

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

6 **Wednesday, August 1, 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 August 1, 2018 meeting of the Hopkinton Planning Board was called to order at 7:00 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 MS. WILLIAMS MADE A MOTION TO APPROVE THE MINUTES OF THE JUNE 6, 2018 PLANNING  
22 BOARD MEETING.

23 MR. HOLBERTON SECONDED THE MOTION.

24 MR. DIORIO, MS. WILLIAMS, MR. BEDOYA AND MR. PRELLWITZ APPROVED. MOTION PASSED.

26 MS. WILLIAMS MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 11, 2018 PLANNING  
27 BOARD MEETING.

28 MR. HOLBERTON SECONDED THE MOTION.

29 MR. DIORIO, MS. WILLIAMS, MR. BEDOYA AND MR. PRELLWITZ APPROVED. MOTION PASSED.

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32 Mr. DiOrio began the meeting by outlining the recommended time limits per application to  
33 ensure that each agenda item was afforded enough time for the Planning Board to adequately  
34 discuss and reach a decision. Mr. DiOrio asked everyone in attendance if the time limits were  
35 problematic. Hearing no objections, the meeting continued. Mr. DiOrio provided notices of  
36 recusal to the Planning Clerk for several of the applications on the agenda.

38  
39 Advisory Opinion to Town Council – **Request for Comprehensive Plan/Zoning Map Amendments**  
40 – 130 Dye Hill Road – AP 32 Lots 1, 4, 6, 8, 10, 12, 14, 16, 17, 19, 21, 23, 25, 27, 30, 32, 34, 36, 38, 40, 41,  
41 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 63, 65, 67, 68, 69, 70, 71 – Brushy Brook –  
42 Southern Sky Renewable Energy RI LLC, applicant

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2 MR. HOLBERTON MADE A MOTION TO OPEN A PUBLIC HEARING  
MS. WILLIAMS SECONDED THE MOTION.

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

6 PUBLIC HEARING:

8 Attorney K. Joseph Shekarchi presented for the applicant. He stated that he had two witnesses  
10 to help explain the project, Dave Russo (engineering) and Edward Pimental (land use expert)  
12 and that principles of the development company, Ralph Palumbo and Lindsey McGovern,  
14 were present. He noted that there is an affordable housing proposal for the property that has  
already gained approval and is still valid due to tolling. The applicants believe that solar  
generation is better suited for the property, and that the benefits of solar outweigh the  
burdens of housing and associated infrastructure costs to the Town and school system.

16 The first witness was Mr. Edward Pimental, a planning and land use expert. Mr. Pimental  
18 stated that his first consideration for the project's effect on a rural town is the visual impact  
of the project and the removal of trees. He said that the property's tree growth was older and  
vast enough for buffering the project. In addition, there were no fiscal impacts on the Town  
20 from the solar use, which is temporary, while homes remain located there in perpetuity. He  
said good planning practice indicates that solar would be a better use for the property. He  
22 said that the Town seeks regulatory control for solar projects. Large tracts of land needed for  
solar use are generally residentially-zoned, and the Town shouldn't give up its prime  
24 commercial space to house the solar projects. He added that he thought the solar use was  
consistent with the Town's Comprehensive Plan, and that the report he prepared was more  
26 extensive. He invited questions from the Planning Board.

28 Questions from the Planning Board:

30 Mr. Holberton said that he supported property owners' rights to use their land, but certain  
land uses do and do not benefit the community. This project could delay residential  
32 development for a generation, but cleared land would be a developer's dream and it would  
immediately be developed at the end of the solar use. He said he is not in favor of spot zoning,  
34 and the case in Portsmouth that was recently ruled defined solar generation as a  
manufacturing use, which is not consistent with the rural character of the area. He asked if  
36 there were any other projects in Rhode Island that were being proposed at this size, 58  
megawatts over 122 acres of panels on a 162 acre parcel, and Mr. Pimental was not aware of  
38 any others of that size and scale. Saying that while he supported solar use in general, the  
Town could not know the effects of clear cutting that amount of land for development. The  
40 Town could no longer rely on DEM's expertise in their permitting review of the projects to  
protect the best interests of the Town.

