

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

6 **Wednesday, September 5, 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 September 5, 2018 meeting of the Hopkinton Planning Board was called to order at 7:00  
12 P.M. by Vice Chair Amy Williams.

14 **MEMBERS PRESENT:**

15 Amy Williams, Tom Holberton, and 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 MR. HOLBERTON MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 1, 2018 PLANNING  
22 BOARD MEETING.

23 MR. PRELLWITZ SECONDED THE MOTION.

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

26 **PUBLIC HEARING:**

28 Ms. Williams opened the public hearing.

30 Advisory Opinion to Town Council – **Request for Comprehensive Plan/Zoning Map Amendments**  
32 – AP 7 Lot 32, AP 10 Lot 87 & AP 11 Lot 35 – Main Street – Atlantic Control Systems Inc. (c/o James  
33 R. Grundy), applicant

34 Robert Craven appeared for the applicant and requested a continuance of the hearing for the  
36 next available meeting date.

38 MR. HOLBERTON MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO OCTOBER 3<sup>RD</sup> MEETING.  
39 MS. WILLIAMS SECONDED THE MOTION.

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

42 **CLOSE PUBLIC HEARING**

44 **OLD BUSINESS:**

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**Proposed Amendment to an Approved Plan: Modification of Decommissioning Surety – Photovoltaic Solar Energy System – Alton-Bradford Road – AP 23 Lot 56A1 – S.M. Trombino Properties, applicant**

With regards to the form of the decommissioning security that was approved at the last month’s meeting, one of the other arrays was approved under different conditions from this project. Citing his history developing commercial properties in the town, the applicant would like to utilize a letter of credit instead.

Questions from the Planning Board:

Mr. Prellwitz: I have no issue if there is a precedent for it already. I would like to know which institution would issue the letter of credit

Mr. Trombino: I work with Washington Trust.

Mr. Holberton: I asked if you were okay with the decommissioning amount at the last meeting. What happens if you decide to sell and go away, how does that letter of credit stay with the project?

Mr. Holberton: I have similar concerns. I would need some assurance of what happens in the event of a sale of the property.

Mr. Trombino: In the event of a sale, we could stipulate that the money goes to the Town of Hopkinton.

Mr. McAllister: Conditions in another project are not a binding precedent on other projects. The financial instrument is in place to protect the Town from the expense of dismantling and redeveloping the site in the event of abandonment. It may not be the case or be likely here, but the ordinance is clear that there needs to be some form of surety. It could be a lien or recorded instrument to be dealt with before any sale could take place. The overriding principle of exercising your discretion is to protect the Town from those uncertainties.

Ms. Williams: Would you be acceptable to have an instrument taken against the land?

Mr. Trombino: I’m fine with that.

Mr. McAllister: An instrument to be recorded in the land evidence records would need to be drafted. I’d be happy to take a look at it, but I don’t think the Town should have to draft it.

MR. HOLBERTON MOVED TO AMEND THE PLAN TO ACCEPT A LETTER OF CREDIT FROM MR. TROMBINO, SUBJECT TO THE CONDITION THAT AN INSTRUMENT IS TO BE RECORDED IN THE TOWN LAND EVIDENCE RECORDS TO BE RECOGNIZED AT CLOSING IN THE EVENT THE LAND IS EVER SOLD. MR. PRELLWITZ SECONDED THE MOTION.

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

Mr. DiOrio arrived to the meeting.

2 Major Land Development – **Pre-application meeting** – Photovoltaic Solar Energy System – AP 4  
4 Lot 25 – 310 Main Street – Maxson Hill LLC c/o Anthony DelVicario, applicant

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6 Attorney Vincent Naccarato appeared for the applicant, who was also in attendance. The  
8 project has appeared before the Board before in a Development Plan Review pre-  
10 application meeting. Mr. Naccarato requested that Master and Preliminary Plan stages  
12 be combined should the applicant satisfy the checklists for both stages. Mr. Naccarato  
14 also suggested peer review be begun by the Town at this stage so that it could take place  
16 concurrently with Planning Board review. The applicant welcomes independent review  
18 by the Town’s engineering firm.

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14 Questions from the Planning Board:

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16 Mr. Prellwitz: I’m not clear on the ramifications of combining two stages of review.

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18 Mr. Lamphere: The master plan stage is not precise engineering, its looked at as a conceptual  
20 plan. Master plan approval does vest the applicant in that configuration and density. Then  
22 the applicant has the confidence to go forward with detailed engineering work, for drainage  
24 and street creation, etc. Both stages have hearings. Master plan is a public informational  
26 meeting. Preliminary plan is a public hearing. It’s usually preferable with a large subdivision  
28 to do them separately, unless the project is very simple.

