

2 **TOWN OF HOPKINTON**
4 **PLANNING BOARD**

6 **April 2, 2014**

7 **7:00 P.M.**

8 **Hopkinton Town Hall**

9 **One Town House Road, Hopkinton, Rhode Island 02833**

10 **CALL TO ORDER**

11 The April 2, 2014 meeting of the Hopkinton Planning Board was called to order at 7:00 p.m. by
12 Chairman Alfred DiOrio.

14 **MEMBERS PRESENT**

15 Alfred DiOrio, Hazel Douthitt, Howard Walker, Donald Simmons and Carolyn J. Doyle were
16 present. Joseph Escher was absent.

18 Also present were: James Lamphere, Town Planner, and Scott Levesque, Town Solicitor.

20 **APPROVAL OF MINUTES**

21 MR. WALKER MOVED TO APPROVE THE MINUTES OF THE DECEMBER 4, 2013 MEETING AS CIRCULATED.

22 MS. DOUTHITT SECONDED THE MOTION.

23 MESSRS. DIORIO AND WALKER, AND MS. DOUTHITT APPROVE. MS. DOYLE AND MR. SIMMONS ABSTAIN.
24 MOTION CARRIES.

26 MR. SIMMONS MOVED TO APPROVE THE MINUTES AS RECORDED OF THE JANUARY 8, 2014 MEETING.

27 MS. DOYLE SECONDED THE MOTION.

28 MESSRS. SIMMONS AND DIORIO AND MS. DOUTHITT AND DOYLE APPROVE. MR. WALKER ABSTAINS.
29 MOTION CARRIES.

30 **OLD BUSINESS**

32 **Canonchet Woods – Hopkinton Hill Road – Release of Performance Bonds and Setting the
33 Amount of Maintenance Bond.**

34 Mr. Lamphere said Mr. Carr has request that the Town accept the roadway. There are two bonds
35 in place for the roadway: one for \$900,000 and one for \$400,000. Mr. Tefft, Director of Public
36 Works, has found the road to be satisfactory. Mr. Lamphere recommends that the Board
37 recommend release of the bonds and put in place a maintenance bond for a period of one year in
38 the amount of \$130,000 as prescribed by the subdivision regulations. This matter will be before
39 the Town Council for acceptance on Monday night.

42 MR. WALKER MOVED TO RECOMMEND TO THE TOWN COUNCIL, THE RELEASE OF TWO PERFORMANCE
43 BONDS CURRENTLY IN EFFECT IN THE AMOUNTS RESPECTIVELY OF \$900,000 AND \$400,000, AND
44 FURTHER MOVED THAT WE, AS A PLANNING BOARD, ESTABLISH THAT THE APPLICANT WILL FILE A
45 MAINTENANCE BOND FOR A ONE YEAR PERIOD IN THE SUM OF \$130,000. MS. DOUTHITT SECONDED THE
46 MOTION.

47 MESSRS. DIORIO, WALKER AND SIMMONS AND MS. DOYLE AND DOUTHITT APPROVE.

48 MOTION PASSES.

2 **NEW BUSINESS**

4 **Development Plan Review – Bank Street Solar Farm – Plat 28, Lot 122, Bank Street. Megawatt Energy Solutions, applicant.**

6 Stuart Clark represented the applicant.

8 Mr. DiOrio said to Mr. Clark, let's start with issue of your license and Certificates of Authorization for both yourself and Princess Equipment Company.

10

12 Mr. Clark said as far as he knows, his license was reinstated on January 10. The Certificate of Authorization for Princess Equipment Company was submitted to efile last Friday.

14 Mr. DiOrio said then the work was done prior to you even thinking about a Certificate of Authorization.

16

18 Mr. Clark said this is a seven and half acre site that was a former gravel pit. It is bounded by Bank Street to the north. A brook comes out of state property from the north, ties in with the Wood River, and flows along the east side. There are some residences along Main Street, Route 3.
20 A Google map of the site was presented. There is a small wetland and a wetland associated with the brook and the river. They intend to put in about half a megawatt of power comprised of
22 1639, 305 watt panels. The whole area will be flattened out, not changing the grade greatly. There is a large slope on the backside, similar to a ridge line, that drops down to the brook. They
24 will crush the larger rocks and bury them. Water that enters the site will be captured in infiltration swales. The water will be clean as there will be no vehicles or fertilizers. They will
26 stabilize the entire area with loam and with a very slow growing grass under the panels. Access is off of Bank Street. Screening from neighbors on the south side will with bushes 15 feet on
28 center.

30 Mr. Walker asked how 12, one gallon buckets of forsythia are going to provide screening for the neighbors.

32

34 Mr. Clark said if the Board would prefer a larger plant, they would be more than happy to accommodate that.

36 Mr. Simmons asked if anyone has done a study of reflection and glare.

38 Mr. Clark said he does not know the answer.

40 Mr. DiOrio said that original representation was that glare was not an issue.

42 Mr. Simmons said if you have glass, you have reflection and if you have reflection you have glare.

44

46 Mr. DiOrio told Mr. Clark to make sure we have an answer to that question.

48 Ms. Doyle said regarding the flood zone, there is conflicting data on the two plans: sheet 3 of 6, the revised plan, shows a flood zone with an elevation of 82.75 and conflicting data on sheet one, 84, referencing 2010.