42 Mr. Pimental replied that he couldn't speak to the DEM concern, but with regards to spot  
44 zoning, this change would not be considered spot zoning. The Comprehensive Plan is being  
changed as well, so the parcel's zoning would be consistent with the Plan. Mr. Holberton's

2 reply was that if the Comprehensive Plan can be amended so easily, then it's protection is  
4 non-existent. He said that most of the Comp Plan is ambiguously written to be able to support  
or oppose development.

6 Ms. Williams said that since the parcel is already zoned residential, then the Town could  
8 decide to change it if they choose. The PUD approval was an attempt to address growth and  
protect the environment by clustering homes together. Putting solar on this large of a parcel  
would tip the balance away from environmental concerns.

10 Mr. DiOrio said he was on the Planning Board when the housing project was approved. He  
12 said that they put countless hours into negotiating the best possible project the Town could  
14 get for the property, and changing it now would wipe away that hard work. While the report  
says that there would be no significant visual impact from the project, aerial views would be  
16 significantly affected by solar projects. He noted that DEM is not looking out for the best  
interests of the Town, so it may fall to the Planning Board to enact protections beyond their  
18 review.

20 Mr. Shekarchi next called Mr. Dave Russo, an expert witness on engineering, of DiPrete  
Engineering.

22 Mr. Russo stated that he has been the project manager. No engineering has been done yet, the  
24 plan is still conceptual in nature. More analysis needs to be done for stormwater runoff and  
soil erosion controls required by DEM permitting. The site around the edge of the panels  
26 would be approximately 100 feet from abutting neighbors on Dye Hill Road. During a recent  
site walk, Mr. Russo spoke with neighboring property owners and they were preferable to  
28 solar over housing development. From an environmental perspective, the approved housing  
permit for 100 homes would have a cumulative 35,000-40,000 gallons of effluent septic on site,  
30 an additional 200 trips of cars per day, and other environmental impacts. Stormwater controls  
would be similar to a residential development, but with the additional load of septic systems,  
wells, and extensive clearing.

32 Questions from the Planning Board:  
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36 Ms. Williams: You can't go over the wetlands because you'd need a wetlands crossing permit?  
Mr. Russo: That's correct. The first permit for the housing and golf course proposed a lot of  
38 land disturbance. There was a crossing that was part of that design, and we may propose one  
to DEM for emergency or utility crossing, but we're not proposing any panels within the  
wetland buffers or wetland areas.

40 Mr. Holberton: We're clear on the effects of housing on the land, but we have no idea what  
the effects of solar will be on this scale.

42 Mr. Russo: The hydrologic analysis is that it will remain like a grass area.

44 Mr. Holberton: I'm not confident in that analysis of the land. That land is very ragged. Have  
you walked it? The reason the previous development hasn't been built is because of how  
rocky it is.

2 Mr. Russo: We've walked it. We found that there wasn't much ledge, but its mainly boulders.

4 Mr. Shekarchi said that they understand that this property has a history of moth problems  
6 that have damaged the trees on the property, in responding to clearing concerns. And that he  
also thought that DEM would never approve a project that would harm the environment.

8 Mr. Pennypacker added that the Conservation Commission opposes large-scale industrial  
solar projects.

10

Public Comment period:

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14 Mr. John Orlandi, 122 Dye Hill Road, stated that he and his wife own property surrounded  
on three sides by Brushy Brook. He said that they support the use of solar rather than 280  
16 homes being added to the area, noting that every car would drive by his house. He was  
concerned about dust and weed control, and flooding. If solar panels are made from  
18 hazardous materials, he asked if a bond might be put in place to prevent it from becoming a  
superfund site over the aquifer.

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Mr. Bruce Reynolds, Maxson Hill Road, said that his house borders the property, which has  
been there since 1941. He said that water has always been consistent on their property. He  
was concerned about the water from the project.

22

Alexander Poulos, lives near Brushy Brook. He said a solution might be that land on Wood  
Hill on state property could be cleared for solar projects.

24

Eric Bibler, 119 Woodville Road, thanked the Planning Board for their work on the solar  
projects and for standing consistently on principle. The Comprehensive Plan exists for a  
26 reason, and if the Town wanted to install manufacturing uses on residential property, it  
should change the plan to do so. Not on an ad hoc basis. He didn't think that the applicant's  
28 conclusion to develop the parcel for solar was consistent with the intent of the Comprehensive  
Plan. He thought it was spot zoning on a massive scale. Further, the Town doesn't know the  
30 effects of the development or if the bonding amounts are appropriate. Toxic chemicals in the  
panels could result in a big cleanup site, and the system's owners have no incentive to clean  
32 it up when they could just declare bankruptcy and walk away. A 58 MW project is more than  
a medium-sized coal or gas power plant. He said he was hoping the Planning Board would  
34 unanimously reject the project.