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22 Mr. Holberton: The Town Council has already locked the plan in before we got here. The  
24 application has already been submitted in final form before the Town Council, for drainage  
26 and density and so forth.

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26 Mr. Naccarato: Most projects need Master plan approval before they want conceptual  
28 approval before they go forth to do their detailed engineering work. This project has been  
30 designed, so we don’t need vested Master plan approval rights to be prepared for the  
32 Preliminary stage. The ordinances that have been passed assure that.

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30 Mr. DiOrio: I suggest the Planning Board not combine Master and Preliminary review stages.  
32 I’m not sure that this project as designed is going to fly. Until we hear from our experts, I’m  
34 not convinced by their design. The Planning Board has an obligation to do the right thing.

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32 Ms. Williams: I believe that’s why we’re at a Major Land Development because we wanted to  
34 have our engineers review the project.

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36 Questions from the public:

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38 Ms. Capalbo: We had a workshop with the state on solar a week ago, talking about the solar  
40 projects and suggestions for the ordinance. One of the things that they had said was that for  
42 large projects was that they should be looked at by Planning Boards.

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40 Eric Bibler: Several members of the public in attendance due to the high interest in this issue.  
42 The town is relatively inexperienced with large-scale projects, so he is in favor of the Planning  
44 Board taking it’s time with the review.

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44 Mr. Moreau: I agree with Ms. Capalbo and Mr. Bibler that the project should go one step at a  
time.

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2 Mr. Naccarato stated that the project has been designed for six months. The applicant will not  
4 be proposing any change to the plan unless the Town’s engineer takes issue with the design.  
6 The ordinance is the law, and the applicant has no need for Master plan vested rights when  
they already have vested rights through the ordinance.

6 MR. PRELLWITZ MOVED TO COMBINE MASTER AND PRELIMINARY STAGES  
8 MR. HOLBERTON SECONDED THE MOTION.

10 The Planning Board discussed how the combining of stages could limit their discretion to  
12 review the project.

12 MR. HOLBERTON AND MR. PRELLWITZ VOTED IN SUPPORT OF THE MOTION.  
14 MR. DIORIO AND MS. WILLIAMS VOTED AGAINST THE MOTION.  
16 MOTION FAILED.

16 In light of the failed motion, the project will continue forward with separate Master and  
18 Preliminary states. Board members concerns went beyond drainage, not entirely engineering-  
20 related. There are concerns for forest loss, impacts to prime farmland, habitat, and changes to  
22 preexisting hydrology, and landscaping/screening. Members wanted to make sure that the  
project was reviewed for the Town by an independent firm to consider those elements. It was  
24 agreed that the Town would engage both of the firms the Town has on-call to determine who  
is best capable of doing the review, and that the costs would be reimbursed by the applicant.

24 The Planning Board does not vote for a pre-application meeting.

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28 2-lot Major Subdivision – **Master Plan** – AP 9 Lot 22 – 56 Woodville Alton Road – Calsar, LLC,  
30 applicant

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32 Attorney Kelly Fracassa appeared for the applicant, Calsar, LLC. Chris Duhamel, of DiPrete  
Engineering, was also present to discuss the engineering designs. The application has  
34 appeared before the Board in a previous meeting, but has since been re-worked into a 2-lot  
Cluster subdivision, requiring no variance, with 30% of the area being devoted to open space  
36 as required. The open space in the rear of the property is greater than 50% of the parcel. The  
applicant is seeking waivers on the acreage requirement of cluster developments, the  
property is 9.5 acres and cluster requires 10 acres. They are also seeking a waiver from the  
38 Planning Board on the 100-foot perimeter buffer. The applicant is proposing a 25-foot no-cut  
zone and a 50-foot no-cut zone in other areas . The applicant is also mandated to create an  
40 HOA for the lots, which they will do. He concluded that the application should fit all of the  
requirements of Master Plan stage.

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2 Questions from the Planning Board:

4 Mr. Prellwitz: Is this three lots or two?

6 Mr. Fracassa: This plan would create two buildable lots and one open space lot belonging to both lots.

8 Mr. Holberton: Was Master Plan properly advertised?

8 Mr. Lamphere: It was advertised property the first night it came before the Board, when Master Plan was continued from a previous meeting.

10 Mr. DiOrio: The buffer waiver requests need to be modified. I believe the applicant can do the 100-foot buffer on the west side, with exceptions for the driveway and septic systems. It looks like they can do a 50-foot buffer on the south side, and 100-foot buffer on the east side near the river. They appear to be able to do 100-foot buffer on the north side, excluding the existing driveway. The river buffer area also needs to be represented, and the applicant would need to exclude those regulated areas from the open space.

