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**TOWN OF HOPKINTON
PLANNING BOARD**

Wednesday, June 4, 2008

**HOPKINTON TOWN HALL
ONE TOWN HOUSE ROAD
HOPKINTON, RI 022833
7:00 P.M.**

CALL TO ORDER

The June 4, 2008 meeting of the Hopkinton Planning Board was called to order by Acting Chairman Howard Walker at 7:00 P.M.

ATTENDANCE

Board members present: Howard Walker, Ray Cox and Hazel Douthitt.
Board members absent: Al DiOrio and Tom Holberton.
Also present: James Lamphere, Town Planner; Scott Levesque, Town Solicitor; and Harvey Buford, Conservation Commission.

APPROVAL OF MINUTES

MS. DOUTHITT MOVED TO APPROVE THE MINUTES OF THE MAY 7, 2008 MEETING AS CORRECTED.
MR. COX SECONDED THE MOTION.
Mr. Walker, Mr. Cox and Ms. Douthitt approve. Motion passes.

OLD BUSINESS

Public Hearing. Amendment to Approved Site Plan – Hopkinton Industrial Park, Plat 4 – Lot 9, Gray Lane & Wellstown Road. Hopkinton Industrial Park, applicant.

A court stenographer was present to record the proceedings. A copy of the transcript is attached and made part of this record.

Attorney George Comolli represented the applicant. Also present was Robert F. Ferrari, president of Northeast Water Solutions and a registered engineer.

Mr. Comolli said the information the Board had previously received has been supplemented with architectural renderings showing the proposed tank in relation to the building. He distributed copies of photos of the site taken in March. Applicant's Exhibit # 4 shows that the building can not be seen from either Wellstown Road or Gray Lane. No potable water is being considered tonight, nor is it being considered in the future without a joint application by the Town of Hopkinton and the State of Rhode Island. The only change is from the fabri tank system to a bladder system with a proposed above ground tank.

Mr. Ferrari explained the water holding system has been changed from a fabri tank to a bladder system with a larger, above ground holding tank to accommodate fire suppression and hydrants.

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Mr. Comolli asked if the tank will be used for anything other than Hopkinton Industrial Park.

Mr. Ferrari responded that at this particular time, the applicant's use is for Hopkinton Industrial Park. They cannot provide water off the site except and until submissions are made to RIDEM and the RIDOH. To use water off site would require construction of a pipeline at Gray Lane and Wellstown Road and three (3) culvert crossings. The two requirements for RIDEM for off site water use include getting approval to increase water capacity and approval relative to the culvert crossings.

Mr. Walker asked if the tank will be used for potable water and for fire suppression.

Mr. Ferrari responded yes.

Mr. Walker asked if the water will be treated.

Mr. Ferrari said the treatment proposed will be filtration, the addition of sodium hypochlorite to maintain residual in the storage tank, and an additional corrosion inhibitor. The treatment is proposed with RIDOH.

Mr. Walker asked what exactly does RIDOH approve.

Mr. Ferrari replied that the RIDOH has approval over water source, over the treatment process and over use of the water as far as drinking water applications. When they have a situation of dual use, they will also review the tank for performance relative to having appropriate volume for fire suppression purposes. RIDEM has approval authority relative to the water withdrawal from the ground, overtaxing of the aquifer, and any adverse impact on wetlands.

Mr. Walker said the initial presentation submitted to the Planning Board showed a water treatment facility connected to a pump house. He recalls the plan showing three tanks labeled sodium hypochlorite. The Board expressed some concerns regarding the nature of and the quantity of the sodium hypochlorite that would be stored there and the extent to which this chemical could present an environmental hazard. The Board does not have the expertise to know whether or not this is a hazard, and if so, what kinds of precautions are needed for the protection of the public, including the aquifer. The applicant, at that meeting, said he had not heard of sodium hypochlorite being used. Contrary to that presentation, the Board is now hearing that there will be treatment with sodium hypochlorite, and does not have any information as to the quantity to be stored or as to the concentration. Sodium hypochlorite in a five percent (5%) solution is called Clorox.

Mr. Ferrari said Mr. Walker is correct, however, sodium hypochlorite is not to be confused with chlorine gas. Normal commercial grade of sodium hypochlorite is typically at twelve percent (12%) with the highest at fifteen percent (15%). Household bleach is between four and one quarter percent (4 1/4 %) and five and one quarter percent (5 1/4%). They will be injecting, in liquid form, very low doses of the sodium hypochlorite so they can have a chlorine residual in the water for the control of bacteria and micro organisms in the water. At twelve percent (12%), they will be diluting it to less than household strength, in the initial operation, at two (2) to three percent (3%). The largest volume on site would be one fifty (50) gallon container that sits on top of a drum container; if it ruptures, the sodium hypochlorite would be one hundred percent

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(100%) contained at the tank. If water use increases, they might increase the concentration to five percent (5%) or six percent (6%) and could possible go to twelve percent (12 %).

