CALL TO ORDER:
The July 11, 2018 meeting of the Hopkinton Planning Board was called to order at 7:01 P.M. by Chair Al DiOrio.

MEMBERS PRESENT:
Al DiOrio, Amy Williams, Tom Holberton, and Ronald Prellwitz were present.
Also present were: John Pennypacker, Conservation Commission; James Lamphere, Town Planner; Sean Henry, Planning Clerk; and Kevin McAllister, Town Solicitor.

APPROVAL OF MINUTES:
Due to not having a quorum of members that were present at the June 6, 2018 meeting, approval of the minutes were tabled to the next meeting.

Mr. DiOrio began the meeting by moving the Solar Ordinance Amendments discussion to after the project applications on the agenda. He outlined the recommended time limits per application to ensure that each agenda item was afforded enough time to adequately discuss. Mr. DiOrio asked everyone in attendance if the time limits were problematic. Hearing no objections, the meeting continued.

OLD BUSINESS:
None

PUBLIC INFORMATIONAL MEETING:
2-lot Major Subdivision – Master Plan Submission – Calsar, LLC – 56 Woodville Alton Road – AP 9 Lot 22

Attorney Kelly Fracassa presented for the applicant. Mr. Fracassa described the project as what would normally be a minor subdivision, except the applicant needed a frontage variance from the Zoning Board. The 9-acre parcel is proposed to be split into two lots. The original lot is to remain with 263’ of frontage, and the new lot would have 140’ of frontage. The reason for not bringing the larger lot to the minimum frontage needed (225’) would be to accommodate the OWTS for the lot. The way to satisfy planning and zoning requirements would be to make a short road with a cul-de-sac, but that solution requires more earth removal, more stormwater measures, and reduces the amount of green space.
Mr. Audie Osgood, of DiPrete Engineering, presented the plans of the project. He stated that the sight distances would be adequate for a town road, but maintenance requirements would be increased with the addition of a road.

Questions from the Planning Board:

Mr. DiOrio: The Hopkinton Zoning Board generally does not grant frontage variances.
Ms. Williams: And this property has a prior application from 2006 that was not approved.
Mr. DiOrio: My personal opinion would be to not support this application moving forward. The applicant has not utilized the residential compound option.
Ms. Williams: I was present for the pre-application meeting for this project and those concerns were brought up about the Zoning Board.
Mr. Holberton: I have sympathy for the applicant, having to appear before the Planning Board twice before being able to go before the Zoning Board.
Mr. Fracassa: I can’t speak to what evidence was considered in 2006, all I can tell you is what we’re presenting tonight.
Mr. Prellwitz: If the residential compound is possible, I could see that being a possible option.
Mr. DiOrio: If it is acceptable to the applicant, I’m going to recommend that we continue the application to allow you to consider the residential compound option.

MR. HOLBERTON MOVED TO CONTINUE THE APPLICATION UNTIL THE FOLLOWING MEETING
MS. WILLIAMS SECONDED THE MOTION.
MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. PRELLWITZ APPROVED.

MOTION PASSED.

CLOSE PUBLIC INFORMATIONAL MEETING

NEW BUSINESS:
3- Lot Minor Subdivision – Preliminary Plan — AP 10 Lots 28B & 40 – North Road –
Mark Dickinson, applicant

Rich Rione, engineer from Prime Engineering, presented the project on behalf of the applicant. The proposal is to create two additional residential lots on a parcel that has North Road frontage. The plan has been submitted to RIDEM for wetlands, and has been returned as an insignificant alteration. The plans show proposed well and septic systems, meeting all of their criteria.

