

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

6 **Wednesday, February 7, 2018**
7 **7:00 P.M.**

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

10 **CALL TO ORDER:**

11 The February 7, 2018 meeting of the Hopkinton Planning Board was called to order at 7:00
12 P.M. by Vice Chair Amy Williams.

14 **MEMBERS PRESENT:**

15 Amy Williams, Tom Holberton, and Josh Bedoya were present.

16 Also present were: John Pennypacker, Conservation Commission; James Lamphere, Town
18 Planner; Kevin McAllister, Town Solicitor; and Sean Henry, Planning Board Clerk.

20 **APPROVAL OF MINUTES:**

21 MR. HOLBERTON MOVED TO APPROVE THE MINUTES OF THE JANUARY 3, 2018 PLANNING BOARD
22 MEETING.

23 MR. BEDOYA SECONDED THE MOTION.

24 MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSED.

26 **OLD BUSINESS:**

27 Development Plan Review – **Plan Submission** – Photovoltaic Solar Energy System–
28 AP 4 Lot 2 – High Street - Oak Square Partners, applicant

30 Attorney George Comolli presented on behalf of the applicants. Mr. Comolli described the
31 area where the project is planned to occur: A 6.7 acre, RFR-80 zoned parcel that has a pre-
32 existing, non-conforming use of a gravel bank. Oak Square Partners has come forward with a
33 proposed new use for the property. The plan is to construct a solar array on 3.7 acres of the
34 parcel. No clearing of trees is required on the property, no septic systems or wells are
35 proposed, and the applicants are proposing a 6' black or green vinyl chain-link fence to
36 surround the project. The applicants have included new photographs of a proposed
37 vegetative buffer and a decommissioning plan for the array. Mr. Comolli first called on Jason
38 Gold, the project engineer who prepared the site Operation and Maintenance Plan, to provide
39 more information.

40 Mr. Gold is a civil engineer and project coordinator for the solar array. He provided some
41 additional aerial photography of the site, including close-ups of the southern slope area. He
42 stated that no vegetation would be removed from this area, just where the array is built. Mr.
43 Gold also provided a decommissioning plan, prepared by Ace Solar. They estimated the net
44

2 value of the salvageable materials from the site would exceed the cost of removal by \$3800,
4 but indicated they were willing to put \$9970 in escrow in the event the site needs to be
6 decommissioned. The Operations and Maintenance Plan now includes technician work,
8 vegetation maintenance, inspection protocol, emergency contact information, and training
10 materials. The fence will be 6’ high chain link and will be coated with black or green vinyl. It
12 will also be raised 6” to provide access for small animals. The results of the noise impact study
14 indicate that sound from the inverters and other components will not exceed 35db at any
16 property line, which is consistent with a rural neighborhood and would not be noticeable.

18 Questions from the Planning Board:

20 Mr. Bedoya: When will there be the background noise from the system?

22 Mr. Gold: It would be when the system is running during the day. None at night.

24 Ms. Williams: Will there be any hill stabilization as part of the plan?

26 Mr. Gold: If any soil is disturbed, it will be grassed. Any slope of greater than three to one
28 ratio will get soil erosion measures.

30 Mr. Comolli next brought John Typatis, principal of Oak Square Partners, LLC. He stated that
32 he’s visited the site numerous times and spoken with neighbors. He made clear that the site
34 is only going to be using the solar use, ending the pre-existing non-conforming use. This site
36 has ideal electrical infrastructure and site conditions for solar. Oak Square Partners will be
38 offering electrical bill credits to neighbors and National Grid customers in RI. The neighbors
40 have been excellent to work with and they are looking forward to developing the site.

42 FINDING THE PROJECT CONSISTENT WITH THE HOPKINTON COMPREHENSIVE PLAN, THAT
44 GRANTING APPROVAL WILL PRESERVE THE HEALTH, WELFARE, AND SAFETY OF THE COMMUNITY,
GRANTING OF APPROVAL WILL NOT RESULT IN INJURY TO THE PROPERTY, THAT THERE ARE NO
SIGNIFICANT ENVIRONMENTAL IMPACTS AS SHOWN ON THE FINAL PLAN, THAT THE PROPERTY HAS
ADEQUATE AND PERMANENT ACCESS TO A PUBLIC OR PRIVATE STREET, AND THAT THE PROJECT
HAS ALL REQUIRED PERMITS AND APPROVALS, MR. HOLBERTON MOVED TO GRANT DEVELOPMENT
PLAN REVIEW APPROVAL, SUBJECT TO THE APPLICANT PLACING \$9970 FUNDS IN ESCROW AS
DECOMMISSIONING SECURITY AS REQUIRED BY HOPKINTON ORDINANCE CHAPTER 246.