Mr. Walker said the system as described by Mr. Ferrari, then would not be adequate for potable water off site.

Mr. Ferrari said if there was a substantial increase in water use they would have to go to a larger water storage tank and they would be required to resubmit to RIDOH, and possibly RIDEM, because this would be considered a change or modification of an existing system; they would have to provide the appropriate storage tank, containment structure, and appropriate security measures to conform with all regulatory and approval requirements. Any modifications have to go through the process.

Mr. Walker said he recalls the applicants verified at the last meeting that they have no current intention to supply potable water off site.

Mr. Comolli said the Town approached the applicants about bringing water off site. Since that occasion, the applicants have not received any support for a community well supply from the industrial uses so they have no interest in providing water off site. The only way they would consider it is if the Town made the application along with all the abutting property owners with a statement addressing the future uses of the town.

Mr. Walker said he recalls the applicants having no current plan for supplying potable water off site and would return to the Planning Board if this intention should change in the future. There was discussion at that meeting as to whether a supply of potable water to properties off site would be a separate use from the currently intended one and that off site use would require additional approvals beyond what is being sought. If the applicants were to be supplying potable water off site it would potentially be requiring a larger and more elaborate treatment facility and chemical storage. Mr. Walker proposed, as a condition, that the applicant return to the Board for approval for the supply of potable water off site and, as the engineer stated, DEM approval would also be a requirement.

Mr. Comolli reiterated that the applicants have no interest in proceeding with supplying water off site at this time.

Mr. Cox asked if they put a tank on Rando's property as Phase III, would the applicants have to do it alone.

Mr. Comolli responded that the applicants do not want that and were basically responding to what the town wanted.

Mr. Buford asked if the plans are still the same as the previous plans presented.

Mr. Ferrari said he is not familiar with the drawings referred to. In addition to the basic design work, his firm has executed a conceptual evaluation of a much larger system based on a meeting with the health department a year ago and with the town officials as well as nearby property owners. Currently before the DOH for approval is a more modest system with an above ground storage tank and pump house.

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Mr. Comolli said they are working with the Building Inspector and need an aquifer permit before the Zoning Board. They have adjusted their best use management plan.

Mr. Ferrari said the installed tank has a mounted metering pump for the desired concentration.

Mr. Buford asked if the pump has a backup.

Mr. Ferrari said all the pumps are electrical with an emergency generator system with two automatic switch-over systems.

Ms. Douthitt asked if the original system could supply water for ninety (90) minutes, how much longer would the new system supply water.

Mr. Ferrari said the proposed system will supply water for about two hours.

Mr. Walker asked if sodium hydrochlorite storage will be limited to fifty (50) gallons at a concentration of less than five percent (5%).

Mr. Ferrari said yes; changes would come back before the Board.

Mr. Lamphere said there are three wells with one in reserve. Well two and well three go directly to the pump house and from the pump house directly to the building and the hydrants. He asked what the recovery rate is to fill the tank when completely empty.

Mr. Ferrari responded that the wells pump at a rate of thirty-five (35) gallons each per minute. The third well is not in the system.

Mr. Lamphere said the diagram shows the water going directly from the pump house to the building and hydrants with no lines extending to the tank. He asked if he was correct in assuming that the water will go directly to the building and the hydrants from the pump house, bypassing the tank.

Mr. Ferrari said that is incorrect. The drawing Mr. Lamphere has is different from his design drawing. The design plans submitted to the state have the lines from the wells going into the building for the water to first be treated; then it is discharged into the storage tank. A suction line goes from the storage tank, back into the building where the distribution pumps are.

Ms. Douthitt asked if the tank is lined.

Mr. Ferrari said it is a steel tank with lining inside with insulation and protective coatings on the outside and a heater.

MS. DOUTHITT MOVES TO CLOSE THE PUBLIC HEARING.

MR. COX SECONDS THE MOTION.

Mr. Cox, Mr. Walker and Ms. Douthitt approve the motion. Motion passes.

