

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

6 **Wednesday, July 11, 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 July 11, 2018 meeting of the Hopkinton Planning Board was called to order at 7:01 P.M.  
12 by Chair Al DiOrio.

14 **MEMBERS PRESENT:**

15 Al DiOrio, Amy Williams, Tom Holberton, and Ronald Prellwitz were present.

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

20 **APPROVAL OF MINUTES:**

21 DUE TO NOT HAVING A QUORUM OF MEMBERS THAT WERE PRESENT AT THE JUNE 6, 2018 MEETING,  
22 APPROVAL OF THE MINUTES WERE TABLED TO THE NEXT MEETING.

24 Mr. DiOrio began the meeting by moving the Solar Ordinance Amendments discussion to  
26 after the project applications on the agenda. He outlined the recommended time limits per  
28 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.

30 **OLD BUSINESS:**

31 None

32 **PUBLIC INFORMATIONAL MEETING:**

34 2-lot Major Subdivision – **Master Plan Submission** – Calsar, LLC – 56 Woodville Alton Road – AP 9  
36 Lot 22

38 Attorney Kelly Fracassa presented for the applicant. Mr. Fracassa described the project as  
40 what would normally be a minor subdivision, except the applicant needed a frontage variance  
42 from the Zoning Board. The 9-acre parcel is proposed to be split into two lots. The original lot  
44 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.

2

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.

6

Questions from the Planning Board:

8

Mr. DiOrio: The Hopkinton Zoning Board generally does not grant frontage variances.

10

Ms. Williams: And this property has a prior application from 2006 that was not approved.

12

Mr. DiOrio: My personal opinion would be to not support this application moving forward. The applicant has not utilized the residential compound option.

14

Ms. Williams: I was present for the pre-application meeting for this project and those concerns were brought up about the Zoning Board.

16

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.

18

Mr. Fracassa: I can't speak to what evidence was considered in 2006, all I can tell you is what we're presenting tonight.

20

Mr. Prellwitz: If the residential compound is possible, I could see that being a possible option.

22

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.

24

MR. HOLBERTON MOVED TO CONTINUE THE APPLICATION UNTIL THE FOLLOWING MEETING

MS. WILLIAMS SECONDED THE MOTION.

26

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

MOTION PASSED.

28

## CLOSE PUBLIC INFORMATIONAL MEETING

30

### NEW BUSINESS:

32

3- Lot Minor Subdivision – **Preliminary Plan** — AP 10 Lots 28B & 40 – North Road –

Mark Dickinson, applicant

34

Rich Rione, engineer from Prime Engineering, presented the project on behalf of the applicant.

36

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

38

criteria.

40

Questions from the Planning Board:

42

Mr. DiOrio: Do you have approved septic designs, or subdivision suitability?

Mr. Rione: We have subdivision suitability.

44

Ms. Williams: Would there be access to the back lot?

Mr. Rione: It would require a wetlands crossing permit.

2 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  
4 required.  
Mr. Holberton: We aren't allowed to create an unbuildable lot. There is no access to the remaining  
6 land, and the regulations say that you need access to a town road.  
Mr. Rione: You could reach it on foot.  
8 Mr. DiOrio: We can't create an unbuildable lot.  
Mr. Lamphere: The RIDEM note says that lots #1-3 appear to be suitable for OWTS.  
10 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?  
12 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  
14 of unbuildable lots.  
Mr. Lamphere: Would you be able to get a variance from RIDEM for the wetlands?  
16 Mr. Rione: We could, possibly.  
Mr. DiOrio: The survey is executed by Sean Leach on Sheet #1, but other sheets reference another  
18 survey by someone else.  
Mr. Rione: There was a previous survey on record that we used.  
20 Mr. DiOrio: I think you should get that on the planes.

22 MR. HOLBERTON MOVED TO CONTINUE THE APPLICATION FOR A FUTURE MEETING.  
MS. WILLIAMS SECONDED THE MOTION.  
24 MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. PRELLWITZ APPROVED.  
MOTION PASSED.

26

28 Mr. DiOrio recused himself from the meeting.

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

32

34 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  
36 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  
38 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  
40 the FEMA flood insurance map, which requires a letter of map amendment. Mr. Comolli was  
seeking the project to be approved administratively.

42

44 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

2 had been moved up to a building on Main Street, and that they are very excited to be  
4 expanding.

4

Questions from the Board:

6

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

8

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

10

Questions from the public:

12

Will there be production at night?

14

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.

16

MR. HOLBERTON MOVED TO GRANT DEVELOPMENT PLAN REVIEW APPROVAL, HAVING FOUND THAT THE  
18 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  
20 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  
22 IMPACT AS SHOWN ON THE FINAL PLANS, AND THAT THE PROPOSED DEVELOPMENT HAS ADEQUATE AND  
PERMANENT ACCESS TO A PUBLIC STREET.

24

MR. PRELLWITZ SECONDED THE MOTION.

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

26

MOTION PASSED.

28

Development Plan Review – **Pre-application meeting** - Photovoltaic Solar Energy System –  
30 Alton-Bradford Road – AP 23 Lot 56A1 – S.M. Trombino Properties, applicant

32

Stano Trombino, applicant, presented the project to the Planning Board. The development is  
34 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  
36 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  
38 project has received preliminary approval from National Grid.