50

2 Mr. Clark said there is a defined flood zone there. The FIRMette map which is attached to the
4 packet, shows the crossing of the road at a 100 year flood elevation of 82. As it comes up to the
confluence it switches over to 84. The whole ridge line comes down so any water coming in is at
6 the 82.75 elevation.

8 Ms. Doyle said to that end, you have a flood zone line on there in part of your arrays. What
happens when we have a flood? Are they underwater?

10 Mr. Clark said the arrays are 2 to 3 feet off the ground. Any flood water which would come in
there under a 100 year flood would be six inches deep at most.

12 Mr. Simmons asked where the connecting cables are on the solar panels.

14 Mr. Clark said the panels are all interconnected. They go to a combiner box that runs along the
16 back of the panel, usually under the upper lip or under the ground through PVC.

18 Mr. Simmons said his question is if something is in a flood plain and the cables connecting these
are running in water, it would seem to be a bad thing.

20 Ms. Doyle said we don't have dimensions on the actual panel so she can't tell if it is in the flood
22 zone or not, or how much of it is in the flood zone.

24 Mr. DiOrio said they need to resolve that item as well: what is going on in the flood zone for the
panels that are being proposed there.

26 Ms. Doyle said they are very conservative on your flows. From this plan we can't tell where this
28 overflow goes. There is not enough detail topographywise to tell where that water is going.

30 Mr. Clark said it goes into the wetlands and will then make its way to the Wood River, the
natural path that water goes now.

32 Ms. Doyle said so it ends up in this wetland not going directly east to the river?

34 Mr. Clark answered yes.

36 Mr. DiOrio asked the status of the wetland application.

38 Mr. Clark said as far as he knows, everything has been submitted to DEM. Chuck Caron from
40 Caron Environmental has been heading that up. Mr. Clark has submitted the stormwater portion
for filing.

42 Mr. DiOrio asked if Mr. Clark said they would bury some rocks.

44 Mr. Clark said there are some rocks deposited on the site now. They will crush most of the rocks
46 either with a hammer or a rock crusher. There is a low point on this project that needs to come
up a couple of feet and they will put the crushed rock there.

48 Mr. DiOrio asked if they planned on doing any other burial on site of trees, stumps, anything like
50 that.

2 Walter Mahla, representing the applicant, arrived. He said the panels have no glare and are
4 black. They are designed to absorb light, not to reflect it. The panels are two to two and a half
feet off the ground. The wires can be above ground in a conduit.

6 Mr. DiOrio asked, but will they be?

8 Mr. Mahla saw no reason why not. The panels are connected across the top, five to six feet off the
10 ground. The panels have junction boxes across the back at the top side and drop down when
they go to the inverter.

12 Ms. Douthitt asked if all these panels were made of glass.

14 Mr. Mahla said they have a glass coating but are made of silicon dioxide, a semiconductor
16 material. There could be damage in a major hail storm. He does not think a winter ice storm
would be an issue but would be more concerned about thunderstorms or hurricanes.

18 Mr. Walker asked the Planner what suggestions he would have about the screening vegetation.
20 Generally, our preferred screening vegetation is arborvitae because it is a natural fence and is
resistant to deer.

22 Mr. Clark said they would be happy to switch those out for deer resistant arborvitae.

24 Mr. Walker said they could do that administratively with the Planner.

26 Mr. Lamphere said Caron Environmental does not have a Certificate of Authorization and is not
28 sure if they need one. He was at the site on Monday, during and after the storm, and noticed a
puddle near the 82 mark. He was standing by the abandoned boat and walked due east,
30 downhill. He does not know how high that water comes up in a storm like 2010, but it flooded
the site.

32 Mr. Clark said he was talking to someone riding a four wheeler on the site who said that where
he was standing, the water was over his head in 2010.

34 Mr. Lamphere said he is not sure that the storm we had this past weekend wouldn't have posed a
36 danger to the project.

38 Mr. Lamphere gave the building plans to the Town's Building and Zoning Official who
40 commented that the plan should be labeled as Commercial for this particular use with a side yard
setback at 25 feet; the plans should reflect that. Mr. Lamphere said the Town Council's decision
42 that changed the zoning here included the condition that if this project is not completed within
the timeline set by National Grid, the property will revert back to residential RFR-80 zoning. This
44 particular project with National Grid expired February 28. He would like some idea when the
competition for the next round of grants will be and that deadline so we can keep an eye on our
46 zoning.

48 Mr. Mahla said the next round of contracts would be awarded this month and there would be an
18 month completion period. They anticipate getting another contract.