Mr. Walker said they need a motion TO APPROVE THE AMENDMENT TO THE APPROVED SITE PLAN SUBJECT TO THE FOLLOWING CONDITIONS: THAT NO POTABLE WATER TREATMENT OR CHEMICALS FOR OFF SITE USE WILL BE ON THIS PROPERTY WITHOUT FURTHER PUBLIC HEARINGS AND APPROVALS; THE APPLICANT WILL BE

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LIMITED TO SODIUM HYPOCHLORITE STORAGE OF FIFTY (50) GALLONS AT CONCENTRATIONS AT FIVE PERCENT (5%) OR LESS, WITH ANY ENLARGEMENT OF THOSE QUANTITIES OR CONCENTRATIONS TO REQUIRE FURTHER APPROVAL BY THE PLANNING BOARD AS WELL AS ANY PERTINENT STATE AUTHORITIES; AND SUBJECT TO FURTHER CONDITIONS OF NEED OF STATE OR FEDERAL PERMITS, AS MAY BE NECESSARY, WILL BE OBTAINED. THIS MOTION IS TO BE BASED ON THE FOLLOWING FINDINGS OF FACT SUPPLEMENTAL TO THE ORIGINAL FINDINGS THAT WERE PRESENTED AT THE HEARING ON THE FINAL APPLICATION:

1. THE PROPOSED AMENDMENT TO THE SITE PLAN IS CONSISTENT WITH THE TOWN’S COMPREHENSIVE PLAN;
2. THAT THE PLAN AS AMENDED WILL COMPLY WITH THE STANDARDS AND PROVISIONS OF THE TOWN’S ZONING ORDINANCE;
3. THAT THE PLAN AS AMENDED WILL CAUSE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS IF BUILT AS SHOWN ON THE AMENDED FINAL PLAN AND MEETS ALL REQUIRED CONDITIONS FOR APPROVAL WITH ALL THE REMAINING FACT FINDINGS REMAINING AS BEFORE.

MS. DOUTHITT MOVES TO APPROVE SUBJECT TO CONDITIONS AND FINDINGS OF FACT.
MR. COX SECONDS THE MOTION.
Mr. Walker, Mr. Cox and Ms. Douthitt approve the motion. Motion passes.

Mr. Buford asked if there may be times where there will be more than fifty (50) gallons on site.

Mr. Ferrari said there could possibly be sixty-five (65) to seventy-five (75) gallons on site at one time with the barrel to replenish on site before they run out. The maximum on the line working volume would be fifty (50) gallons.

MR. WALKER ASKS TO AMEND THE CONDITION THAT THE SODIUM HYPOCHLORITE STORAGE BE LIMITED TO FIFTY (50) GALLONS, AT CONCENTRATIONS OF FIVE PERCENT (5%) OR LESS WITH ANY ENLARGEMENT OF THESE QUANTITIES OR CONCENTRATIONS TO REQUIRE FURTHER APPROVAL BY THE PLANNING BOARD AS WELL AS ANY PERTINENT STATE AUTHORITIES AND ARE SUBJECT TO FURTHER CONDITIONS OF EITHER STATE OR FEDERAL PERMITS AS MAY BE NECESSARY AND WILL BE OBTAINED. THIS MOTION IS MADE ON THE FOLLOWING FINDINGS OF FACT, SUPPLEMENTAL TO THE ORIGINAL FINDINGS THAT WERE PRESENTED AT THE HEARING ON THE FINAL APPLICATION:

1. THE PROPOSED AMENDMENT TO THE SITE PLAN IS CONSISTENT WITH THE TOWN’S COMPREHENSIVE PLAN;
2. THE PLAN AS AMENDED WILL COMPLY WITH THE AMENDED STANDARDS AND PROVISIONS OF THE TOWN’S ZONING ORDINANCE;
3. THE PLAN AS AMENDED WILL CAUSE NO SIGNIFICANT ENVIRONMENTAL IMPACTS IF BUILT AS SHOWN ON THE AMENDED FINAL PLAN WITH ALL THE REQUIRED CONDITIONS FOR APPROVAL WITH ALL THE REMAINING FACT FINDINGS REMAINING AS BEFORE.

MS. DOUTHITT MOVES TO APPROVE THE SITE PLAN AMENDMENT SUBJECT TO CONDITIONS AND FINDINGS OF FACT.

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Mr. Walker said perhaps they could amend the decision that the sodium hypochlorite extrusion unit holds up to fifty (50) gallons of on line storage at concentrations of five percent (5 %) or less.

Mr. Ferrari said he is fine with the stipulation of a maximum of seventy-five (75) gallons [of sodium hypochlorite] in the building at a time.