Questions from the Planning Board:

Mr. DiOrio: Do you have approved septic designs, or subdivision suitability?
Mr. Rione: We have subdivision suitability.
Ms. Williams: Would there be access to the back lot?
Mr. Rione: It would require a wetlands crossing permit.
Mr. DiOrio: Did you perform soil evaluations on the proposed lot #1?
Mr. Rione: We did test pits in the presence of RIDEM, but we weren’t able to get the separation required.
Mr. Holberton: We aren’t allowed to create an unbuildable lot. There is no access to the remaining land, and the regulations say that you need access to a town road.
Mr. Rione: You could reach it on foot.
Mr. DiOrio: We can’t create an unbuildable lot.
Mr. Lamphere: The RIDEM note says that lots #1-3 appear to be suitable for OTWS.
Mr. Rione: RIDEM doesn’t look at the town’s zoning standards for that.
Mr. DiOrio: Can you put a septic system and a well on Lot #1?
Mr. Rione: We could put the well and septic, but not the actual dwelling.
Mr. Holberton: The issue is that the findings of fact that we’re required to make prohibit the creation of unbuildable lots.
Mr. Lamphere: Would you be able to get a variance from RIDEM for the wetlands?
Mr. Rione: We could, possibly.
Mr. DiOrio: The survey is executed by Sean Leach on Sheet #1, but other sheets reference another survey by someone else.
Mr. Rione: There was a previous survey on record that we used.
Mr. DiOrio: I think you should get that on the planes.

Mr. Holberton moved to continue the application for a future meeting.
Ms. Williams seconded the motion.
Mr. DiOrio, Ms. Williams, Mr. Holberton, and Mr. Prellwitz approved.
Motion passed.

Mr. DiOrio recused himself from the meeting.

Development Plan Review – Pre-application meeting – Proposed Building Addition – 23 Gray Lane – AP 4 Lot 11 – Hopkinton Industrial Park, LLC, applicant

Attorney George Comolli presented for the applicants, Raymond Quinlin and Lydia Texiera, who were in attendance. The proposal is to construct a 75,000 square foot addition on the existing Hopkinton Industrial Park building to accommodate the firm L3 Chesapeake Communications. No additional signage is proposed, and there will be no change to the landscape design. There is a small area where the addition infringes into the 200’ buffer area of the river. There is also a small area where the addition goes into the 100 year flood zone on the FEMA flood insurance map, which requires a letter of map amendment. Mr. Comolli was seeking the project to be approved administratively.

Ray Quinlin also made a statement to the Planning Board. He commented that the industrial park had been started ten years prior, and that Hopkinton has been fantastic to work with in that time. He noted that they are the largest tax payer in the town, that their plastics company
had been moved up to a building on Main Street, and that they are very excited to be expanding.

Questions from the Board:

Ms. Williams: The pre-application meeting is to determine the travel of the application. What likelihood do you foresee for receiving your RIDEM approvals?

Mr. Comolli: I think we’re very likely to receive them.

Questions from the public:

Will there be production at night?

Mr. Comolli: L3 is a current tenant of the Industrial Park. They don’t generate any noise during their production, which is during the day.

MR. HOLBERTON MOVED TO GRANT DEVELOPMENT PLAN REVIEW APPROVAL, HAVING FOUND THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN, THAT THE GRANTING OF APPROVAL WILL NOT RESULT IN CONDITIONS DETRIMENTAL TO THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, THAT THE GRANTING OF SUCH APPROVAL WILL NOT SUBSTANTIALLY OR PERMANENTLY INJURE THE APPROPRIATE USE OF THE PROPERTY, THAT THERE WILL BE NO SIGNIFICANT ENVIRONMENTAL IMPACT AS SHOWN ON THE FINAL PLANS, AND THAT THE PROPOSED DEVELOPMENT HAS ADEQUATE AND PERMANENT ACCESS TO A PUBLIC STREET.

MR. PRELLWITZ SECONDED THE MOTION.

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

MOTION PASSED.


Stano Trombino, applicant, presented the project to the Planning Board. The development is on a 5.5 acre site east of the Route 91-Route 216 intersection, accessed across from Panciera Lane. The solar array is approximately 990kw DC in size. The major use of the rest of the property will be commercial. The solar array meets all dimensional setbacks. Mr. Trombino has two letters of support from abutting neighbors. The closest residence is 200 feet away. The project has received preliminary approval from National Grid.

Questions from the Planning Board:

Mr. Holberton: Please refresh my memory for what the big picture is for the whole property.

Mr. Trombino: Eventually, we plan to have a 1,050 foot road, where there will be six lots in the future entirely within the Manufacturing zone.