2 Dorothy Gardiner said the abandoned boat on the property was floating throughout the area
4 during the 2010 storm.

6 Steve Marzo asked if the panels would be seen from Route 3.

8 Mr. Clark responded said you might be able to get a glimpse of them through the houses and the
10 trees. There are some good trees along the southern side and they will put in the arborvitaes
12 along that side.

14 Mr. Marzo said at a solar farm in Massachusetts, they put in a raised mound, two or three feet
16 high, that was planted with slow growing trees adding to the ambiance for people driving by.

18 Mr. Clark said on this site they will put it on a two foot dike to stop the water with the trees on
20 top of that.

22 Mr. DiOrio said we want to see: the Certificate of Authorization is in place; modifications to the
24 buffer vegetation; wetlands approval; and, revisions to the zoning criteria on the plan.

26 MR. WALKER MOVES TO APPROVE THIS PROPOSED PROJECT, SUBJECT TO THE FOLLOWING CONDITIONS:

- 28 1. THE ENGINEER’S AND THE APPLICANT’S CERTIFICATES OF AUTHORIZATION SHALL BE IN
30 PLACE;
- 32 2. ALL REQUIRED STATE AND FEDERAL PERMITS AND LICENSES, INCLUDING WETLANDS
34 APPROVAL, BE OBTAINED;
- 36 3. THE SHIELDING VEGETATION SHALL BE CHANGED FROM TWELVE, ONE GALLON FORSYTHIA
38 TO SOME VARIETY OF DEER RESISTANT ARBORVITAE, TO BE ARRANGED ADMINISTRATIVELY
40 WITH THE PLANNER;
- 42 4. THE PLANS WILL BE AMENDED TO REFLECT THAT THE PROPERTY IS NOW ZONED
44 COMMERCIAL, FOR THIS USE AND THIS USE ONLY; AND,
- 46 5. THE SIDE SETBACKS OF TWENTY-FIVE FEET FOR A COMMERCIAL ZONE WILL BE INDICATED ON
48 THE PLANS.

50 THIS MOTION IS BASED ON THE FOLLOWING PROPOSED FINDINGS OF FACT:

- 52 1. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE TOWN’S COMPREHENSIVE PLAN
54 ESPECIALLY THE DESIRE TO MAXIMIZE THE TOWN TAX REVENUE;
2. THE PROJECT COMPLIES WITH THE STANDARDS AND PROVISIONS OF THE TOWN’S ZONING
ORDINANCE AS RECENTLY AMENDED;
3. THE PROJECT WILL CAUSE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS IF BUILT AS
SHOWN ON THE FINAL PLANS WITH ALL OUR REQUIRED CONDITIONS;
4. THE PROJECT WILL NOT RESULT IN THE CREATION OF ANY NEW LOTS;
5. IT HAS ADEQUATE AND PERMANENT PHYSICAL ACCESS TO A PUBLIC STREET, NAMELY BANK
STREET;
6. IT PROVIDES, TO THE EXTENT THAT IT IS RELEVANT, FOR SAFE CIRCULATION OF PEDESTRIAN

2 AND VEHICULAR TRAFFIC, FOR SURFACE WATER RUNOFF CONTROL, AND FOR PRESERVATION
4 OF SUCH NATURAL AND HISTORIC AND CULTURAL FEATURES AS MAY BE PRESENT ON THE
SITE; AND FINALLY,

6 7. THE DESIGN AND LOCATION OF THE SITE, INCLUDING THE PROPOSED FACILITIES DRAINAGE
8 IMPROVEMENTS AS WELL AS OTHER IMPROVEMENTS, SHALL MINIMIZE FLOODING AND SOIL
EROSION.

10 MS. DOUTHITT SECONDED THE MOTION.

MSES. DOUTHITT, DOYLE, AND MESSRS. DIORIO, WALKER AND SIMMONS APPROVE. MOTION PASSES.

12

14 **Preliminary – 2 Lot Minor Subdivision – Canonchet View, Phase III – Plat 11, Lot 2 – Lawton
Foster Road North. Eric C. Kingman et al, applicant.**

16 Mark Boyer, Boyer and Associates, represented the applicants who were also present. There are
18 14.37 acres. They are creating two lots: Parcel A will have 11.7 acres; Parcel B will have 2.67
acres. They have done soil evaluations and subdivision suitability has been submitted to the
20 state, verified and approved, indicating that both lots can sustain sanitary systems. Advanced
treatment systems are not necessary for these two lots. In 2003 they cut out 2 lots on the
22 southeast corner. In 2010 they subdivided a two acre lot on the property. Two major concerns
were brought up by the abutters. The first was the pileated woodpeckers. He included in the
24 packets a printout from RIDEM Wildlife Division that classifies the pileated woodpecker as
status C and are presently not protected or endangered in the state. The second item was the
26 stone cairns on the property. The applicants contacted the State of Rhode Island Historical
Preservation and Heritage Commission. Mr. Timothy Ives wrote a letter on December 12 to the
applicant stating that the applicant, Mr. Ives, Paul Robinson, former Rhode Island Archeologist,
28 and Mr. Doug Harris, Preservationist for Ceremonial Landscapes and Deputy Tribal Historic
Preservation Officer for the Narragansett Tribe, had a site visit on December 6. Mr. Boyer read
30 some of the highlights from of Mr. Ives' narrative. He said the applicants have done their due
diligence on the two concerns from the last subdivision.

