plans to the Building and Zoning Inspector? _____

Has a permit been refused? _____

If a permit has been refused, attach a copy of the denial, in writing.

10. Please give the size (in feet) of all existing buildings and accessory structures:

_____

11. Please give the size (in feet) of all proposed buildings and accessory structures:

_____

12. Please describe the extent of the proposed alterations:

_____

_____

_____

_____

_____

_____

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **USE VARIANCE** is made:

_____

_____

15. Clearly state the grounds for which this **USE VARIANCE** is sought:

_____

_____

_____

_____

_____

16. Request of Waiver: Please indicate the checklist items that are requested to be waived by the Zoning Board and the reasons for the request:

_____

_____

_____

_____

_____

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____

APPENDIX B

APPLICATION & CHECKLIST TO:

ZONING BOARD OF REVIEW

FOR:

DIMENSIONAL VARIANCE

ZONING BOARD OF REVIEW

APPLICATION CHECKLIST FOR:

DIMENSIONAL VARIANCE

The application for a Dimensional Variance to the Zoning Board of Review must be accompanied with the following information:

- – 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 & address of property owner(s)

___ date, north arrow, graphic scale, lot dimensions and area

___ plat and lot, zoning district(s) and setbacks

___ existing and proposed structures, and their relationship and 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 addresses of all property owners within 200 feet of subject property

___ any peculiar site conditions or features

- – B. Three (3) copies of a separate map indicating all property owners within two hundred (200) feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.

- – C. A letter form 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.

- – D. Location of existing septic system. Where construction requires approval by 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.

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

Note: Upon the applicant's request, the Zoning Board of Review, in appropriate circumstances, may waive the provision of any items of information listed above. The specific reasons for the request of waiver of checklist items must be described on the application. The waiver(s) requested must be approved by the Zoning Board before an application without all the items listed above will be deemed complete.

TOWN OF HOPKINTON
ZONING BOARD OF REVIEW

To: Hopkinton Zoning Board of Review
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for a **DIMENSIONAL VARIANCE** in the application of the provisions or regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____	Address: _____
Owner: _____	Address: _____
Lessee: _____	Address: _____

1. Filing Instructions:

- a. The original application and two (2) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount **$50.00** shall accompany an application to the Zoning Board of Review to cover the costs of legal advertisement and processing. In addition to the $50.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services and legal advertisement, and will be billed when the final costs have been determined.
- c. All required checklist items for a **DIMENSIONAL VARIANCE** must accompany the application in order to be considered a complete application.

2. Location of Premises: ;hg; _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)

5. State present use of premises: _____

6. State proposed use of premises: _____

7. Is there a building(s) on the premises at present? _____

8. How long have you owned the premises? _____

State year which lot(s) were platted and recorded: _____

9. Have you submitted plans to the Building & Zoning Inspector? _____

Has a permit been refused: _____

If a permit has been refused, attach a copy of the denial, in writing.

10. Please give the size (in feet) of all existing buildings and accessory structures:

_____

11. Please give the size (in feet) of all proposed buildings and accessory structures:

_____

12. Please describe the extent of the proposed alterations:

_____

_____

_____

_____

_____

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **DIMENSIONAL VARIANCE** is made:

_____

_____

15. Clearly state the grounds for which this **DIMENSIONAL VARIANCE** is sought:

_____

_____

_____

_____

_____

16. Request of Waiver: Please indicate the checklist items that are requested to be waived by the Zoning Board and the reasons for the request:

_____

_____

_____

_____

_____

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____

APPENDIX C

APPLICATION & CHECKLIST TO:

ZONING BOARD OF REVIEW

FOR:

SPECIAL USE PERMIT

ZONING BOARD OF REVIEW

APPLICATION CHECKLIST FOR:
SPECIAL USE PERMIT

The application for a Special Use Permit to the Zoning Board of Review must be accompanied with the following information:

- – A. Three (3) copies of a site 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 & 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 addresses of all property owners within 200 feet of subject property

___ any peculiar site conditions or features

- – B. Three (3) copies of a separate map indicating all property owners within 200 feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.
- – C. A soil erosion and stormwater control plan with supporting calculations based standards approved by the **USDA Soil Conservation Service** and in conformity with the R.I. Erosion and Sediment Control Handbook.
- – 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 permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.
- – E. Location of existing septic system. Where construction requires approval by 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.

- F. Traffic Study addressing the potential impacts of the proposed activity.
- G. On a separate site plan, indicate existing and proposed topography at two (2) foot intervals.
- H. Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is of drinking water quality.

Note: Upon the applicant's request, the Zoning Board of Review, in appropriate circumstances, may waive the provision of any items of information listed above. The specific reasons for the request of waiver of checklist items must be described on the application. The waiver(s) requested must be approved by the Zoning Board before an application without all the items listed above will be deemed complete.

