

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

6 **Wednesday, April 4, 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 April 4, 2018 meeting of the Hopkinton Planning Board was called to order at 7:02 P.M.
12 by Vice Chair Amy Williams.

14 **MEMBERS PRESENT:**

15 Amy Williams, Tom Holberton, Josh Bedoya, and new Planning Board member Ronald
16 Prellwitz were present.

18 Also present were: John Pennypacker, Conservation Commission; James Lamphere, Town
19 Planner; and Kevin McAllister, Town Solicitor.

20 **APPROVAL OF MINUTES:**

21 MR. HOLBERTON MOVED TO APPROVE THE MINUTES OF THE MARCH 7, 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 – AP 11 Lot 47D
28 - Palmer Circle – Oak Square Partners, applicant

29 Jason Gold, professional engineer of EES Group, presented on behalf of the applicants. He
30 described the project as being 998 kw solar array at the property on plat 11 lot 47D. The project
31 was previously before the Board for a pre-application meeting in January 2018. The 5.9 acre
32 wooded property is not in a national heritages area, has no existing wetlands and is zoned
33 Commercial, which means solar photovoltaic systems are allowed by right. Relative to the
34 property, there is a farm to the west, a residence to the south, a wooded residential lot to the
35 east, Interstate 95 to the north, and a new office development on Palmer Circle, also to the
36 north. The elevation of the land is higher than Palmer Circle. The area outside the fence to the
37 property line will remain wooded, with some shade trees cut. The area within the fence will
38 be grassed. In accordance with Hopkinton Ordinance Chapter 246, all the electrical
39 connection and distribution lines will be underground out to the transformer. all proposed
40 height and minimum setbacks will be adhered to, a six foot fence will surround the perimeter
41 of the array, and the bottom of the fence will be raised six inches off the ground, and privacy
42
43
44

2 slats will be used on certain sides of the fence: the street facing portion of the fence and the
4 area on the south side facing the residences. The fence will be a black or green PVC-coated
6 chain link fence. No exterior lighting is being proposed, and the maximum height of the panel
8 will not exceed twelve feet. Mr. Gold demonstrated that the plan conforms with the
10 requirements of the ordinance. Since the project appeared at the pre-application meeting,
12 construction documents have been created and existing buildings have been added to the
14 plan. The stormwater design work has been completed, as well as the sediment control plan
and the requested sound study. The sound study found that the system does not exceed 35db
at any property line. The stormwater system includes two basins and a swale system. The
Operations and Maintenance Plan also includes detention basin maintenance as part of the
regular maintenance. The decommissioning plan reflects that there is a net profit in the
salvage value of the site, but to be conservative we've proposed a \$9970 security amount for
the decommissioning.

16 Questions from the Planning Board:

18 Ms. Williams: How do you take into account the impacts of global warming and the increase
in the intensity and frequency of storm events?

20 Mr. Gold: We use the most recent rainfall data from within the past five years or so. We see
22 that especially with coastal projects. The site is designed for a 100-year storm. So even its
facing more frequent 10-year storms, it's designed for a 100-year storm.

24 Mr. Holberton: We've still learning about these projects. On one of your drawings there is a
26 depiction of a solar panel and racking detail. I'd like to see more detail about the dimensions
or how they'll be put into the ground. Could you educate me on how these are put into the
ground?

28 Mr. Gold: The main purpose of this detail is to show that it complies with the Town's
ordinance and doesn't go higher than twelve feet. The space between the panels is about ten
feet.

30 Mr. Holberton: I'm interested to know how you reach the number of the distance between the
32 rows because how close they are determines how easily the grass can absorb the runoff from
the panels. It will make a difference in the amount of runoff if they are ten feet apart or six
inches apart.

34 Mr. Gold: The spacing of the panels is determined by the production of the site. If the panels
36 are tilted more, there is a longer shadow behind it and you need to be spaced further back.
Other sites are flatter, and can be closer. The attachment to the ground is also site-specific.
There can be a ballast system as the one you saw, or the poles can be direct-driven into the
38 ground.

Mr. Prellwitz: You've been there to determine how it will be done?

40 Mr. Gold: The geotechnical work has been done, but we haven't made that determination yet.

42 The Planning Board discussed methods of anchoring the panels to the ground, and how those
44 decisions are made for each project. It was not decided at the time of the meeting whether the
posts would be driven or screwed into the ground. The applicant had yet to discuss the issue

2 with their construction company. It was Mr. Gold’s contention that the plans would be the
4 same regardless of which method is chosen.