32

Mr. Simmons asked where the stone piles were on the property.

34

Mr. Boyer said there are numerous rock outcrops throughout the property. The Board may
36 consider where they want to locate the houses. The systems stay where the systems are.

38

Mr. DiOrio said if there are a multitude of site features, they may be difficult to map. He asked if
the stone piles are being disturbed. If there is a place on the property that is being developed and
40 the stone piles are not being disturbed, this almost becomes a moot point.

42

Mr. Boyer said as of now, the applicants have no desire to construct anything. He believes they
would agree that if they were to develop this and create sanitary systems, they would be
44 agreeable to landscaping in the area the house would go. They could locate the piles of stones
and situate the house so that they would not be disturbed.

46

Mr. DiOrio asked if that was possible.

48

Mr. Boyer responded, yes, it is possible.

50

2 Mr. Simmons said we were given a great report with some wonderful photographs but they were
4 never fully explained to be the cairns on the site. Are they or are they not?

6 Mr. DiOrio asked, on the site or not on the site?

8 Joyce Devine, applicant, said people have been coming on her property uninvited, unannounced,
10 taking pictures when they are not there. One picture is of a rock pile ten feet from their house.
They have no permission to be on their property. They submitted a packet three weeks ago.
Why are you taking information tonight?

12 Mr. Boyer said, the answer to your question is I don't know if those are on the property.

14 Ms. Devine said there is a historic Brightman cemetery on the property which has not been
16 disturbed. She has no idea if the pictures, other than the one that is right by their house, are on
their property. Where the development is, there are no stone piles; the rest will be untouched.

18 Mr. Simmons said he was a farmer and the stone piles in these pictures are not farmer stone piles.

20 Ms. Devine said they have a letter from the state archeologist.

22 Mr. DiOrio said we are trying to balance many concerns.

24 Mr. Simmons added, concerns and opinions.

26 Ms. Devine said there is no evidence.

28 Mr. Simmons added, but the state archeologist does not provide any evidence contrary. It is his
30 opinion.

32 Mr. Boyer said the majority of the stones are in the back. He is confident they could situate the
houses to minimize disturbing the stones.

34 Mr. Walker said depending on what he hears from the public, he has no personal concerns but is
36 intrigued by the materials that have been filed. If timing permits, hear the people here tonight
and reschedule this for a site walk.

38 Ms. Devine said that in 2010 they indicated to Mr. Harris that they would be willing to work with
40 him. They spoke with their attorney and were told to send Mr. Harris a letter and ask him to
42 propose how he would like to go forward with a program of cooperation. She has written to Mr.
Harris and in three years' time has not received any communication from him. He called her
44 once to ask how much we would like if they were to buy that property. She told him she would
sit down and talk to him about that and never had any other communication. He has not stepped
46 forward until Ms. Devine requested a site visit with him and others. When she walked the site
with Mr. Harris and Mr. Robinson, they refused to identify any features, with Mr. Harris
claiming it is privileged information and is tribal knowledge.

48 Mr. Boyer said the proposed house site is not carved in stone and the house can go anywhere on
50 the site. This location was just for subdivision suitability.

2 Mr. DiOrio said if we were to schedule a site walk, it would be most beneficial to us if we are
4 looking at a plan, the ground, house flags. We recognize that they may or may not be the places
where they will go but we would be able to relate your proposed plan to what is on the ground.

6 Mr. Buford said he knows what you can see from the road. He spent this winter laying out trails
8 in that general area on public assessable lands. There are hundreds of protected acres in that area
and he came upon hundreds and hundreds of cairns. In his opinion, this happens to fall within
10 that much broader ceremonial landscape. There are certain areas that are very concentrated. He
12 was given some photographs so people can get a sense of these around that property. He
distributed the photographs to the Board and said our Comprehensive Plan addresses
14 Narragansett ceremonial landscapes and calls for the Planner and the Narragansett Tribe and the
Historic District Commission and the Historical Association to work to identify and come up
16 with ways to preserve these properties. Let the people that own the land be able to walk the line
of trying to come out of this with everybody happy and protecting the landscape as much as we
can. He understands it is private property.

18 Mr. Levesque asked, for the sake of fairness, is there a copy of those pictures that can be given to
the applicant.

20 Mr. DiOrio said he would like to suggest the applicant has made him aware they are not in
22 receipt of many of the documents the Board may have and suggests an entire package may be
prepared for the applicant.