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The Planning Board concurred with those revisions being implemented.

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Questions from the public:

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22 Mr. Moreau: Some members of the Town Council have put the Planning Board in a difficult position. Slowing down the process to protect residents is appreciated.

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26 MR. PRELLWITZ MOVED TO GRANT MASTER PLAN APPROVAL, HAVING FOUND THAT THE DEVELOPMENT IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN, THE PROPOSED DEVELOPMENT IS IN COMPLIANCE WITH THE STANDARDS AND PROVISIONS OF THE ZONING ORDINANCE, THAT THE DEVELOPMENT AS SHOWN ON THE PLANS WILL NOT RESULT IN SIGNIFICANT ENVIRONMENTAL IMPACTS, THAT THE SUBDIVISION WILL NOT RESULT IN THE CREATION OF INDIVIDUAL LOTS WITH PHYSICAL CONSTRAINTS THAT WOULD RESULT IN LOTS UNSUITABLE FOR DEVELOPMENT, THAT THE PROPOSED DEVELOPMENT HAS ADEQUATE AND PERMANENT ACCESS TO A PUBLIC STREET, THAT THE DEVELOPMENT PROVIDES FOR SAFE CIRCULATION OF PEDESTRIAN AND VEHICULAR TRAFFIC, THAT THE PROPOSED IMPROVEMENTS INCLUDE SURFACE WATER RUNOFF CONTROL, AND PRESERVE HISTORICAL, NATURAL, AND CULTURAL FEATURES THAT CONTRIBUTE TO THE ATTRACTIVENESS OF THE COMMUNITY, AND THAT THE PROPOSED DEVELOPMENTS WILL MINIMIZE FLOODING AND SOIL EROSION.

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MR. DIORIO SECONDED THE MOTION

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

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MOTION PASSED.

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MR. DIORIO MOVED TO ISSUE TWO WAIVERS:

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THE FIRST A REDUCTION FOR THE MINIMUM PARCEL SIZE FROM 10 ACRES TO 9.5 ACRES, BASED ON THE FACT THAT THE PROPERTY IS SUITABLE FOR SUCH A WAIVER DUE BY VIRTUE OF ITS UNIQUE HISTORICAL CHARACTER, TOPOGRAPHY, AND/OR LAND FEATURES.

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2 THE SECOND WAIVER WAS TO ALLOW A VARIABLE WIDTH NO-CUT BUFFER, TO BE SUBSTANTIALLY  
4 100 FEET ON THE WEST SIDE, 50 FEET ON THE SOUTH SIDE, 100 FEET ON THE NORTH SIDE, AND 100  
FEET ON THE EAST SIDE. THE SECOND WAIVER IS SUBJECT TO THE APPLICANT’S MORE PRECISE  
DESIGN OF THE TWO LOTS.

6 MR. HOLBERTON SECONDED THE MOTION.  
MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. PRELLWITZ APPROVED.  
8 MOTION PASSED.

10 **NEW BUSINESS:**

12 3-Lot Minor Subdivision - **Preliminary Plan** – AP 17 Lot 16 – Saw Mill Road –  
Robert H. Goodwin, applicant

14 Bill Dowdell, of Dowdell Engineering in Charlestown, RI, presented on behalf of the  
16 applicant. The proposed development is a subdivision of the northern portion of the  
Goodwin property. The address of the house is 15 Saw Mill Road. The site is wooded.  
18 The area proposed to be split into two lots is a high hill. The property at one time  
included the Whispering Pines campground. The subdivision was designed to stay  
20 away from the wetlands, outside of the 200’ riverbank to Moscow Brook. There is a  
sluiceway where historically a saw mill was located to the south. There are separate  
22 OWTS permits for each lot, each a four bedroom conventional system design. The  
challenge of the site is that the driveways are in areas of 15-20% grade. Lot #2’s driveway  
24 may need to be lengthened for that reason.

26 Questions from the Planning Board:

28 Mr. Prellwitz: I have no issues with this project. There is plenty of road frontage.

Mr. Holberton: Did you do test holes and suitability?

30 Mr. Dowdell: Yes, each lot has its own OWTS permit to avoid the subdivision suitability.

Mr. DiOrio: There are OWTS located on Lots 1 & 2. What is the status of septic on Lot 3?

32 Mr. Dowdell: I don’t know. I’m not sure if its been re-done.

Ms. Goodwin: The house was extensively rehabed in 1994, and there was a new septic system  
34 done at that time.