MR. BEDOYA SECONDED THE MOTION.

MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

NEW BUSINESS:

Ms. Williams opened a public hearing.

Advisory Opinion to Town Council – Request for Zoning/Future Land Use Map Amendments
– Photovoltaic Solar Energy System – AP 4 Lot 2 – High Street - Oak Square Partners, applicant

2 Attorney George Comolli presented for the applicants. The site for this project currently has
4 a pre-existing non-conforming use. Eminent Holdings currently uses the property for a gravel
6 operation. Oak Square Partners has provided a new possible use that’s more consistent with
the neighborhood. The Comprehensive Plan has several elements that this plan fulfills. The
applicant is seeking a positive finding on this advisory opinion before appearing before the
Town Council.

8
10 Questions from the Planning Board:

12 Mr. Pennypacker: I want to ensure that this reverts back to residential after the solar, and not
to another commercial use.

14 Mr. Comolli: That could be stipulated by the Town Council in their motion.

16 Mr. McAllister: There are several motions available to the Board, should it choose to restrict
the use to solar only. While the Town Council has not yet voted on it, they have been favorable
in the past of such a restriction. And to be clear, the legal non-conforming use would be
explicitly abandoned and would not be available again in the future.

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20 There were no questions from the public.

22 AFTER CONDUCTING A HEARING THAT INCLUDED EXPERT TESTIMONY PRESENTED ON BEHALF OF
THE APPLICANT, AFTER OBTAINING PUBLIC INPUT, AND AFTER DELIBERATION AMONG THE
24 PLANNING BOARD MEMBERS, MR. HOLBERTON MOVED THAT THE PLANNING BOARD
RECOMMEND TO THE TOWN COUNCIL THAT IT REZONE THE PROPERTY AT ASSESSOR’S PLAT MAP
4, LOT 2 FROM RFR-80 TO COMMERCIAL SPECIAL, SUBJECT TO RESTRICTING THE USE OF THE
26 PROPERTY TO ONLY USE CODE 486 (PHOTOVOLTAIC SOLAR ENERGY SYSTEM).

28 MR. BEDOYA SECONDED THE MOTION.

30 MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED THE MOTION. MOTION PASSES.

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34 MR. BEDOYA MOVED THAT THE PLANNING BOARD RECOMMEND TO THE TOWN COUNCIL THAT IT
AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP CLASSIFICATION ON ASSESSOR’S
36 PLAT 4, LOT 2, FROM RESIDENTIAL TO COMMERCIAL, AND RECOMMEND AS A FINDING IN SUPPORT
OF THIS RECOMMENDATION, THAT THIS CHANGE WOULD BE CONSISTENT WITH THE TOWN’S
38 COMPREHENSIVE PLAN, INCLUDING THE ECONOMIC DEVELOPMENT GOAL OF EXPANDING THE
TAX BASE WITHOUT ANY ADVERSE ENVIRONMENTAL IMPACTS OR ADVERSE IMPACTS ON
NEIGHBORING LAND AND REAL ESTATE VALUES.

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42 THE UNDERLYING SUPPORT FOR THIS MOTION IS CONTAINED IN THE ECONOMIC DEVELOPMENT
ELEMENT OF THE COMPREHENSIVE PLAN, SPECIFICALLY:

2 GOAL ED1, “TO PROVIDE FOR THE EXPANSION OF THE TOWN’S TAX BASE BY ENCOURAGING
4 DEVELOPMENT OF NEW AND EXISTING LIGHT AND/OR HEAVY INDUSTRIAL AND
OFFICE/COMMERCIAL BUSINESS.”

6 OBJECTIVE ED3, “TARGET SPECIFIC TYPES OF BUSINESS BASED ON HOPKINTON’S QUALITY OF LIFE
8 AND LOCATIONAL ADVANTAGES, BALANCED WITH BUSINESS REQUIREMENTS AND IMPACTS TO
THE ENVIRONMENT.”