24 Mr. Buford said he was given some additional packages that could be given to the applicant. The
26 large parcel is a much more difficult soil to work in with 15 to 35% slopes, generally considered
not suitable for development and subject to severe erosion. The house on the 167 lot is a flatter
28 surface and considered to be a soil type suitable for development, but still with rock outcrops.

30 Mr. Lamphere said the plan calls for the driveway to the Kingman's home to be on the new lot
32 that will be created. They would like to put an easement over the new lot so they could continue
to use the drive. He does not know if our regulations prohibit it or not but it is almost like you
are creating a less than perfect situation.

34 Mr. Boyer said the driveway servicing the applicant's house is along the property line. They
36 chose to do that because it has an effect on the driveway on Parcel A. The driveway on Parcel A
is the safest place for that driveway to be for sight line and is about 15% slope. Based on where
38 the sanitary design is, that driveway would be moved to the other side with 25 to 30% slopes.

40 Mr. Lamphere said he had Brad Ward take a look at the issue that there is a barn currently on Lot
42 2, the subject of this subdivision. Mr. Lamphere said he thought you could not have an accessory
structure without a primary structure, but the Zoning Official said if the barn is an agricultural
44 use, it would be fine. Mr. Ward recommended having the applicants send the Planner a letter
stating that it is being used for agricultural purposes. Mr. Lamphere considered it might be
46 grandfathered as it exists right now on Lot 2. He will talk to Mr. Ward again.

48 Mr. DiOrio said you should flush that through. If the applicant can submit a letter regarding the
accessory structure without the principle structure, and we can make it fit within the agricultural
50 issue and get some documentation, he would feel better.

2 Mr. Lamphere visited the site this morning. The letter prepared by Mr. Ives, the state
4 archeologist, is a very accurate description of what exists out there. These cairns are numerous.
6 There are certainly concentrations of them. He does not know what their significance is or their
8 origin. A site walk may be a good idea because some things you have to experience and visualize
rather than see written or on a set of plans. He thinks this is one of those cases. He personally
thinks you could locate a house out there without disturbing many cairns. He does not see
anything that can't be worked out on this property.

10 Mr. Buford asked if there is a well for both houses.

12 Mr. Boyer said there are, to the rear of the house on Parcel A.

14 Dorothy Gardiner, a resident for more than 50 years, said if we were to place barriers for these
16 people to get this subdivision, we are very wrong because it is a question of integrity and trust.
18 And now, we are listening and looking at pictures that were taken without the owner's consent,
right at the time when they are coming for a subdivision. She would love to see these preserved,
but she doesn't own them. If you want to preserve some of these things, you need to speak with
20 landowners upfront and early on and offer to purchase the land. Perhaps the Land Trust could
purchase these areas, because that is what they are for. Barriers to their subdivision are not fair.
This is not right.

22 Tom Helmer, a Hopkinton resident and a published author of a book on colonial and indigenous
24 archeology found in Tomaquag Valley, a member of, and webmaster for, the Hopkinton
Historical Association and the author of numerous web pages on an indigenous and colonial
26 archeology, said a portion of the land in question, contains a remarkable cairn field in an area
roughly 75 yards square. There may be more than 100 cairns, hand placed piles of rock that carry
28 great spiritual importance in the living culture of the indigenous peoples. There is considerable
individual variation of these cairns. The cairns still retain their delicate balance which he has not
30 seen any place else in Hopkinton. He excerpted from the introduction to the Hopkinton
Historical Association website page, *Seeing the Narragansett Presence*. "It is vital to be aware that
32 the places shown on this page be viewed with the same respect we show for our cultures'
spiritual places. This is especially true when actually walking within a Native American
34 ceremonial landscape. What you see has a sacred connotation in Narragansett theology." He
said he obtained the photographs from abutting property at the invitation of that property
36 owner. At no time was he remotely close to any building. Dr. Ives' letter states that there is no
evidence. Information that was given to the Planning Board came from other archeologists to
38 state a contrary opinion, that there is in fact strong evidence of the indigenous interpretation of
the construction of these things. When you see these things in person and briefly put yourself in
40 Mr. Harris' shoes, this is his Vatican. This is his cathedral. We may not understand the nuances
of someone else's religion but we recognize the spiritual component of these ceremonial
42 landscapes. To the property owners requesting the site map, to requesting information from Mr.
Harris, that indicates a sensitivity on the site owner's point of view. They want to work with this.
44 Timothy Ives believes that these are farmer piles, but he says in his letter, that we should
preserve them not only on the site that he walked, but on the whole site which he didn't walk.
46 We're asking the Planning Board to have another site walk to see what is actually there.

48 Marnie McNamara said she understands the major importance of this and would like to see it
saved. The Land Trust might come to you with a proposal and asked if the applicant would be

2 open to talking with them. She believes they could strike a deal to save this. She asked if the 11
4 acres could be subdivided again.