Mr. Walker said then the sodium hypochlorite would be limited to fifty (50) gallon on line storage and up to twenty-five (25) gallons of off line storage at concentrations of five percent (5%) or less with any enlargement to require the approval of the Planning Board

MS. DOUTHITT MOVES TO APPROVE THE CONDITIONS AS AMENDED.
MR. COX SECONDS THE MOTION.

Mr. Walker, Mr. Cox and Ms. Douthitt approve the motion. Motion passes.

NEW BUSINESS

Amendment to Approved Site Plan, Revona Lighting Systems, Inc., Plat 4 – Lot 22, Wellstown Road at Gray Lane. N.E. Ventures, LLC, applicant.

Dave Nadeau, Vice President and Rick Edwards, President of Revona Lighting Systems were present.

Mr. Nadeau said that they ran into groundwater during excavation and building construction in the back of the building. As a result they have designed drainage systems to channel the water around the building. That prompted them to look at the back slope that was to come down to meet the back of the building. They are asking the Board for approval of a new design for a retaining wall that would relieve hydraulic pressure and water runoff. The new retaining wall would open up buffer space behind the building and would allow for the maintenance of drains. The Board was concerned with hiding the roof from Route 3. The newly designed retaining wall will be higher than previously proposed with a berm on top with more effective screening to hide the building from Route 3.

Mr. Cox asked if there would be a fence on top of the three tiers.

Mr. Nadeau said there would be and has spoken with Brad Ward regarding fencing.

Mr. Cox asked the type of fence.

Mr. Nadeau said it would be forty-two inches (42”) high, behind the vegetation, not visible from Route 3, and perhaps black chain link.

Mr. Edwards said he would like split rail, cedar fencing; very rustic looking. He showed the Board an aerial photo of the current progress of the property.

Mr. Cox said he has heard that they may use the property on Route 3 for a bank in the future and asked how much land is left.

Mr. Nadeau responded that they have used about three acres and have about two acres left.

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Mr. Buford said one of the plans shows two retaining walls and one shows three. He asked the number of walls they had planned.

Mr. Edwards said the engineer would decide the number of walls needed; most likely two or three. They will be manufactured, interlocking walls and will transition down to rocks.

Ms. Douthitt asked if the area behind the building will be paved.

Mr. Edwards said there will be grass for drainage of the roof runoff in the back of the building.

Mr. Buford asked where the water is being conducted.

Mr. Nadeau responded through the drainage retention system.

Mr. Buford said he recalls the parking lot having a recharge system and asked if this was going through that same system or if they are discharging across the surface and off the property.

Mr. Edwards said most of the drainage from the back of the building will be going into the existing drainage system. The re-channeling of the ground water is necessary to prevent the build-up of water pressure.

Mr. Buford asked if the Board decides this is a minor, does the applicant have to submit more detailed final plans.

Mr. Nadeau said the wall will be engineered and built to code and Mr. Lamphere can administratively approve the design changes.

Mr. Lamphere said he would like to see the final design and the landscaping on separate pages and recorded as amendments to the approved plans.

Mr. Buford said the changes in calculations for the method of injecting water from the parking lot should be on the plans.

Mr. Nadeau agreed saying that the design was to basically catch the extra runoff from around the building.

Mr. Walker said he sees this as a change to the method of execution, as the basic concept is already approved, and as such, sees it as a minor matter for the Planner to handle administratively.

Mr. Lamphere, referring to Applicant's Exhibit #2 which shows a three wall system, asked if he was correct to proceed with the assumption that the Board will approve either two or three walls.

Mr. Walker said the applicant is changing the original concept with the tree line and slope to conceal the building; the retaining wall will be engineered by how many tiers the engineer feels is necessary.

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Mr. Lamphere commented that in Applicant's Exhibit #2, none of the building shows. The line of sight extends all the way to the far corner of the building. The proposed higher wall with a berm would probably shield more of the building.

Mr. Edwards said the engineers said it is safer to go with three walls.

Mr. Walker said he needs a motion:

TO DESIGNATE THIS PROPOSAL AS A MINOR CHANGE THAT CAN BE DEALT WITH ADMINISTRATIVELY BY THE PLANNER.

MS. DOUTHITT SO MOVES. MR. COX SECONDS THE MOTION.

Mr. Cox, Mr. Walker and Ms. Douthitt approve the motion. Motion passes.

PLANNER'S REPORT

Administrative Business

- ◆ Mr. Lamphere said there was an Ad Hoc Zoning Committee meeting on Exit One on Monday, in the Town Hall.
- ◆ There will be a workshop with the Town Council on Wednesday, June 11 on the proposed changes to the Residential Compound Ordinance. Mr. Walker will prepare a presentation. Mr. Lamphere has copies for the workshop prepared by Mr. Levesque.