Ms. Williams: Does the residence nearby have visibility to the array?

6 Mr. Gold: We’ll use privacy slats in the fencing.

Mr. Prellwitz: What about vegetative screening?

8 Mr. Gold: No, that area is wooded already. What’s being proposed for that area is privacy
10 slats. It’s possible that they could see something, but they’d have to look up the slope towards
it.

Mr. Lamphere: The applicant has proposed \$9970 for decommissioning security.

12

Questions from the public:

14

Ms. Capalbo: We want to make sure that the developer works with the neighbors for
16 screening to keep these arrays out of view.

16

Mr. Buford: I think these arrays meet the definition of structures, and I believe that structures
18 in Manufacturing and Commercial zoned properties cannot be within 100 feet of a residential
property line. I’d like to know if the Board considers them to be structures.

18

20 Ms. Williams: We’re hoping to address that point and other inconsistencies at the workshop
with the Town Council we’re having later this month.

22

FINDING THE PROJECT CONSISTENT WITH THE HOPKINTON COMPREHENSIVE PLAN, THAT
24 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
26 SIGNIFICANT ENVIRONMENTAL IMPACTS AS SHOWN ON THE FINAL PLAN, THAT THE PROPERTY HAS
ADEQUATE AND PERMANENT ACCESS TO A PUBLIC STREET, AND THAT THE PROJECT HAS ALL
28 REQUIRED PERMITS AND APPROVALS, MR. HOLBERTON MOVED TO GRANT DEVELOPMENT PLAN
REVIEW APPROVAL, SUBJECT TO THE APPLICANT PLACING \$9970 FUNDS IN ESCROW AS
30 DECOMMISSIONING SECURITY AS REQUIRED BY HOPKINTON ORDINANCE CHAPTER 246.

30

MR. BEDOYA SECONDED THE MOTION.

32

MR. BEDOYA MOVED TO AMEND THE MOTION TO INCLUDE MORE VEGETATIVE SCREENING FOR THE
34 FENCE AREA FACING THE NEAREST RESIDENCE (TO THE SOUTH).

34

MR. PRELLWITZ SECONDED THE MOTION.

36

The Planning Board discussed what amendments could be made to the landscaping plan and
38 to what degree they would require more from the applicant. As a result of that discussion,
Mr. Bedoya rescinded his motion.

38

40

MS. WILLIAMS, MR. HOLBERTON, MR. BEDOYA, AND MR. PRELLWITZ APPROVED THE ORIGINAL
42 (UNAMENDED) MOTION. MOTION PASSED.

42

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

2 Development Plan Review – **Plan Submission** – Photovoltaic Solar Energy System – AP 23 Lot 34 –
15 James Road – Econox Renewables, Inc., applicant

4

Scott Milnes, from Econox Renewables, presented the project to the Board. The comments
6 from the Board at the last meeting pertained mostly to the trees to be cleared. The applicants
created an alternative plan that moved the array out of the wooded area. The equipment and
8 size of the project remain the same from the first presentation. The project is one acre,
approximately 250kw in size, and is authorized under the Town’s Farm Viability Ordinance.
10 Mr. Barry James, the property owner, also spoke at the meeting. He said that the trees to be
cleared were useless, and that he intended to clear them anyway. Mr. James described his
12 farm and how the solar array would help him be able to do that.

14

Questions from the Board:

16

Mr. DiOrio: I’m not swayed by the land supposedly being useless, but my objection was the
clearing of land to make room for these solar projects. If I were to support one of these options,
18 it would be option #2.

18

Mr. Holberton: I would concur. It troubles me to see the amount of clearing for these projects
20 that we have, but I like that its further back from the road and it is out of sight.

20

Mr. Prellwitz: It’s Mr. James’ property, so ultimately its up to him and he knows which trees
22 are of value.

22

24

Questions from the public:

26

Mr. Buford: The Conservation Commission is 100% in support of maintaining our prime
agricultural soils not covered by structures. The wooded area is ideal for this, because it
28 doesn’t eat up the existing fields. It’s a tradeoff, but we would not push for something to be
put into a farm field where it could be put into a wooded area.