36

Ms. Barbara Capalbo wanted to address the Comprehensive Plan. The Comp Plan has been  
decided by and for the residents. We work with the state to try to add to the Town. The  
clearing of 150 acres is equal to the size of 3-4 Crandall Fields. Also, the prior plan for this  
38 project is housing for people and children and taxpayers, and the Town needs people. Dye  
Hill Road has just been repaved, and the house lots there are beautiful.

40

Joe Moreau, 32 Old Depot Road, said that the solar panels will become a junkyard in 20-30  
years. He said that people move to Hopkinton for the rural character of the town. He moved  
42 to the area with the expectation that the area zoned as residential would remain residential.  
The effects on the aquifer are problematic, with the composition of the panels. The project is  
44 opposed to the Town's Comprehensive Plan and rural character. Mr. Moreau also noted that

2 the applicant’s experts were paid witnesses. He said that, unfortunately, the decision came  
4 down to money.

6 Mr. DiOrio stated that the time allotted for the application had concluded, and the Board  
8 needed to close the public hearing and render an advisory opinion.

10 MR. HOLBERTON MADE A MOTION TO CLOSE A PUBLIC HEARING  
12 MS. WILLIAMS SECONDED THE MOTION.

14 MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON AND MR. PRELLWITZ APPROVED. MOTION PASSED.

16 Ms. Williams moved to advise to the Town Council to not support the proposed zoning map  
18 amendment, based on the Hopkinton Comprehensive Plan’s survey results regarding new  
20 development, and further based on the Comprehensive Plan’s Land Use Goal #1 (LU-1), to  
22 protect the quality of life and rural character of Hopkinton; Land Use Goal #4 (LU-4), to  
24 preserve existing working farms, wildlife, and wildlife habitat; Land Use Goal #5 (LU-5),  
26 minimize future impacts of natural hazards through mitigation and preparedness; and  
28 Housing Goal #1 (H-1), Hopkinton will be characterized by safe, secure, and attractive  
30 residential neighborhoods.

32 MR. HOLBERTON SECONDED THE MOTION.

34 MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. PRELLWITZ VOTED IN  
36 FAVOR OF THE MOTION.

38 MOTION PASSED 4-0.

40 For the same reasons, Ms. Williams also moved to advise to the Town Council against the  
42 requested Future Land Use Map amendment.

44 MR. HOLBERTON SECONDED THE MOTION.

MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. PRELLWITZ VOTED IN  
FAVOR OF THE MOTION.

MOTION PASSED 4-0.

**34 OLD BUSINESS:**

36 3- Lot Minor Subdivision – Preliminary Plan — AP 10 Lots 28B & 40 – North Road –  
Mark Dickinson, applicant

38 Mr. Lamphere stated that the applicant’s engineer had submitted a letter requesting a 60-day  
40 extension for the Planning Board to take action on the application.

42 MS. WILLIAMS MADE A MOTION TO GRANT THE REQUESTED EXTENSION.

44 MR. HOLBERTON SECONDED THE MOTION.

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

Mr. DiOrio recused himself and left the meeting at this time.

2 Development Plan Review – **Plan submission** - Photovoltaic Solar Energy System –  
4 Alton-Bradford Road – AP 23 Lot 56A1 – S.M. Trombino Properties, applicant

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Stano Trombino, applicant, presented the project to the Planning Board. The solar array is a 990 kW system situated on 5.6 acres that is part of a 22 acre parcel zoned Manufacturing. The area inside of the fence will be 3.52 acres. The lot will experience minimal leveling and grading. The Planning Board has pictures and a proposed landscaping plan, operations and maintenance plan, and decommissioning plan.

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S.M. Trombino Properties will maintain the site. Black, chain-link fencing is proposed to be raised 6" from the ground. The array would not be visible from Route 91, as there is old growth forest behind the package store on the road. Mr. Trombino did some research on the contents of the panels. He noted that, although these systems have not reached decommissioning age yet, estimates are that 96% of the waste will be recovered during removal. Although the projections show that the scrap value is higher than the recovery costs, a \$3,600 financial instrument is ready to be submitted.