6 Ms. Devine said they have been there for forty years and haven't touched or disturbed anything.
8 The cairns are there and they are up by her house and she loves them. Anybody who builds a
10 house there would love them. People don't come in and bulldoze beautiful stone walls. The
property in front is suitable for development. They respect Mr. Harris; they respect everything
here. A lot of the land was for farming because the Brightmans lived there. Whatever else it is
has been undisturbed. She is willing to be open to anything.

12 Mr. DiOrio said we appreciate your stewardship. The concern is not necessarily for current
14 property owner. You put lots up for sale, the town suddenly has no say in what the next owner
does. We appreciate that you haven't done anything. The Board's concern transcends their
ownership.

16 Doug Harris, Preservationist for Ceremonial Landscapes, and Deputy Tribal Historic
18 Preservation Officer for the Narragansett Indian Tribal Historic Preservation Office, also
acknowledged Ms. Devine as a good steward of the ceremonial stones on her property. He has
20 walked the property and is impressed with what the ancients left. Timothy Ives, the new state
archeologist, is not a specialist in tribal historic preservation, culture or ceremonialism. Mr.
22 Harris said he has more than 20 years of training under the elder and current medicine men of
the Narragansett Indian tribe and under Dr. Ella Sekatau. He has been advised to not presume
24 that tribal lore and all history will change the minds of the public or the government. He quoted,
"Allow the landscape to speak for itself and then allow the lore and the oral history to stand as its
26 witness." They have developed a program with a number of scientists who are retired and lay
scientists who work with them in mapping ceremonial landscapes. That is done in conjunction
28 with four tribal historic preservation offices: Narragansett, Wampanoag, Pequot and Mohegan.
They come together and make determinations about what in fact each of their traditions can be
30 considered ceremonial. That process comes out of the documents that accompanied the letter
that he wrote, the three united south and eastern tribes as resolutions. He read a portion of the
32 first resolution that was done in 2002: "For thousands of years before the immigration of the
Europeans, the pawwas, the medicine people of today's new England region, used these sacred
34 landscapes to sustain the people's reliance on Mother Earth and the spirit energies of balance and
harmony." A stone is a vehicle for receiving and transmitting prayer. Everyone of those stones,
36 as they believe in their tradition, was placed by someone in prayer. We, as her children, were to
be balanced and harmonized by virtue of that relationship. So when you say a cathedral, in a
38 very different sense, it is their church. They had that kind of an intimate relationship with the
landscape, not just here in Hopkinton, but all over New England. The Narragansetts is an
40 Algonquin culture and it is their belief that it was a part of an ancient form of spiritual
communication and that to some extent has been lost since the coming of the Europeans. One of
42 the things that happened during that time is that that culture and that set of religions did not
want to acknowledge that it was coming into an area that had its own civilization, its own
44 cultural patterns. So, they simply considered the Indians as savage and they proceeded to do and
occupy as they did. The past is, it happened, he wasn't there. He can't be responsible for it but
46 he certainly has the responsibility for what we do right now. He is here to acknowledge as he did
in the letter submitted to the Board, that this is a region that is significant to the Narragansett
48 because it was significant to Narragansett Chief Sachem Canonchet. His name rings from place
to place in this region. It was important to him as a part-time residence and also as a place of
50 great ceremony. He does not have the right to tell them what they should do with rocks on their

2 property. He does have a responsibility to ask them to look through their eyes and open their
spirit to what most people feel when they are in the presence of those stones, and then honor
4 them based on what you feel. He is willing to work with them, to do whatever they can to
support them in protecting what is truly important to them. Much has been destroyed by people
6 who didn't understand what it was, by people who thought it was farm clearing, by people who
did not respond positively to the spirit energy they felt from the stones. He supports them if in
8 fact their way of believing aids you in being a good human being for our Mother the Earth. That
is all he sees; that is all the ancients saw, was how to be a good human being in relation with all
10 their other relations. Every bird, every worm, every fly, every plant, are the children of our
Mother Earth. We are siblings. We want balance and harmony. He is very sorry that Ms. Devine
12 felt that he was abusive of the openness that she extended, but they did enter into a discussion
about the possibilities of acquiring that site for preservation. They did not have the money and
14 they would be happy to assist you and anybody else and any plans that would work to save the
site. They are not against development.

16
18 Richard Prescott, Chairperson of the Hopkinton Historic District Commission, said in
Hopkinton's Comprehensive Plan, under the heading, "Historical and Cultural Resource Goals,"
goal number one is presented as work with the Rhode Island Historic Preservation and Heritage
20 Commission, the Narragansett Tribal Preservation Offices, HHA, the Hopkinton Historical
Association and other preservation groups. What they are supposed to do is identify the various,
22 significant, cultural and archeological resources in Hopkinton and take appropriate steps to
preserve and protect them. Number two says to incorporate a review of historic archeological
24 resources in the site plan review process. He suggested we ought to have a site walk so the
Historic District Commission and other folks can do their work with the owners of the property
26 to come up with a situation that allows it to be developed with the least impact on environment,
including the cultural environment.