28

30

Mr. Lamphere: As part of its motion, I’d like the Board to address the adequacy of the \$6598
amount the applicant has offered for decommissioning security.

30

32

Ms. Capalbo: My other concern is that clear-cutting massive amounts of Commercial and
Manufacturing land is still an issue.

34

36

The Planning Board discussed how clearing could be addressed in the regulations for solar
projects, and how it has been viewed in previous projects that have come before them.

38

FINDING THE PROJECT CONSISTENT WITH THE HOPKINTON COMPREHENSIVE PLAN, THAT
GRANTING APPROVAL WILL PRESERVE THE HEALTH, WELFARE, AND SAFETY OF THE COMMUNITY,
40 GRANTING OF APPROVAL WILL NOT RESULT IN INJURY TO THE PROPERTY OR SURROUNDING AREA,
THAT THERE ARE NO SIGNIFICANT ENVIRONMENTAL IMPACTS AS SHOWN ON THE FINAL PLAN
42 WITH ALL REQUIRED CONDITIONS OF APPROVAL, THAT THE PROPERTY HAS ADEQUATE AND
PERMANENT ACCESS TO A PUBLIC STREET, MR. HOLBERTON MOVED TO GRANT DEVELOPMENT
44 PLAN REVIEW APPROVAL TO THE OPTION #1 PRESENTED BY THE APPLICANTS, SUBJECT TO THE

44

2 APPLICANT PLACING \$6598 FUNDS IN ESCROW AS DECOMMISSIONING SECURITY AS REQUIRED BY
HOPKINTON ORDINANCE CHAPTER 246.

4 MR. PRELLWITZ SECONDED THE MOTION.

MS. WILLIAMS, MR. HOLBERTON, MR. BEDOYA, AND MR. PRELLWITZ APPROVED.

6 MR. DIORIO OPPOSED THE MOTION.

MOTION PASSED.

8

NEW BUSINESS:

10

Major Land Development – **Pre-application meeting** – Preserve Business Park - AP 23 Lot 56A1 –
12 Alton-Bradford Road – S.M. Trombino Properties, LLC, applicant.

14

Mr. DiOrio recused himself from the application as a result of having worked with the
applicant on other projects.

16

18

Mr. Stano Trombino, property owner and developer, presented the application to the Board.
He was also accompanied by Anthony Nenna, project engineer from On-Site Engineering.
Mr. Trombino described the parcel as a 22-acre piece of undeveloped land east of the Route
20 91 and Route 216 intersection, and is zoned Manufacturing. There are no agricultural or
wetlands on the property, and no variances or zone changes will be sought for the project.
22 The proposal calls for a new paved town roadway to be installed to provide access to a 5.56
acre lot at the rear of the property that will support a 990kw solar array, leaving the remaining
24 15 acres to be developed at a later time (non-solar development). The solar array will consist
of 3,000 panels in 11 rows, and utilize 8 inverters. Four properties abut the proposed lot, and
26 the applicant has spoken with two of the neighbors who are in support of the project. The
goal for the remaining lots will be single-tenant buildings.

28

Questions from the Planning Board:

30

Mr. Holberton: The property is wooded, so that may be a struggle in the future.

32

Mr. Trombino: I've been in Town for a number of years, and I have a stake in this plan. Taking
Manufacturing land and putting an array on it seems like a waste to me. But to have a little
34 bit to help support the rest of the project.

34

Mr. Prellwitz: Mr. Trombino has covered all of my concerns. We need things in this town that
will generate some revenue.

36

Ms. Williams: I have a problem with the solar part. Combined with the other project, we're
going to have a lot of solar panels in that area of town. In the future you could come back to
add more solar.

38

Mr. Holberton: Have you thought about doing solar on the roofs, like the Main Street project?

40

Mr. Trombino: I don't want to cut a lot of acres of trees either. This is a small portion of the
property, and I need it to help the rest of the plan flourish.

42

Ms. Williams: It would be good to add that to your next packet.

44

Mr. Prellwitz: Has anyone expressed interest in any of the lots yet?

2 Mr. Trombino: Yes, another tenant of mine needed more space and I lost him to Westerly. I'd
4 like to get him there. I discussed with him a 20,000 sq ft building.

6 Questions from the public:

8 Ms. Capalbo: That intersection has always been a commercial area, with the two main roads
10 coming together. I do appreciate the idea of ensuring that once the one solar facility is
12 planned, making it so they couldn't be broken up further for solar.