20

Questions from the Planning Board:

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Mr. Prellwitz: The decommissioning estimates are on the low side.

24

Mr. Holberton: I saw some smoke on your land over the weekend. What happened?

Mr. Trombino: We had a firefighter training opportunity.

26

Mr. Holberton: I don't think the size of the project or the tree clearing are problematic. There is a clearing, could it be screened further?

28

Mr. Trombino: We're willing to do whatever the Town wants to see.

Mr. Holberton: How are the vegetation going to be maintained?

30

Mr. Trombino: We'll plant low germination grass seed. We're going to cut the lawn, not use any chemicals or herbicides.

32

Mr. Holberton: I think the bond amount is too low, it should be at least three times that.

Mr. Trombino: We are fine with that.

34

Mr. Lamphere: Three other solar applicants so far have wired cash for their financial security. A similarly sized project was in the amount of \$9,970.

36

38

The Board discussed with Mr. Trombino and his project engineer, Mr. Tony Nenna, the gravel access road plan and how that road will be used as the rest of the property is developed. The applicants agreed to add maintenance of the drainage swale to the operations and maintenance plan. They also agreed to add vegetation that is large enough at planting to adequately screen the site from the road.

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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

2 WILL BE NO SIGNIFICANT ENVIRONMENTAL IMPACT AS SHOWN ON THE FINAL PLANS, AND THAT  
4 THE PROPOSED DEVELOPMENT HAS ADEQUATE AND PERMANENT ACCESS TO A PUBLIC STREET.  
6 APPROVAL WAS GRANTED CONDITIONAL TO THE APPLICANT ADJUSTING THE OPERATIONS AND  
8 MAINTENANCE PLAN TO INCLUDE MAINTENANCE OF THE DRAINAGE SWALE, STIPULATING THAT  
NO HERBICIDES WILL BE USED ON SITE, THAT ADDITIONAL PLANTINGS WILL BE PLANTED NEAR THE  
PACKAGE STORE, AND THAT \$9970 DECOMMISSIONING SECURITY IS WIRED TO THE TOWN AS  
FINANCIAL SECURITY.

MR. PRELLWITZ SECONDED THE MOTION.

10 MS. WILLIAMS, MR. HOLBERTON, AND MR. PRELLWITZ APPROVED.  
12 MOTION PASSED.

14 Development Plan Review – **Plan submission** - Photovoltaic Solar Energy System –  
AP 11 Lot 17 - 711B Main Street – Kenyon Farm – South County Solar, LLC, applicant

16 John Typatis, of South County Solar, LLC, presented the project with Dave Russo, engineer  
18 of DiPrete Engineering. The property is zoned RFR-80. The zoning ordinance allows solar  
20 systems by right with the Farm Viability Ordinance. The project proposed is a 250 kW system  
22 in an existing field, with a few trees that need to be removed. Some other trees will also be  
24 cut, but not stumped. They will use a 6' high chain link fence. An existing access road will  
service the project. Mr. Russo said he feels the project will not be seen from the road with the  
elevation changes and vegetation as it exists. They are not expecting any erosion, very little  
earth work is needed. No RIPDES permit is required, just a Physical Alteration Permit is  
required due to the change in use.

26 Questions from the Planning Board:

28 Mr. Prellwitz: The documents submitted include a 1040 form. Does this supplement the  
landowner?

30 Mr. Russo: Yes.

Mr. Prellwitz: Is the applicant willing to improve the screening?

32 Mr. Typatis: The driveway is more than 120 feet from Main Street to the project site, and the  
34 elevation goes up 17-20 feet. We understand the concern, and are open to suggestions, but  
have not prepared a landscaping plan because of the distance from the road. We could put  
money aside for spot plantings to supplement the existing buffer.

36 Mr. Holberton: Is the owner giving up any farm land?

Mr. Russo: No, the area is unused.

38 Mr. Pennypacker: The Conservation Commission has championed farms and supports the  
40 small development of solar use to preserve the farms. As with other projects, we're concerned  
that buffers and vegetation will be maintained and that no herbicides will be used.

42 There were not questions from the public.

44 Mr. Lamphere indicated that other projects of this size had a financial security submitted in  
the amount of \$6,598.