28
30 Mr. Boyer said he understands what the soil index says on the state maps. The sanitary systems
will not be advanced treatment; they will be conventional systems on those sites. When the site is
developed there will not be any issue with the sanitary or the construction on the site. The state
32 has reviewed that and approved the sites for sanitary systems. Future subdivision, as it stands
right now, he believes one lot has just over the required frontage to put a 50 foot wide road in,
34 and believes we touched on this with the last application. The applicants have never shown a
desire to do any subdivision on that property and he thinks that constraints on the property
36 between slopes and ledge really don't make it feasible to develop. Has anybody ever asked the
applicants if they would consider signing a no future subdivision clause for that lot? That is
38 something the Board may want to do. When they placed the houses the only correspondence
they had was from Mr. Ives who said they were not Indian stones. If you are going to schedule a
40 site walk, he would suggest letting them go out there, find a spot that either would fit within the
cairns or disturb as few as possible, and then forward something to the Board so that on the site
42 walk, you have some kind of relationship to go by.

44 Mr. DiOrio said that is acceptable as long as we have something, a plan, and something on the
ground so we can see something in both places.

46
48 Mr. Walker said there would be public notice of the site walk and opportunity to come with us
and show us what you would like us as well as members of the public to see.

50 Ms. Devine asked how would it be organized; who would lead the site walk?

2 Mr. DiOrio said it would be he.

4 Ms. Devine said there is so much rock out there. They have no plans to put a road in as it makes
6 no sense economically.

8 Mr. DiOrio said he appreciates that, but as land values increase, that's going to change, you're
10 going to sell it to someone, they are going to come along with a completely different perspective,
12 and so our concern goes beyond what you think might happen.

14 Mr. Boyer said you wouldn't have to do a conventional subdivision. You have enough frontage
16 there to put a conventional road in so it would be the 80,000 square foot zoning.

18 Mr. DiOrio said so you know why we are having the discussion. It is not that we are casting
20 some doubt on your intentions.

22 Mr. Boyer said to do that it would be a town standard road and tried to explain to her the costs
24 associated with that.

26 Mr. Walker asked the timing for the Board to render a decision in relation to when we can have a
28 site walk, presumably when the weather is better.

30 Mr. Lamphere said the Planning Board has to make a decision on this by June 9, unless an
32 extension is granted by mutual agreement with the applicant.

34 It was decided the site walk will take place on Wednesday, April 23, rain or shine, 4:00 P.M. at
36 the site. Parking will be on the roadway. Site is at utility pole 1276. Name is on mailbox.

38 MR. WALKER MOVED TO CONTINUE THIS APPLICATION TO OUR NEXT REGULAR MEETING, MAY 7.

40 MR. SIMMONS SECOND THE MOTION.

42 MSSRS. WALKER, SIMMONS AND DIORIO AND MSSES. DOUTHITT AND DOYLE APPROVE.

44 MOTION CARRIES.

46 **Pre-Application – B2B GATEWAY – Plat 11, Lot 53 – Palmer Circle. Kevin and Donna Hoyle,
48 applicants.**

Anthony Neena of On-Site Engineering, and John Patrick Walsh, architect, represented the
applicants who were also present.

Mr. Hoyle said they are proposing to build a building to house their offices. He is the CEO of
B2B Gateway and currently rents space in Wyoming where they have 45 employees. They are a
software company doing business to business communications that is called electronic data
interchange. They have different accounting packages and translate the data from one software
language to the other. They have developed this software that grabs the information, converts it
and sends it back out. The product that they offer is a service. They create nothing physically.
Their headquarters and data center are in Brockton, Massachusetts with 15 employees, and they
have offices in Ireland at Shannon Airport in the free zone, a sales office in Copenhagen and a
sales office in Sydney.