10 THESE GOALS AND OBJECTIVES ARE CONSISTENT WITH THOSE ESTABLISHED BY THE GENERAL
12 ASSEMBLY TO GUIDE STATE AND MUNICIPAL AGENCIES, SUCH AS, “TO PROMOTE ORDERLY
14 GROWTH AND DEVELOPMENT THAT RECOGNIZES THE NATURAL CHARACTERISTICS OF THE LAND,
IT’S SUITABILITY FOR USE, THE AVAILABILITY OF EXISTING AND PROPOSED PUBLIC AND/OR PRIVATE
16 SERVICES AND FACILITIES, AND IS CONSISTENT WITH AVAILABLE RESOURCES AND THE NEED TO
PROTECT PUBLIC HEALTH, INCLUDING DRINKING WATER SUPPLY, DRINKING WATER SAFETY, AND
ENVIRONMENTAL QUALITY.”

18 MS. WILLIAMS SECONDED THE MOTION.
20 MS. WILLIAMS AND MR. BEDOYA APPROVED THE MOTION.
MR. HOLBERTON OPPOSED THE MOTION. MOTION PASSES.

22
24 Ms. Williams closed the public hearing, and opened a new public hearing for the next agenda
item.

26 Mr. DiOrio arrived to the meeting at 7:45pm.

28 Advisory Opinion to Town Council – Request for Zoning/Future Land Use Map Amendments
30 – Photovoltaic Solar Energy System – AP 4 Lot 25 – Main Street – RI Solar Renewable Energy
LLC & Maxson Hill LLC, applicant

32 Attorney Vincent Naccarato presented for the applicants. He explained that, similar to the last
34 project, he was seeking a zoning change and future land use amendments restricted to the
solar Commercial Use Code 486. If the use were abandoned for more than one year, it would
36 revert to the previous zone. Mr. Naccarato called on David Russo, of DiPrete Engineering, to
describe the project.

38 Mr. Russo is a professional engineer for the firm DiPrete Engineering at 2 Stafford Ct. He
40 described the site as approximately 138 acres, fronting on Main Street and Maxson Hill Rd.
The property is primarily wooded, with some wetlands. Access exists currently on Main
42 Street. The wetlands have been flagged and soil tests have been performed. They are
proposing multiple infiltration at lower areas to capture stormwater. The system is designed
44 to a 200-year storm event. DEM has permitted an insignificant alteration permit. They have
dispatched a wetlands biologist to the site and adjustments have been made to the plan based
on their input. The wetlands systems are on the southern side of the site, several isolated

2 areas, and a stream system. Stormwater is to be kept on site and recharge the aquifer. No
3 septic systems or wells are proposed.

4

5 The project itself is a 11.75 MW solar array. Solar panel heights will ranged between 3’-9’ high
6 fixed ground units. The areas under the panels will have grass. Decommissioning will address
7 the infiltration basin maintenance, and soil and sediment control measures. The applicants
8 are required to obtain a physical alteration permit for the project’s access points. Traffic study
9 has shown that there will be no difference of traffic on Main Street as a result of this project.
10 The current entrance on Maxson Hill Road is proposed to be enlarged for maintenance access.
11 The existing access roadway will be crushed stone, not impervious surface. No disturbances
12 are proposed in the flagged wetlands or buffer areas. Solar panels will be constructed in
13 several areas to avoid the wetlands. The site is at a higher elevation than Route 3. The fence
14 proposed is 6’ high black chain link on the east side near the residences, and silver chain link
15 in other areas. Of the 138 acres, 70 acres is proposed to be preserved or left undisturbed, 10
16 acres are to be cleared for fields. The wooded areas are young forest, the amount to be cleared
17 can be estimated by the landscape architect.

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19 Questions from the Planning Board:

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21 Mr. DiOrio: During construction, would the primary access be on Route 3? There will be no
22 access to the site from Maxson Hill Road? Will the fence be secured?

23 Mr. Russo: Yes. There will be an emergency access lock for the fence.

24

25 Mr. DiOrio: The site is proposed to be 50% disturbed?

26 Mr. Russo: Yes, that’s accurate.

27

28 Mr. Holberton: This is an application for a zone change amendment, but the effort put into
29 the request is immense. DEM permits have already been obtained. Is this project a done deal?

30

31 Mr. Naccarato: We knew that in order to obtain a favorable opinion, much would be expected
32 of us. We’ve learned from the other projects what we need to do.