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MS. WILLIAMS 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. APPROVAL WAS GRANTED CONDITIONAL TO THE APPLICANT UPDATING THE LANDSCAPING PLAN TO SUPPLEMENT THE VEGETATION SEEN FROM THE STREET, TO STIPULATE IN THE OPERATIONS AND MAINTENANCE PLAN THAT NO HERBICIDES WILL BE USED ON SITE, AND THAT \$6598 DECOMMISSIONING SECURITY IS WIRED TO THE TOWN AS FINANCIAL SECURITY.

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MR. PRELLWITZ SECONDED THE MOTION.

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

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MOTION PASSED.

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Development Plan Review – **Plan submission** - Photovoltaic Solar Energy System —  
813 Main Street – AP 14 Lot 47 - Hawkins property - South County Solar, LLC, applicant

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Mr. Dave Russo, of DiPrete Engineering, presented the application. He described the project as a 4.8 acre site fronting on Main Street. There are no wetlands on the site. Two existing structures have been demolished. The solar array size will be 250 kW. An access road from Main Street requires a Physical Alteration Permit from RI DOT. The property slopes down from the north, with a culvert at the streets edge. A RIPDES permit shows that stormwater runoff will not be added to the culvert as a result of the project. A landscape plan has been submitted to the Town that adds 100 trees to screen the site from the road. The project will have a 6' fence with gated access.

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Questions from the Planning Board:

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Mr. Prellwitz: Is there vegetation screening the project from Canonchet Cliffs?

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Mr. Russo: The landscape plan shows the planting locations.

Ms. Williams: That parcel is in a prime location off the highway. We'll want to see that the trees are large enough to screen the site when they're planted.

36

Mr. Russo: The landscape plan has been commissioned. Plantings do grow over time, but aren't just 1'-2' tall. They mature within 5-7 years.

38

Mr. Pennypacker: Privacy slats could be added to the fence to screen the system.

40

42

Questions from the public:

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Mr. Bibler: We haven't heard any concern given to owners requiring insurance for site clean-up. We would like to have the Planning Board require some sort of performance bond to

2 ensure clean-up will occur if something goes wrong. The companies have no assets aside from  
the system itself.

4 Ms. Capalbo: The Town has worked with Oak Square Partners before. When Cardinal Lane  
residents bought, the parcel behind them was zoned residential. Hopkinton Hill Road  
6 construction also had issues with a high water table there.

8 The Planning Board and the applicant discussed the issue of drainage on the site, and the  
applicant agreed to have the Town’s engineering firm review the plans at the applicant’s  
10 expense. The Board also asked for renderings of the project from the properties on Cardinal  
Lane and from Main Street. The applicants also agreed to explore the option of using a  
12 decorative fence. The applicants agreed to waive the deadline for a decision from the Board  
for a period of six months or sooner, as the Town’s engineer reviews the plans and they refine  
14 their submission.

16

**NEW BUSINESS:**

18

Development Plan Review – **Pre-application meeting** – Proposed Photovoltaic Solar Energy  
20 System – Hopkinton Industrial Park - 23 Gray Lane – AP 4 Lot 13 –  
Hopkinton Industrial Park, LLC, applicant

22

24 Attorney George Comolli presented the project on behalf of the applicants. The project is an  
expansion of a previously approved solar project on Gray Lane. Phase One was a 1.57 MW  
system on 6.1 acres, which was already approved. Phase Two is a 2.5 MW system on 11 acres,  
26 this submission. The project would not be visible from Main Street or from Wellstown Road.  
It would only be visible from Gray Lane. The site is a former corn field, so no trees are being  
cut. The fence will be raised 6” for wildlife crossings. Mr. Comolli also called Charles  
28 Krovasic, engineer at Direct Energy Solar, who designed the system. He stated that, unlike  
the other projects, the applicant would like to see the arrays, and is not proposing vegetation  
30 for screening.

32

Questions from the Planning Board:

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Ms. Williams: Could you speak to if there are any chemicals or substances in the panels?

36

Mr. Teleman: The solar panels use a process of converting light into electricity. It’s a physical  
process, not a chemical one. No toxic chemicals are released or created through operation.  
38 There are some toxic chemicals within the cell, but its well-regulated. Panels are designed to  
tolerate 120 mph winds and other inclement weather.

40

Mr. Pennypacker: This project will result in the removal of prime agricultural soils.

42

Questions from the public:

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Mr. Moreau: This is the perfect site for a project. No trees removed, and its not near any  
residences.