Mr. Holberton: And this solar project could stand alone, even without that other stuff?
Mr. Trombino: Correct. I want to develop commercial buildings, not just solar.
Mr. Prellwitz: Would you elaborate on the project buffer?
Mr. Trombino: There is white oak there. The only part of the project you can see from the road is the driveway, built by Mr. Grills. The average elevation goes from 4’ above Route 2016 to 12’ above the road.
Ms. Williams: The project will be limited to 5.56 acres out of the total 22 acres?
Mr. Trombino: The total parcel for the solar array is 5.56 acres. We cut the lot out and then fit the array to it.
Ms. Williams: I have an issue granting approval without seeing the plans and calculations.
Mr. Holberton: I can’t find fault with the project. I’d like to grant the approval tonight, but I can’t without seeing the plans and calculations.
Mr. Pennypacker: Every other solar array has a private access road. This one involves a town road. Would the town have to maintain the road in the meantime before the project is constructed?
Mr. Trombino: There will be another application for the business park, but for now it will remain a private access road.
Mr. Prellwitz: I would also like to see the information before granting approval.

Questions from the public:

Ms. Panciera: My name is Andrea Panciera. I’m part of the family that owns Panciera Lane. I have concerns about the access road and the larger project that will be forthcoming. Panciera Lane is directly across from the entrance to the access road. The proposed utility pole removal would remove the Panciera Lane road sign. Many of the house lots in this area have blind access. The area is getting more traffic, particularly at this time of year. There is a 30mph speed limit, but it appears many people are going in excess of that. I would like to see modifications for safety purposes and drainage concerns.
Mr. Trombino: As of now, the cleared area is wider than the road will be, which is 25 feet wide. I can’t do anything about the speeders. I tried to work with the Hopkinton Land Trust to access the site through their property, but I couldn’t get a response.
Mr. Holberton: I do think that we need to take Andrea’s concerns into consideration. And I would recommend contacting the police department about the speeders.
Mr. John Roberts, and abutting neighbor, had concerns about runoff, and wells becoming contaminated.

Mr. Tony Nenna, engineer from On-Site Engineering, reviewed the plans for the project with the neighbors. He indicated that the project utilizes a swale and detention area, which is designed to infiltrate there so that water doesn’t go onto other properties. Mr. Trombino added that he is willing to plant cedar trees to help screen the road from the neighbors’ properties.

Ms. Capalbo: It may be necessary to put a traffic light at that intersection.
Mr. Holberton moved to continue the project under Development Plan Review.
Mr. Prellwitz seconded the motion.
Ms. Williams, Mr. Holberton, and Mr. Prellwitz approved.
Motion passed.

Mr. DiOrio rejoined the meeting. Mr. Bedoya arrived to the meeting.


Kevin Morin and Hannah Morini presented the project for Green Development. They characterized the project as a conceptual pre-application. Green Development is a Rhode Island-based company. They handle the entire project: design, construct, own, and operate. Green Development builds wind and solar projects in RI already. The first planned project in Hopkinton is a parcel that is 53 acres and fronts on I-95. The parcel was bisected when the highway was created. The project would require a special use permit because the site is already non-conforming with zoning, and this project represents a change in use. The site can’t been seen from Palmer Circle. The field has been farmed for many years. National Grid applications are in progress. In 1970, RIDOT determined the site is to be accessed from Palmer Circle. The highest point of the property is on the eastern edge, and slopes to the northwest. The entire project will exist in the field, and they will be staying out of the wetlands areas. Green Development strives to put utilities underground as much as possible. Conceptually, there may be drainage measures required on the west-northwest edge of the property. The developers don’t anticipate the need for any variances. The estimated tax revenue for a 3.75 MW AC system would be approximately $19,000 per year, in addition to the real estate taxes. The applicants will perform a Class I survey on the site, and are seeking feedback from the Planning Board with regards to the view of the project from I-95. They are happy to work with a landscape architect to come up with a plan.