33

34 Mr. Holberton: The property has a lot of wetlands, which is why it hasn’t been developed yet.
35 My main concern is the 70+ acres around the wetlands. There are a lot of red flags, I don’t
36 think the Comprehensive Plan supports a project of this size in that location. I don’t know if
37 we want to surround the wetlands with solar panels.

38

39 Ms. Williams: Wetlands systems include the surrounding areas. Isolation would adversely
40 impact the wetlands.

41

42 Mr. Russo: DEM wouldn’t have issued the permits if they thought it would adversely impact
43 wetlands.

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45 Mr. Holberton: You are asking here for a change of use for the property. We don’t know what
46 kind of impact clearcutting 50 acres will have. I support property rights, but not changing
47 regulations for someone’s financial gain.

48

49 Mr. Naccarato: Any development on this parcel will include cutting a lot of trees. Mixed Use
50 Village or residential development would also cut trees. To do what Mixed Use Village says,
51 this property would be cut extensively.

52

53 Mr. DiOrio: The concern of solar is that it clear the entire area, which the Board would have a
54 lot of discretion over in other projects like the Mixed Use Village kind.

2 Mr. Naccarato: We are more than willing to work with the Board on landscaping.
Mr. DiOrio: I agree that the amount of information for this stage of the project is
4 overwhelming.
Mr. Naccarato: What kind of cutting would need to take place at this site?
6 Mr. Russo: Some earth work would be necessary to hold the existing contours. Top soil would
be retained, the stumps may be used for temporary erosion control. Grass is more ideal,
8 depending on the time of year. There is a site in Cranston that has wetlands on it, though not
to this extent.
10 Mr. Pennypacker: I have concerns about how strong the argument is to change the zoning
and comprehensive plan. What led to using the panel fence near the residences? If Mixed Use
12 Village existed here, the access would probably be on Maxson Hill Road, not Main Street.
Also, what is the plan for the stone walls on-site?
14 Mr. Russo: The stone walls would be dismantled, unless the Town felt otherwise.

16 Mr. Naccarato next called on Ralph Palumbo, of Southern Sky Energy RI, LLC. Southern Sky
would be the system operator. Mr. Palumbo believes that they have demonstrated openness
18 with the Board, and appreciates the comments about the level of information presented. He
said they are comfortable working with the Town’s Engineer to address questions and
20 concerns. Electricity credits are awarded by National Grid to apply to electric supply bills,
and a 20% credit for the Town has been proposed as a direct benefit for the Town, in addition
22 to the tangible tax for the panels. He also appreciates that the cutting of the trees is a concern,
but noted that the project has a lower carbon footprint potential.

24 Mr. Naccarato next called on Kevin Alverson, the project landscape architect. He described
26 the existing conditions of the site as a moderately mature forested area, 50-60’ trees with open
undergrowth. The plans indicate they will retain a 25-30’ perimeter along the west and north,
28 supplementing vegetation around the entire site. The goal is to screen development from
residences and Route 3. The proposed buffer will be both evergreen and deciduous plantings,
30 shrubs and trees. There will be limited ability to see the array from I-95, he was not sure if the
panels would be visible. Plantings would number in the 500-600 range, and would provide
32 screening during winter. The applicants are willing to address other concerns as they are
raised in the process.

34 Questions from the Planning Board:

36 Mr. Holberton: I don’t have questions now, but I will have them if this reaches Development
38 Plan Review, despite the thoroughness of the material.
Mr. DiOrio: I have a concern about this layering of vegetation during winter.
40 Mr. Alverson: The concept is there will not be a plane on site where there won’t be evergreen
in the line of sight. Layering also helps to provide species diversity, and recreates the effect of
42 a forest.
Mr. DiOrio: Who specifies a need for additional plantings, if they become necessary?
44 Mr. Palumbo: We will collaborate with local neighbors and the Town can provide input.

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Questions from the public:

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Ms. Capalbo: The landscaping plan includes rhododendrons. They typically don't meet the height of the solar panels at their highest point. The leaves will curl and provide less screening when its cold. I also have a concern about seeing the fence through the vegetation.

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Mr. Alverson: Native rhododendrons are around twelve feet high, can go up to 25'. The plan was to provide several species to avoid the "green wall" look.