2 Mr. Quinlan: We appreciate the comments on the project. Phase One panels are very well-  
sited. The project will be maintained as well as the rest of the property is.

4 Mr. Wiehl: I don't want to be labeled for opposition to certain projects. Thanks for the  
Planning Board for their hard work. Ultimately, people have to stand up for the residents.

6 Ms. Williams: We want people to stay involved, and that everyone is always welcome to  
attend the Planning Board and Town Council meetings.

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10 MR. HOLBERTON MOVED TO WAIVE ANY FURTHER REVIEW OF THE PROJECT, SUBJECT TO THE  
APPLICANT OBTAINING A RIPDES PERMIT AND ANY NEEDED PERMITS NEEDED, AND THAT A  
12 \$45,000 LETTER OF CREDIT IS SUBMITTED TO THE TOWN AS DECOMMISSIONING FINANCIAL  
SECURITY.

MR. PRELLWITZ SECONDED THE MOTION.

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

MOTION PASSED.

16

18 Development Plan Review – **Pre-application meeting** – Proposed Photovoltaic Solar Energy  
System — 41 Palmer Circle – AP 11 Lot 47 – Oak Square Development, LLC, applicant.

20 John Typatis, principal of Oak Square Partners, presented the application. The property is  
zoned Commercial. The program the project will be under is the Community Remote  
22 Distributed Generation projects, which means the developer has the opportunity to give  
credits to ratepayers' bills at no charge to them, and is available to the Town as well.

24

26 Mr. Jason Gold, professional engineer of ESS, presented more information. The application is  
for a 1.42 MW system situated on a 13.5 acre site on a property zoned Commercial. There is a  
single family house located on the corner of the property, wetlands in the middle of the site,  
28 and other residences to the north and southeast. The site will be well-screened from view, will  
have a 6' high fence, and the area inside the fence will be grass. A 25' buffer area is proposed.  
30 Some stormwater detention will be needed. They plan to submit Decommissioning,  
Operations & Maintenance, and Soil Erosion & Sediment Control plan with their submission.  
32 As well as permits to be applied for through RI DEM.

34 Questions from the Board:

36 Mr. Prellwitz: I would be in favor of Development Plan Review for this project.

Mr. Holberton: What is the estimated area of disturbance?

38 Mr. Gold: Approximately 4.3 acres, one third of the total lot.

Mr. Holberton: And you've heard what we've been requiring of other projects tonight?

40 Mr. Gold: Can we submit for peer review prior to returning to the Planning Board?

Ms. Williams: Yes.

42 Ms. Williams: I would like to see more information about the bill credits and how that would  
be rolled out to the community. The neighbors are going to be severely impacted by these  
44 projects, so I hope you would try to reach out to them.

Mr. Typatis: Yes, we did a similar thing with the former gravel bank on High Street.

2 Mr. Holberton: Is that available just for the neighbors?

4 Mr. Typatis: Its available to anyone with a National Grid account, but we would like to get the neighbors involved, certainly.

6 Questions from the public:

8 Mr. Grossmueller, at 8 Heather Lane. The condominiums there are part of an association with those on Palmer Circle. Only the units on Palmer Circle were notified of the project. Mr. 10 Grossmueller, with other owners, had concerns about the effects on the aquifer.

12 Ms. Gore, real estate agent in Westerly, said that one benefit for potential buyers is the rural 14 community in Hopkinton. The solar projects take away from the environment, and will depress home prices. In the event these projects aren't safe, the developers will be long gone.

16 Mr. Paul Boiam, of 31 Woodville Circle, was concerned about how many solar projects were 18 being put into one small area.

20 Mr. Holberton said that a number of large parcels around the Exit 2 area are zoned Commercial and Manufacturing. The Planning Board's hands are somewhat tied because the 22 zoning exists to allow the projects by right. The Planning Board's job is to ensure that the project is done in the best way possible.

24 Mr. Sevag Khatchadourian, principal of Oak Square Partners, said that they didn't realize that 26 all of the condos were part of one association, and that they would like to meet with everyone to discuss the project and address any concerns that they have.

28 MS. WILLIAMS MOVED TO CONTINUE THE APPLICATION UNDER DEVELOPMENT PLAN REVIEW, AND APPROVED THE SUBMISSION BY THE APPLICANT FOR PEER REVIEW BY THE TOWN'S ENGINEER. 30 MR. HOLBERTON SECONDED THE MOTION.