TOWN OF HOPKINTON
ZONING BOARD OF REVIEW

To: Hopkinton Zoning Board of Review
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for a **SPECIAL USE PERMIT** in the application of the provisions or regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____	Address: _____
Owner: _____	Address: _____
Lessee: _____	Address: _____

1. Filing Instructions:

- a. The original application and eleven (11) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount **$75.00** shall accompany an application to the Zoning Board of Review to cover the costs of legal advertisement and processing. In addition to the $75.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services and legal advertisement, and will be billed when the final costs have been determined.
- c. All required checklist items for a **SPECIAL USE PERMIT** must accompany the application in order to be considered a complete application.

2. Location of Premises: ;hg; _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)

5. State present use of premises: _____

6. State proposed use of premises: _____

7. Is there a building(s) on the premises at present? _____

8. How long have you owned the premises? _____

State year which lot(s) were platted and recorded: _____

9. Have you submitted plans to the Building & Zoning Inspector? _____

Has a permit been refused: _____

If a permit has been refused, attach a copy of the denial, in writing.

10. Please give the size (in feet) of all existing buildings and accessory structures:

_____

11. Please give the size (in feet) of all proposed buildings and accessory structures:

_____

12. Please describe the extent of the proposed alterations:

_____

_____

_____

_____

_____

_____

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **SPECIAL USE PERMIT** is made:

_____

_____

15. Clearly state the grounds for which this **SPECIAL USE PERMIT** is sought:

_____

_____

_____

_____

_____

16. Request of Waiver: Please indicate the checklist items that are requested to be waived by the Zoning Board and the reasons for the request:

_____

_____

_____

_____

_____

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____

APPENDIX D

APPLICATION & CHECKLIST TO:

BUILDING & ZONING DEPARTMENT

FOR:

DIMENSIONAL MODIFICATION

BUILDING AND ZONING DEPARTMENT

APPLICATION CHECKLIST FOR:

DIMENSIONAL MODIFICATION

The application for a Dimensional Modification to the Building & Zoning Department must be accompanied with the following information:

- – A. Three (3) copies of a site 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 & 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

___ any peculiar site conditions or features

- – B. Three (3) copies of a current list (show date) indicating all property owners directly abutting the subject property.

  – 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.

- D. Where proposed construction requires approval by 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 modification application.

TOWN OF HOPKINTON
BUILDING & ZONING DEPARTMENT

To: Hopkinton Building & Zoning Department
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Building & Zoning Department for a **DIMENSIONAL MODIFICATION** in accordance with the provisions of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____	Address: _____
Owner: _____	Address: _____
Lessee: _____	Address: _____

1. Filing Instructions:

- a. The original application and two (2) copies, either typed or legibly printed, must be filed with the Town Building & Zoning Department.
- b. A filing fee in the amount **$50.00** shall accompany an application to the Building & Zoning Department to cover the costs of processing. In addition to the $50.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, and will be billed when the final costs have been determined.
- c. All required checklist items for a **DIMENSIONAL MODIFICATION** must accompany the application in order to be considered a complete application.

2. Location of Premises: ;hg; _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)

5. State present use of premises: _____

6. State proposed use of premises: _____

7. Is there a building(s) on the premises at present? _____

8. How long have you owned the premises? _____

State year which lot(s) were platted and recorded:

9. Have you submitted plans to the Building & Zoning Inspector? _____

Has a permit been refused: _____

If a permit has been refused, attach a copy of the denial, in writing.

10. Please give the size (in feet) of all existing buildings and accessory structures:

_____

11. Please give the size (in feet) of all proposed buildings and accessory structures:

_____

12. Please describe the extent of the proposed alterations:

_____

_____

_____

_____

_____

_____

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **DIMENSIONAL MODIFICATION** is made:

_____

_____

15. Clearly state the grounds for which this **DIMENSIONAL MODIFICATION** is sought:

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Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____

APPENDIX E

APPLICATION & CHECKLIST TO:

TOWN COUNCIL

FOR:

ZONING ORDINANCE AMENDMENT

TOWN COUNCIL

APPLICATION CHECKLIST FOR:

ZONING ORDINANCE AMENDMENT

The application for a Zoning Ordinance Amendment to the Town Council must be accompanied with the following information:

- – A. Three (3) copies of a site 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 & 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 addresses of all property owners within 200 feet of subject property

___ any peculiar site conditions or features

___ topographic data as may be taken from the U.S. Geological Survey 7.5 * 15 minute series quadrangle maps of the area proposed for zone amendment

- – B. Three (3) copies of separate map indicating all property owners within 200 feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.
- – C. A soil erosion and stormwater control plan with supporting calculations based standards approved by the USDA Soil Conservation Service and in conformity with the R.I. Erosion and Sediment Control Handbook.
- – 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 permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.
- – E. Location of existing septic system. Where construction requires approval by 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.