Questions from the Planning Board:

Mr. DiOrio: I am interested in the visibility from I-95. I’m not sure solar panels set the tone for the community. We will want to see screening that is appropriately sized. A second concern is how panels will be constructed. Whether they are in a line, or if the panels are following the contours of the ground. What not to do would be like the installation near the Warwick airport.

Ms. Morini: Green Development started as a wind energy company. The owner has said that the panels will be aligned. Because the site is a farm field, they may want to preserve the soil.

Mr. DiOrio: I would recommend staggering the height of the panels to make them appear level.

Mr. Holberton: At what point are you going before the Zoning Board?

Mr. Morin: We’ll probably file concurrently with the Zoning Board and for the Development Plan Review before the Planning Board.

Mr. Prellwitz: What about having a wall to screen the project?
Mr. Morin: That is an interesting thought. We may have to reach out to RIDOT to possibly extend the screening into the right of way.

Ms. Morini: It might be useful to engage the landscape architect to get some simulations and ideas.

Ms. Williams: What zone is the surrounding land?

Mr. Morin: They are all zoned Commercial.

Ms. Williams: Which could all eventually be solar panels.

Mr. Bedoya: Buffering the project will be very important, including the need for the plants to be mature enough at planting.

Mr. Pennypacker: How large is the acreage?

Mr. Morin: It’s 12-15 acres altogether.

Mr. Pennypacker: I’m concerned about prime agricultural soils being covered or exposed to chemicals. If there were to be a wall for screening, I’d be concerned about echo across the highway.

I’m also concerned about the glare coming from the panels or the racking.

Ms. Morini: The panels would face away from the highway, and they will shade the racking.

M. Prellwitz: Typically the walls that they use are sound deadening in their design.

The Planning Board decided the application would continue under Development Plan Review. No motion was required for a pre-application.

The Planning Board took a five minute break.

Mr. Holberton presented his project before the Planning Board. He explained the requirements outlined by the Rhode Island Ethics Commission when presenting to a board to which the applicant is a member, and provided the documentation to prove that he had filed appropriately with the Ethics Commission to do so. He explained that the intent of the project is to build homes for his children on his family’s land. Currently on the land is his woodworking shop, built in 1963, and his home, built in 2000. He also had his driveway built to the Residential Compound road standards at the time it was built. The current project comprises of building two house lots as a residential compound. The project is technically a three lot compound, including his own home. The woodworking shop, which is currently non-conforming with zoning, will remain so, but will be reduced from 94 acres to three acres on its own lot. Mr. Holberton stated that RIDEM has determined that a RIPDES permit is not required, but has granted all other needed permits.

Questions from the Planning Board:

Ms. Williams: The residential compound ordinance talks about access to a town road. It looks like the driveway goes to the private road.

Mr. Holberton: I’d have to move the hammerhead a little bit to match these plans. The road is designed to meet the compound regulations.
Mr. DiOrio: During the final plan stage, have you engineer change the certifications on the sheets to correct the titles.

MR. PRELLWITZ moved to allow MR. HOLBERTON to PROCEED with the PROJECT.

MS. WILLIAMS amended the motion, to reflect that the PLANNING BOARD found that the SUBDIVISION is consistent with the CONTENTS of COMPREHENSIVE PLAN, that EACH LOT in the SUBDIVISION conforms with the STANDARDS and PROVISIONS of the ZONING ORDINANCE, that THIS is NO SIGNIFICANT ENVIRONMENTAL IMPACT as SHOWN on the PLANS, that the SUBDIVISION as PROPOSED will NOT result in the creation of UNBUILDABLE LOTS, that all PROPOSED LOTS have ADEQUATE and PERMANENT LEGAL ACCESS to a PUBLIC STREET, that each SUBDIVISION shall PROVIDE for SAFE CIRCULATION of VEHICULAR and PEDESTRIAN TRAFFIC, for SURFACE WATER RUNOFF control and SUITABLE BUILDING SITES, and for PRESERVATION of NATURAL, HISTORICAL, or CULTURAL features that contribute to the ATTRACTIVENESS of the COMMUNITY, and that the DESIGN and LOCATION of STREETS, BUILDING LOTS, and other IMPROVEMENTS MINIMIZE FLOODING and EROSION.