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

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36 Development Plan Review – **Pre-application meeting** – Proposed Photovoltaic Solar Energy System — 21 Fenner Hill Road – AP 14 Lot 91 - OSD Development, LLC, applicant.

38 Oak Square Development is the applicant for the project, represented by John Typatis and 40 Mr. Jason Gold, professional engineer. The project is also a Remote Generation project, approximately 6.8 acres in size. The land is zoned Manufacturing, with a single family home existing. There are little wetlands, a grass field, and no tree clearing required. The existing 42 buffer area is narrow, but dense.

2 Mr. Prellwitz said he would be satisfied with Development Plan Review. Mr. Holberton said  
4 that he would like to see more screening to the north. Ms. Williams did not think peer review  
was necessary.

6 MR. HOLBERTON MOVED TO CONTINUE THE APPLICATION UNDER DEVELOPMENT PLAN REVIEW.  
MR. PRELLWITZ SECONDED THE MOTION.

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

10

The Board elected to take a five minute break, after which Mr. DiOrio returned to the meeting.

12

14 Development Plan Review – **Pre-application meeting** – Proposed Photovoltaic Solar Energy  
System – 310 Main Street – AP 4 Lot 25 – Maxson Hill, LLC, c/o Anthony DeVicario, applicant.

16

18 Attorney Vincent Naccarato presented on behalf of the applicants. The project has received  
zone change approval and FLUM amendment approval from the Town Council, in ordinance  
20 Chapters 259 & 260. No more than 58 acres can be developed, as well as no less than 55 acres.  
No blasting will be done, no top soil will be removed. The applicants are happy to have the  
Town’s engineer examine the plans at their expense. The decommissioning security was set  
22 by the Town Council at \$264,500 in the second section of Chapter 259. The applicant has also  
submitted a reforestation plan.

24

26 Ms. Williams said that this is a large project on a major road in town. It’s very visible,  
especially for abutting neighbors. I would advocate for continuing review under a Major Land  
Development. Other Board members concurred. Mr. Naccarato noted that the project is  
28 already governed by two ordinances, so he is not convinced that it a Major Land Development  
adds review. The process has vesting rights and different time tables from Development Plan  
Review. Mr. Holberton said he was disappointed in the Council’s decision to grant approval  
30 through the ordinances. They take away many of the review tools at the Board’s disposal. Mr.  
McAllister said that the Board could still utilize Major Land Development as long as the Board  
32 doesn’t overturn anything in the ordinances. Mr. Lamphere agreed that the Planning Board  
still has power to make some determinations within Major Land Development. The project  
34 will be very visible to a lot of people, and should be reviewed at the highest level.  
Development Plan Review has a seven month time limit. Major Land Development has time  
36 constraints as well, which may give the Board more time, but the applicant can be assured of  
Master Plan approval by a certain date, for example. Mr. Naccarato said that the Alton-  
Bradford Road project was larger and did not require Development Plan Review. The  
38 applicant has already agreed to extensive landscaping commitments and wants to be a good  
neighbor, and Major Land Development would be a delay. Mr. DeVicario said that the project  
40 has received conditional ISA approval from National Grid and conditional drainage approval  
from RI DEM. Mr. Prellwitz concurred that with a project of this size, the higher scrutiny of a  
42 Major Land Development will only help.  
44

**2** MS. WILLIAMS MOVED TO REVIEW THE APPLICATION AS A MAJOR LAND DEVELOPMENT  
MR. HOLBERTON SECONDED THE MOTION.  
**4** MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. PRELLWITZ APPROVED.  
MOTION PASSED.

**6**

**8 SOLICITOR’S REPORT:**

None

**10**

**PLANNER’S REPORT:**

**12** Tall Timber Farm Administrative Subdivision

**14 CORRESPONDENCE AND UPDATES:**

None

**16**

**PUBLIC COMMENT:**

**18** None

**20 DATE OF NEXT REGULAR MEETING:** September 5, 2018

**22 ADJOURNMENT:**

MS. WILLIAMS MOVED TO ADJOURN THE MEETING

**24** MR. PRELLWITZ SECONDED THE MOTION

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

**26** MOTION PASSED.

**28**

The meeting was adjourned at 10:30 P.M.

**30**