- F. Traffic Study addressing the potential impacts of the proposed activity.
- G. Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is of drinking water quality.
- H. Provide statement as to the purpose of the amendment.
- I. Provide statement as to proposed use(s) of the property (from District Use Table).

TOWN OF HOPKINTON
TOWN COUNCIL

To: Hopkinton Town Council
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Town Council for a **ZONING ORDINANCE AMENDMENT** in accordance with the provisions of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____	Address: _____
Owner: _____	Address: _____
Lessee: _____	Address: _____

1. Filing Instructions:

- a. The original application and two (2) copies, either typed or legibly printed, must be filed with the Town Clerk.
- b. A filing fee in the amount **$100.00** shall accompany an application to the Town Council to cover the costs of processing. In addition to the $100.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, and will be billed when the final costs have been determined.
- c. All required checklist items for a **ZONING ORDINANCE AMENDMENT** must accompany the application in order to be considered a complete application.

2. Location of Premises: ;hg; _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)

5. State present use of premises: _____

6. State proposed uses of premises: _____

7. Is there a building(s) on the premises at present? _____

8. How long have you owned the premises? _____

State year which lot(s) were platted and recorded:

9. Have you submitted plans to the Building & Zoning Inspector? _____

Has a permit been refused: _____

If a permit has been refused, attach a copy of the denial, in writing.

10. Please give the size (in feet) of all existing buildings and accessory structures:

_____

11. Please give the size (in feet) of all proposed buildings and accessory structures:

_____

12. Please describe the extent of the proposed alterations:

_____

_____

_____

_____

_____

_____

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision of the Hopkinton Zoning Ordinance under which application for **ZONING ORDINANCE AMENDMENT** is made:

_____

_____

15. Clearly state the grounds for which this **ZONING ORDINANCE AMENDMENT** is sought:

_____

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_____

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____

APPENDIX F

APPLICATION & CHECKLIST TO:

ZONING BOARD OF REVIEW

FOR:

APPEAL

ZONING BOARD OF REVIEW

APPLICATION CHECKLIST FOR:

APPEAL

The application for an Appeal to the Zoning Board of Review must be accompanied with the following information:

- – A. Copies of all documents filed with the official or agency from which the appeal is taken.
  - – B. Copies of all decisions of the official or agency from which the appeal is taken.
  - – C. The record of any proceeding form which the appeal is taken.
  - – D. Three (3) copies of a map indicating all property owners within 200 feet of the subject property, and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary.

TOWN OF HOPKINTON
ZONING BOARD OF REVIEW

To: Hopkinton Zoning Board of Review
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for an **APPEAL** in the application of the provisions or regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____	Address: _____
Owner: _____	Address: _____
Lessee: _____	Address: _____

1. Filing Instructions:

- – a. The original application and two (2) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.

- b. A filing fee in the amount **$75.00** shall accompany an application to the Zoning Board of Review to cover the costs of legal advertisement and processing. In addition to the $75.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services, and will be billed when the final costs have been determined.
- c. All required checklist items for an **APPEAL** must accompany the application in order to be considered a complete application.

2. Location of Premises: ;hg; _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)

5. State present use of premises: _____

6. State proposed use of premises: _____

7. Is there a building(s) on the premises at present? _____

8. How long have you owned the premises? _____

State year which lot(s) were platted and recorded:

9. Have you submitted plans to the Building & Zoning Inspector? _____

Has a permit been refused: _____

If a permit has been refused, attach a copy of the denial, in writing.

10. Please give the size (in feet) of all existing buildings and accessory structures:

_____

11. Please give the size (in feet) of all proposed buildings and accessory structures:

_____

12. Please describe the extent of the proposed alterations:

_____

_____

_____

_____

_____

_____

_____

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **APPEAL** is made:

_____

_____

15. Clearly state the grounds for which this **APPEAL** is sought:

_____

_____

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_____

_____

_____

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____

APPENDIX G
APPLICATION & CHECKLIST TO ZONING BOARD OF REVIEW FOR: AQUIFER PROTECTION PERMIT PLUS WEEKLY HAZARDOUS MATERIAL STORAGE AREA INSPECTION CHECKLIST APPLICATION CHECKLIST FOR: AQUIFER PROTECTION PERMIT

The application for an Aquifer Protection Permit to the Zoning Board of Review must be accompanied with the following information:

- – A. Four (4) 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 and lot, zoning district(s) and setbacks