MR. DIORIO seconded the AMENDMENT to MR. PRELLWITZ’S MOTION.

MR. DIORIO, MS. WILLIAMS, MR. BEDOYA, and MR. PRELLWITZ approved the AMENDMENT. MR. DIORIO, MS. WILLIAMS, MR. BEDOYA, and MR. PRELLWITZ approved the ORIGINAL MOTION, as AMENDED. MOTION PASSED.

Discuss, consider, and possibly vote on proposed amendments to Solar Ordinance and Farm Viability Ordinance

Mr. Lamphere introduced the current ordinance that was discussed the April workshop. At the last Planning Board meeting, the chair wanted to have a discussion with the full Board, which was not entirely present that night. The current draft has also received some input from solar developers and the fire marshal. Mr. Lamphere stated that he would like to see the ordinance reference the fire code, but not integrate them into the ordinance, as they may change. Last month’s draft was received favorably, and the Town Council would like to see a draft returned to them for discussion. Ms. Williams stated that the lot coverage issue was the one that was most discussed at the last meeting. Commercial and Manufacturing zones limit lot coverage to 75%, the latest draft has a coverage limit of 30%, which Mr. Lamphere expected would have to be higher. Mr. DiOrio stated that he would not like to construct the ordinance assuming the need for a zone change. The Board discussed the issue of lot coverage and how they differ across different zones. Mr. McAllister cautioned that the numbers can’t be arbitrarily selected, but if the number is reasonable and the rationale is stated within the ordinance, reasonable limits can be appropriate. Another option would be to write something in that, due to the special circumstances of a particular property, the limits could be made higher. Such as with a gravel bank or former landfill site.
The Board also heard input from the public that was present. Ms. Capalbo noted that solar arrays are new and don’t fit within the existing terms and definitions the Town uses. The issue is energy acreage and land banking. Mr. Dough Teleman, from Direct Energy Solar, stated that he would like to see the Planning Board articulate the issues that the town has with solar. He said that a building has a more permanent footprint than a solar structure, and could be held to a lower stand than solar panels. Mr. DiOrio said the issue is the destruction of the community’s resources, and that most projects that the Planning Board sees allow them some control over where and how the vegetation is replaced or replanted. Mr. John Typatis, from Oak Square Partners, stated that he found the underlying zone coverage limits to be appropriate. He cautioned that special circumstances may lead to instances where the developers may not know what to design, because certainty is key in developing projects. The Planning Board reached consensus that the Manufacturing and Commercial lot coverage limits would be 75%, and the land that was zoned residential would be restricted to 30%.

On the issue of tree clearing, the Board acknowledged that property owners have the right to cut their trees whenever they like. Mr. DiOrio stated that he thought that when applicants come to the Board with their proposed projects, they are asking for permission from the Board to cut their property, which he is not inclined to endorse. The Board decided that land clearing limitations for applications would be restricted to 40% of the lot.

In discussion with the Board members and with the public, the Planning Board, the ordinance was amended to include several other revisions regarding construction methods, landscaping, and decommissioning requirements.

MS. WILLIAMS MOVED TO SUBMIT THE REVISED DRAFT OF THE SOLAR ORDINANCE, AS AMENDED, TO THE TOWN COUNCIL FOR THEIR REVIEW.

MR. PRELLWITZ SECONDED THE MOTION.

MR. DIORIO, MS. WILLIAMS, MR. BEDOYA, AND MR. PRELLWITZ APPROVED THE MOTION.

MOTION PASSED.

SOLICITOR’S REPORT:
None

PLANNER’S REPORT:
None

CORRESPONDENCE AND UPDATES:
None

PUBLIC COMMENT:
None

DATE OF NEXT REGULAR MEETING: August 1, 2018
ADJOURNMENT:

MS. WILLIAMS MOVED TO ADJOURN THE MEETING
MR. PRELLWITZ SECONDED THE MOTION
MR. DIORIO, MS. WILLIAMS, MR. BEDOYA, AND MR. PRELLWITZ APPROVED.
MOTION PASSED.

The meeting was adjourned at 10:40 P.M.