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Mr. Naccarato next called Sadar Soytok, of Karbone Engineering, New York, NY. Mr. Soytok designed the array for the applicant. He designed eight separate arrays, each with their own collection of inverters in the central area of the arrays (inverter islands). Inverters and transformers make noise, and the equipment proposed generated 60db at a distance of two meters. The panels have a 25 year warranty, if well-maintained they can even go for 30-35 years. The panels are post-driven to racks, no concrete is needed. Concrete pads are only required for the inverters and transformers. Electrical lines will be underground, there are only overhead connected at the interconnection points. The panels are 1'x2', at a 25 degree angle, as high as 9'. They are maintained via regular inspections and an annual site inspection of the components. Other issues will be addressed as needed. Monitoring will be at the panel level, the operators will be notified immediately of issues.

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Questions from the Planning Board:

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Mr. Bedoya: How long would it take to address an issue if it came up?

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Mr. Soytok: Usually within 24 hours.

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There were no questions from the public.

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Mr. Naccarato next called Joe Lombardo, AICP-certified planner and Hope Valley resident. Mr. Lombardo wanted to provide a planning perspective for the project. He noted that the areas around Exits 1 & 2 have been planned extensively. The parcel in question has been designated as Mixed Use Village, but has not yet been developed. The Mixed Use Village function needs large commitments from retail and commercial entities in order to function successfully. Development has not progressed with the Mixed Use Village plan. The 25-year use of the solar array is a kind of holding pattern for the site, which can still be developed for other uses in the future. As it stands, there is an inconsistency between the zoning map and Future Land Use Map. Solar is one of the most benign commercial uses there is, with no septic systems or wells needed and minimal traffic generated.

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Mr. Naccarato next called Nicole Mulanphy, of Sage Engineering in Pawtucket, RI. Ms. Mulanphy discussed the carbon footprint of the project, and she also noted that the project will not contribute to local noise and does not exceed background noise level. The project overall is a way to use green energy to provide financial and environmental benefits to the town, with no chronic impacts to the area long-term.

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Questions from the Planning Board:

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Ms. Williams: Does the project become unviable with some solar islands removed?

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Mr. Palumbo: There are some fixed costs associated with developing these projects. The number of areas in the plan is meant to distribute costs across a large area. Certain areas would be problematic to undertaking the project.

8

Mr. Holberton: If solar is barely viable on this site, it might not be developable for most uses.

10

Mr. Palumbo: From my experience, the only other viable development you could put there is residential. The difference in tax revenues here versus the burdens of residential land is significant.

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14

The Planning Board discussed the potential travel of this project, and voted to extend the meeting past 10:00pm with the understanding that the applicant would finish presenting their material, and then the Planning Board would close the public hearing and take up the advisory opinion at the next meeting.

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Mr. Naccarato next called Peter Scotti, certified general appraiser. Mr. Scotti was charged with determining the effects the project would have on the surrounding area and the Town. He observed no impact to the surrounding properties. He noted that retail brick and mortar stores have declined over 17 years. The cost to construct those sites has exceeded the value of the development. There are not enough rooftops in this area to justify much retail growth. There has been no speculative retail construction in RI for about five years. The I-195 land has even been subsidized by 30%. Solar generation is a great interim use for the property because it will likely sit vacant for the foreseeable future. Better options are available in town for it's current designation (residential land).

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The next witness for the applicant was Jeff Hanson, president of Millstone Engineering in Warwick, RI. Mr. Hanson provided traffic study information to the Board, showing the project in relation to its proximity to other retail areas. He concluded that the site would likely not support a retail development, based on the low amount of traffic for the area.

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MR. DIORIO MOVED TO CLOSE THE PUBLIC HEARING

MR. HOLBERTON SECONDED THE MOTION.

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MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

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SOLICITOR'S REPORT:

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None

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PLANNER'S REPORT:

Triple C, LLC Administrative Subdivision was approved during the month

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CORRESPONDENCE AND UPDATES:

2 None

PUBLIC COMMENT:

4 Ms. Capalbo reiterated that the Town’s aesthetics should be a consideration with solar projects. She was also concerned that changing the FLUM away from Mixed Use Village
6 would mean less opportunity for affordable housing options.

8 **DATE OF NEXT REGULAR MEETING:** March 7, 2018

10 **ADJOURNMENT:**

MR. DIORIO MOVED TO ADJOURN THE MEETING

12 MR. HOLBERTON SECONDED THE MOTION

MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

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The meeting adjourned at 10:25 P.M.

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18 Attest: _____
Sean Henry, Planning Board Clerk