_existing and proposed structures, and their relationship and 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 addresses of all property owners within 200 feet of subject property

_Best Management Practice work-plan where required

_any peculiar site conditions or features

- – B. Four (4) copies of a separate map indicating all property owners within two hundred (200) feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and use of all neighboring properties.
  - – C. A soil erosion and storm-water control plan with supporting calculations based standards approved by the USDA Soil Conservation Service and in conformity with the RI Erosion and Sediment Control Handbook.
  - – 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 permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.
  - – E. Location of existing septic system. Where construction requires approval by 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.
  - – F. Traffic study addressing the potential impacts of the proposed activity.
  - – G. On a separate site plan, indicate existing and proposed topography at two-foot intervals.
  - – H. Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is of drinking water quality.

Note: Upon the applicant's request, the zoning board of review, in appropriate circumstances, may waive the provision of any items of information listed above. The specific reasons for the request of waiver of checklist items must be described on the application. The waiver(s) requested must be approved by the zoning board before an application without all the items listed above will be deemed complete.

TOWN OF HOPKINTON
ZONING BOARD OF REVIEW

To: Hopkinton Zoning Board of Review
Town Hall
1 Townhouse Road
Hopkinton, RI 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for an **AQUIFER PROTECTION PERMIT** in the application of the provisions of regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____	Address: _____
Owner: _____	Address: _____
Lessee: _____	Address: _____

- – 1. Filing Instructions:
  - * a. The original application and eleven (11) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.

    - b. A filing fee in the amount of $75.00 shall accompany an application to the Zoning Board of Review to cover the costs of legal advertisement and processing. In addition to the $75.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services and legal advertisement, and will be billed when the final costs have been determined.
    - c. All required checklist items for an **AQUIFER PROTECTION PERMIT** must accompany the application in order to be considered a complete application.

- 2. Location of Premises: (Name of Street or Road)
- 3. Plat(s) _____ Lot(s) _____ Zoning District _____ 911 Address _____
- 4. Aquifer Protection Zone(s) _____
- 5. Dimensions of Lot: (Frontage) feet by (Depth) feet Area (Square Ft. or Acres) _____
- 6. How long have you owned the premises? _____
  State year which lot(s) were platted and recorded: _____
- 7. State present use of premises: _____
- 8. State proposed use of premises: _____
- 9. Please give the size (in feet) of all existing buildings and accessory structures: _____
- 10. Have you submitted plans to the Zoning Enforcement Officer? _____ Has a permit been refused? _____
  If a permit has been refused, attach a copy of the denial, in writing.
- 11. Please give the size (in feet) of all proposed buildings and accessory structures that will support the proposed use: _____
- 12. Please describe any planned alterations to support the proposed use _____
- 13. *Will the proposed use involve hazardous materials or require State or Federal permit, approval or license? Yes* _____ *No* _____
  If Yes, explain: _____
- 14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **AQUIFER PROTECTION PERMIT** is made: _____
- 15. Indicate the grounds for which **AQUIFER PROTECTION PERMIT** is sought: _____
  _____
- 16. Request for Waiver: Please indicate the checklist items that are requested to be waived by the Zoning Board and the reasons for the request: _____
  _____

Respectfully submitted,

Signature _____

Signature _____

Address _____

_____

Phone # _____

TOWN OF HOPKINTON, RI
WEEKLY HAZARDOUS MATERIAL STORAGE AREA INSPECTION CHECKLIST

Business Name: _____

Name/Title of Inspector: _____ Signature: _____

Inspection Date: _____ Time: _____ Keep for 3 Years, Until: _____

Area(s) Inspected: _____

	Above Ground Storage Tanks	Individual Containers
Number of	_____	_____
Number of Full	_____	_____
Are They All Closed?	_____	_____
Condition of Tanks/Containers:	_____	_____

(Do they show signs of leaking? Is there deterioration due to rust? Have they been damaged?)

Condition/Integrity of Containment Area: _____

(Will the area effectively contain a spill or leakage? Are berms/containment devices in good condition?)

Is there at least three feet of clear aisle space between rows of containers? _____

Are ground wires in place for ignitable materials? _____

(Note condition of wires as well.)

Condition/Integrity of venting system recovery systems: _____

(Will it prevent the release of contaminated condensate or drippage?)

Is there evidence of spilled/leaked material? _____ Describe: _____

_____

List remedial action taken: _____

_____

(Example: Spill was fully contained; spill was cleaned and the drip pan was replaced)

Are container, tank, generation and storage area labeling requirements satisfied? _____

Additional remarks or actions to be taken: _____

Record this inspection in the inspection log and keep this record for at least 3 years.

Zoning Map