14 Mr. Buford: We could compromise with the solar to put it on top of the buildings. The other
16 thing is that if we put wind turbines up, we wouldn't have to clear as many trees. That would
18 be a way to make 1.5MW with one turbine. I haven't seen the plans before, but there is a
20 narrow strip of land that's part of this parcel.

22 Mr. Trombino: I had approached the Hopkinton Land Trust about that land in the past about
24 a land swap in another area. I couldn't get on the agenda to present it. It made sense, but I
26 couldn't sit down with them.

28 Mr. Lamphere: I wanted to point out that this is a Major Land Development. The reason why
30 we're doing this that way is to get approval on the solar array in addition to the subdivision
32 lots. As part of this package, there is a proposed town road. In the past in this town, we've
34 had issues with road construction. Normally the road would have to be constructed in its
36 entirety before it could be recorded, but this Board could permit a certain date for when the
38 road would have to be complete. The Board can also decide to combine Master and
40 Preliminary Plan stages if it chooses, as well. The first thing I think the Board should do is
42 decide if the project should come back for Master Plan stage or for a combined Master-
44 Preliminary stage.

Mr. Trombino: The timeline of this project is that it has to be built this year, leaving me about
eight months to complete it. The biggest part is getting National Grid to get the connection
from Chase Hill Road substation.

The Planning Board discussed the travel of the project with the Town Planner and the
applicant. After discussion, the Board agreed to allow the applicant to return for a combined
Master Plan and Preliminary Plan stage at a future meeting. No vote was taken.

36 Discussion – Discuss and possibly vote on Planning Board policy regarding incorporation of age-
38 focused elements for consideration during project review.

40 Ms. Capalbo, liaison to the Town Council, asked that this item be added to the agenda. She is
42 concerned with buildings and open space as it pertains to access from older residents. Rhode
44 Island has the most amount of elderly people per capita in the nation. One of the concerns she
hears from elderly people is that there is a lack of places to sit in stores and businesses. Ms.
Capalbo was hoping to speak with Planning Boards in the state and with Statewide Planning
to consider age-focused elements during review of commercial projects. The Board was
favorable towards the proposal to consider it as part of their review.

2 Discussion – Discussion of Board presentation to Town Council at upcoming joint Solar Workshop.

4 The date of the workshop had been set for April 23rd at 6:30pm. Ms. Williams suggested
6 displaying visually how many projects had already been approved by the Planning Board on
8 a map for the meeting. Mr. Lamphere concurred that that would be possible, and that most
10 of the projects would only represent a small fraction of the parcel that they are located on. He
12 also provided several solar ordinances from other towns in the state. Mr. Holberton shared
14 that he believes that solar projects will continue to come to the Town even after the state
16 incentives step down over time. He also stated his opposition to spot zoning small projects
18 within residential land, despite his support for property owners’ rights to use their land. He
20 was also concerned with the rate at which the Town Council was granting zone changes in
22 order to allow large-scale projects. Mr. Bedoya believed that the Farm Viability Ordinance
was being misused by applicants. Mr. Buford added that farmers are getting several thousand
dollars per acre at little cost to them in terms of effort. The concern of consolidation of
approved projects within one company was also raised. Mr. Prellwitz was concerned about
the low amount of money required for decommissioning security. Based on his experience in
construction, he felt that the dollar amount was very low. Ms. Capalbo also suggested
increasing the buffer areas around wetlands, and possibly the setbacks. She also said that
runoff was a major issue, as evidenced by other projects around the state. Mr. Prellwitz also
suggested inviting the Town’s Tax Assessor to the workshop on April 23rd.

22

SOLICITOR’S REPORT:

24

None

26

PLANNER’S REPORT:

The Comprehensive Plan Update was approved by the State the week prior.

28

CORRESPONDENCE AND UPDATES:

30

None

32

PUBLIC COMMENT:

None

34

DATE OF NEXT REGULAR MEETING: May 2, 2018

36

ADJOURNMENT:

38

MR. HOLBERTON MOVED TO ADJOURN THE MEETING

MR. PRELLWITZ SECONDED THE MOTION

40

MS. WILLIAMS, MR. HOLBERTON, MR. BEDOYA, AND MR. PRELLWITZ APPROVED.

MOTION PASSED.

42

44

The meeting was adjourned at 9:30 P.M.