Planning Board Alternates

- ◆ Ms. Douthitt said she has heard from the Town Clerk that there are applications in now.

Hydrologic Consultant

- ◆ Mr. Lamphere said there are minutes from the May 15th workshop with Hydrologic Consultant, Anne Veeger, a professor at URI, and Patrick Craft from the Department of Health, in the Board's packages.
- ◆ Mr. Lamphere said he has given the Board a draft of notation to be placed on subdivision plans regarding water availability.

Mr. Levesque suggested omitting the last sentence and including just the first sentence. He read through the public workshop minutes provided and noticed that there are two towns that actually required water availability prior to approval of the subdivision Coventry and West Greenwich.

Mr. Lamphere said that is prior to obtaining a building permit.

Mr. Levesque said the first sentence is a statement being made by applicant on the applicant's own plan, stating that the applicant has done something to ensure that water is available on the subdivision property. He believes the second sentence operates under a faulty assumption that the town has any responsibility to ensure that water is available on that subdivision. For those reasons he feels the language is unnecessary and unwarranted.

Mr. Buford asked if this item will be put on the checklist.

Mr. Lamphere said he believes it would be wise to put this on the checklist.

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Mr. Walker said that regarding the second sentence being put on the plan, at some point the plan will have a stamp put on by the town, stating that the town makes no claim and accepts no responsibility that water exists. He asked if anything would be lost or gained by including a disclaimer on any responsibility for the town.

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Mr. Levesque said he goes by saying nothing if you can and did not need to create the disclaimer simply by being silent. His second concern is if the disclaimer for some reason did not make it on the plan, could that create a problem for the town in its absence?

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Mr. Walker agreed and presumes that it will be stamped by a professional engineer.

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Mr. Buford said that was the message that was received at the workshop; unless you are in stratified drift aquifer, you are in bedrock you can't know if you will impact a neighbor. The advice they gave the folks around the RV park was to get their wells tested now to find out what their capacity is.

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Conservation Easement

◆ Mr. Lamphere said language has been added at the request of the Planning Board. He reads the third paragraph, "Grantor and his successors and assigns shall be prohibited from the cutting of trees and brush within the area of the Conservation Easement. No clearing or grading is permitted within the area of the Conservation Easement, except for approved landscape construction and/or authorized driveway/roadway/crossing areas." In the next paragraph, Mr. Lamphere made reference to types of vegetation: "Notwithstanding the above, the Grantor, his assigns or successors shall be allowed to perform normal maintenance and removal of dead vegetation within the area of the Conservation Easement. Normal maintenance and removal of dead vegetation shall include the right to remove dead trees, diseased trees, nuisance vegetation such as poison ivy and bittersweet, and any other vegetation that may contravene the intended purpose of the Conservation Easement or may have a deleterious effect on the health, safety, and general welfare of the public. Further, the Grantor, his assigns or successors reserve the right to enter the area of the Conservation Easement in order to plant indigenous trees and native vegetation, such as those listed in the Design Review Standards contained in the Town of Hopkinton Land Development and Subdivision Regulations."

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Mr. Buford suggested adding "damage to trees" which is sometimes done to kill unwanted vegetation and suggested adding to the third paragraph, "...shall be prohibited from the cutting or damaging of trees and brush..."

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Gravel Bank Ordinance

◆ Mr. Lamphere provided the comments the Board had made at the last meeting regarding this ordinance and has presented them to the Council.

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Residential Compound Workshop

◆ Discussed under Administrative Business

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Administrative Fees and Major Subdivision vs. Development Plan Review

◆ Mr. Lamphere said he has looked at our provisions in Development Plan Review which is in the Hopkinton Code of Ordinances, comparing Charlestown to

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Hopkinton, and made an amalgamation of the two. He requested the Board review it at their leisure and contact him with their comments.

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6 **CORRESPONDENCE AND UPDATES:** None

8 **PUBLIC COMMENT**

◆ Mr. Cox commented that there seems to be a great amount of vegetation and tree removal on Brightman Hill where the communication tower is to be located.

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12 **DATE OF NEXT REGULAR MEETING:** July 2, 2008

14 **ADJOURNMENT**

MR. COX MOVED TO ADJOURN THE MEETING.

MS. DOUTHITT SECONDED THE MOTION.

ALL APPROVE.

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The meeting adjourned at 8:40 p.m.

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Attest: _____

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Lynda St. Amour
Planning Board Clerk

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28 **Approved:** _____

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