2 Mr. Neena said he prepared the site plan for the project. They are proposing four buildings.
3 Buildings one and two have an atrium in the middle on the northern portion of the nine acre site.
4 At one time 10 to 15 feet of gravel was removed from the site. The northern, southern and
5 western portions are original and have not been disturbed. They conducted some test holes on
6 the southern portion in virgin ground. DEM has approved the water tables ranging between ten
7 and twelve feet deep in the southern portion, adequate enough to support a septic system for the
8 office complex. They are in a recharge area for Canonchet Brook which is about 1700 feet to the
9 south. The surrounding property is residential and commercial. This is almost at the cul de sac
10 of Palmer Circle and abuts I-95 to the north. Lindhbrook Condominiums are located to the east.
11 There are no wetlands on the property and had a biologist walk it. There is an area of storm
12 flowage that takes some drainage from I-95 and gets collected on the property. The construction
13 will be phased, starting with building one, which is the western portion. As business grows, they
14 will continue with building two and the atrium. There is some thought for buildings three and
15 four to be professional offices to be rented out to other professional groups. Because more than
16 60 people will occupy the buildings, it will require a public well which has been identified. After
17 this meeting he will proceed to apply to the DOH to approve the well site so they can drill a test
18 well and confirm that they can support the buildings with the amount of flow. Part of the public
19 well process is you must own the 200 foot radius of the well if it is a bedrock well. He positioned
20 the well on the property where they would be in full ownership of it. There is parking and
21 driveways within that radius. The zoning regulations require you to have parking spaces based
22 on employees and gross floor area. If he included both scenarios, they would need almost 300
23 spaces for the complex. For the business that the Hoyle's are operating, the amount of parking
24 spaces seem extreme. They will seek a variance from the parking requirements so he can go to
25 the DOH and get some permitting in place. He is proposing 146 spaces on the property. He has
26 allowed some areas for stormwater collection and roof infiltration. They will be finalized for the
27 Master and Preliminary presentation. This is conceptual to get enough input from the Planning
28 Board to go to the Department of Health and get approval of the well site. They will seek a
29 variance from the Zoning Board to reduce the parking spaces. The Zoning Official appears to be
30 on board to support the variance and sees that the criteria is extreme. This evening he would like
31 to get a favorable opinion that he could take to zoning and the Department of Health to show
32 that the town is in support of the parking reduction. Also, regarding procedures, he would like
33 to ask the Board whether they should apply for Development Plan Review or Major Land
34 Development.

36 Mr. Walsh presented conceptual drawings of floor plans and elevations of the proposed
37 buildings. The staff will be primarily on the first floor. From ground level to the highest point at
38 the rear of the site is about 20 to 25 feet. They will bring parking around the building to where
39 the grade starts to rise and will connect to the second floor. The rear of the building will be built
40 into the hillside. The second phase will be very similar to this first building with the same
41 footprint and will mirror the first building. The second floor will hold the entry plaza that will
42 go out to the parking lot. The third floor will be the more private floor. There will be 3000 square
43 feet per floor. They are considering cedar siding or CertainTeed shakes or cement board siding
44 so it is easier to maintain, with the lower portion some form of rusticated block or stone. Trim
45 will probably be Azek. There will be architectural shingles on the roof.

46 Mr. DiOrio said this is the first building at Exit 2, and is a statement building for the town. He
47 was disappointed to see that folks traveling on 95 would see the parking lot.
48

2 Mr. Walsh said actually they won't. The back of the site is elevation one. The front is elevation
4 zero. The parking lot is at about seven. There definitely will be a retaining wall at the back of the
6 building where the parking lot goes. There will be another retaining wall to the backside of the
parking lot.

8 Mr. DiOrio asked as he is sitting in his car driving down 95, what is his perspective as he sees the
building? You're suggesting I'm not going to see the parking lot at all.

10 Mr. Walsh said you may see the tops of the cars but does not think he will see pavement.

12 Mr. DiOrio asked what is the existing landscaping.

14 Mr. Walsh said it is scrub and heavy woods between the parking lot and I-95.

16 Mr. DiOrio said he wants to make sure that folks traveling the interstate, since it is an important
18 perspective for the town, are going to see the building but not the infrastructure associated with
the building.

20 Mr. Lamphere said after seeing the proposal, he recognizes it as a brand new site, a large project
22 that will probably be phased, is a commercial project, and will probably require some variances
for parking. With all that in mind, it speaks to him as a major land development project. Tonight
24 we have a pre-application, the first required step in the major land development process, so we
can move ahead to Master plan.

26 The Board agrees this project should proceed as a Major Land Development.

28 Mr. DiOrio added, we should give some kind of advisory opinion on the parking. If Mr. Neena
has made a reasonable assessment of the parking it is okay with him.

30 The Board agrees.

32 Ms. Hoyle added that their staff arrives at different times, in shifts, so not everyone will be there
34 at the same time.

36 Mr. Neena said he would like to get the variance first and then go to the Department of Health to
38 show them that we have reduced the impervious area that would impact the well.

40 Mr. Levesque said he would have to be here first at Master to get that recommendation from us,
then go before zoning, get the variance there, and then come back here.

42 Mr. Walsh said the total square footage for one building is 9000 square feet; for both buildings
44 18,000 plus the atrium. The other two buildings will be developed as needed.

46 **SOLICITORS'S REPORT:** None

48 **PLANNER'S REPORT:** None

50 **CORRESPONDENCE AND UPDATES:** Board was reminded of the workshop with the Town Council
on the 28th regarding the new Ordinances and Subdivision Regulations.

2 PUBLIC COMMENT: None

4 DATE OF NEXT REGULAR MEETING: May 7, 2014

6 ADJOURNMENT

MS. SIMMONS MOVED TO ADJOURN.

8 MR. WALKER SECONDED THE MOTION. ALL APPROVE.

10 The meeting was adjourned at 9:39 p.m.

12

14 Attest: _____

Lynda St. Amour, Planning Board Clerk

16

18 Approved: May 7, 2014