40

Questions from the Planning Board:

42

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  
44 entirely within the Manufacturing zone.

Mr. Holberton: And this solar project could stand alone, even without that other stuff?

2 Mr. Trombino: Correct. I want to develop commercial buildings, not just solar.

Mr. Prellwitz: Would you elaborate on the project buffer?

4 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.

6 Ms. Williams: The project will be limited to 5.56 acres out of the total 22 acres?

8 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.

10 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.

12 Mr. Pennypacker: Every other solar array has a private access road. This one involves a town road.

14 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.

16 Mr. Prellwitz: I would also like to see the information before granting approval.

18

20 Questions from the public:

22 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.

28 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.

30 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.

32 Mr. John Roberts, and abutting neighbor, had concerns about runoff, and wells becoming contaminated.

36

38 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.

40

42 Ms. Capalbo: It may be necessary to put a traffic light at that intersection.

44

2 MR. HOLBERTON MOVED TO CONTINUE THE PROJECT UNDER DEVELOPMENT PLAN REVIEW  
MR. PRELLWITZ SECONDED THE MOTION.

4 MS. WILLIAMS, MR. HOLBERTON, AND MR. PRELLWITZ APPROVED.  
MOTION PASSED.

6  
Mr. DiOrio rejoined the meeting. Mr. Bedoya arrived to the meeting.

8  
10 Development Plan Review – **Pre-application meeting** – Photovoltaic Solar Energy System –  
Proximate to Palmer Circle – AP 11 Lot 36 - GD Hopkinton Main I, LLC, applicant.

12  
14 Kevin Morin and Hannah Morini presented the project for Green Development. They  
16 characterized the project as a conceptual pre-application. Green Development is a Rhode  
18 Island-based company. They handle the entire project: design, construct, own, and operate.  
20 Green Development builds wind and solar projects in RI already. The first planned project in  
22 Hopkinton is a parcel that is 53 acres and fronts on I-95. The parcel was bisected when the  
24 highway was created. The project would require a special use permit because the site is  
26 already non-conforming with zoning, and this project represents a change in use. The site  
28 can't been seen from Palmer Circle. The field has been farmed for many years. National Grid  
30 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.

32 Questions from the Planning Board:

34 Mr. DiOrio: I am interested in the visibility from I-95. I'm not sure solar panels set the tone for the  
36 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.

38 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.

40 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?

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

44 Mr. Prellwitz: What about having a wall to screen the project?

2 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.

4 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?

6 Mr. Morin: They are all zoned Commercial.

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

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

10 Mr. Pennypacker: How large is the acreage?

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

12 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.

14 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.

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

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

20

The Planning Board took a five minute break.

22

24 Minor Subdivision – **Preliminary Plan** – Holberton Farms 4-lot Minor Subdivision – AP 5 Lot 94 – Alton-Bradford Road – Thomas F. Holberton, applicant

26

28 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.

38

Questions from the Planning Board:

40

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

42

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.

44

2 Mr. DiOrio: During the final plan stage, have you engineer change the certifications on the sheets to  
correct the titles.

4

MR. PRELLWITZ MOVED TO ALLOW MR. HOLBERTON TO PROCEED WITH THE PROJECT.

6 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  
8 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  
10 PROPOSED WILL NOT RESULT IN THE CREATION ON UNBUILDABLE LOTS, THAT ALL PROPOSED LOTS HAVE  
ADEQUATE AND PERMANENT LEGAL ACCESS TO A PUBLIC STREET, THAT EACH SUBDIVISION SHALL  
12 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  
14 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  
16 AND EROSION.

MR. DIORIO SECONDED THE AMENDMENT TO MR. PRELLWITZ'S MOTION.

18 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  
20 AMENDED.

MOTION PASSED.

22

24

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

28

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,  
30 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  
32 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  
34 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  
36 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  
38 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  
40 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  
42 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.

44

2 The Board also heard input from the public that was present. Ms. Capalbo noted that solar  
4 arrays are new and don't fit within the existing terms and definitions the Town uses. The  
6 issue is energy acreage and land banking. Mr. Dough Teleman, from Direct Energy Solar,  
8 stated that he would like to see the Planning Board articulate the issues that the town has with  
10 solar. He said that a building has a more permanent footprint than a solar structure, and could  
12 be held to a lower stand than solar panels. Mr. DiOrio said the issue is the destruction of the  
14 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%.

16 On the issue of tree clearing, the Board acknowledged that property owners have the right to  
18 cut their trees whenever they like. Mr. DiOrio stated that he thought that when applicants  
20 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.

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

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

28 MR. PRELLWITZ SECONDED THE MOTION.

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

30 MOTION PASSED.

32 **SOLICITOR'S REPORT:**

None

34

**PLANNER'S REPORT:**

36

None

38 **CORRESPONDENCE AND UPDATES:**

None

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**PUBLIC COMMENT:**

42

None

44 **DATE OF NEXT REGULAR MEETING:** August 1, 2018

**2 ADJOURNMENT:**

MS. WILLIAMS MOVED TO ADJOURN THE MEETING

**4** MR. PRELLWITZ SECONDED THE MOTION

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

**6** MOTION PASSED.

**8**

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

**10**