36 There was no comment from the public.

38 MR. HOLBERTON MOVED TO GRANT PRELIMINARY PLAN APPROVAL AND DELEGATE FINAL PLAN  
APPROVAL TO THE ADMINISTRATIVE OFFICER, HAVING FOUND THAT THE PROJECT IS CONSISTENT  
40 WITH THE HOPKINTON COMPREHENSIVE PLAN, THAT EACH LOT CONFORMS TO THE STANDARDS  
OF THE TOWN’S ZONING ORDINANCE, THAT THERE ARE NO SIGNIFICANT ENVIRONMENTAL  
42 IMPACTS OF THE DEVELOPMENT AS PROPOSED ON THE PLANS, THAT THE PROPOSED DEVELOPMENT  
DOES NOT RESULT IN THE CREATION OF INDIVIDUAL LOTS WITH PHYSICAL CONSTRAINTS TO  
44 DEVELOPMENT THAT BUILDING ON THOSE LOTS ACCORDING TO BUILDING STANDARDS SHALL BE  
IMPRACTICAL, THAT ALL PROPOSED LOTS HAVE PERMANENTS AND ADEQUATE ACCESS TO A

2 PUBLIC STREET, THAT THE DEVELOPMENT PROVIDES SAFE CIRCULATION FOR PEDESTRIAN AND  
4 VEHICULAR TRAFFIC, AND THAT DESIGN AND LOCATION OF THE IMPROVEMENTS SHALL MINIMIZE  
FLOODING AND SOIL EROSION.

MR. DIORIO SECONDED THE MOTION.

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

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10 2-lot Minor Subdivision – **Pre-Application** – AP 18 Lot 33 – 46 Skunk Hill Road –  
Gardiner Family Trust, applicant

12 Andrew Gardiner, Professional land surveyor for Cherenzia and Associates, represented the  
14 applicant. The applicant is seeking comment from the Planning Board on a subdivision of an  
irregularly shaped parcel. The intention is to create a second building lot for a family member.  
16 They looked into a conventional shape for the lot, but there was not enough space to meet  
minimum acreage requirements. That plan also would have required setback relief. The  
18 proposed new lot has a handle. It is a non-conventional lot shape, but it conforms with zoning  
area and frontage requirements.

20 Questions from the Board:

22 Mr. Holberton: Does the Planning Board have the power to grant an area variance?

Mr. DiOrio: No, that would go to the Zoning Board.

24 Mr. DiOrio: I appreciate that there is a pre-existing dwelling on the property that the Planning  
Board wouldn't have much to say about. However, once they come before us, do they need  
26 to go before the Zoning Board as well for a variance?

Mr. Gardiner: I would consider this to be a pre-existing nonconformance.

28 Mr. Lamphere: I had the Zoning Official review the plan, and she had no issue with it.

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The Planning Board does not vote for a pre-application meeting.

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34 Discuss, consider, and possibly vote for a letter of support for Wild and Scenic Designation of  
the Wood-Pawcatuck Watershed

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38 Sean Henry, Planning Clerk, presented this agenda item to the Planning Board. He chaired  
the Wood-Pawcatuck Wild and Scenic River Study Committee to determine if the Wood-  
Pawcatuck watershed qualified to become a Wild and Scenic River as defined by the National  
40 Park Service. The Study Committee has produced a final plan for which it is seeking a letter  
of support from the Hopkinton Planning Board before submitting to Congress for final  
42 approval.

2 MR. DIORIO MOVED TO HAVE THE PLANNING BOARD DIRECT THE PLANNING BOARD CLERK TO  
4 PREPARE A LETTER OF SUPPORT FOR THE WOOD-PAWCATUCK WILD AND SCENIC RIVER  
STEWARDSHIP PLAN.

MR. HOLBERTON SECONDED THE MOTION.

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

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Discussion of August 27<sup>th</sup> Town Council workshop with OER on model solar ordinances

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Ms. Williams asked that the discussion of the recent workshop be included on the agenda.  
12 The Planning Board discussed some of the material discussed at the workshop. They  
concluded that revisions to the Town’s ordinance were due and several new ideas could be  
14 appropriate to add. Mr. DiOrio said that this process of revision is common based on how  
ordinances are used by the project applicants. Ms. Williams said that the Planning Board  
16 could also consider revising the Comprehensive Plan after the ordinance is amended, should  
there be any revisions necessary in the Comp Plan. A public hearing on the revised solar  
18 ordinance was scheduled the night before by the Town Council for October 15<sup>th</sup>.

20 **SOLICITOR’S REPORT:**

None

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**PLANNER’S REPORT:**

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None

26 **CORRESPONDENCE AND UPDATES:**

None

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**PUBLIC COMMENT:**

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None

32 **DATE OF NEXT REGULAR MEETING:** October 3rd, 2018

34 **ADJOURNMENT:**

MR. DIORIO MOVED TO ADJOURN THE MEETING

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MR. HOLBERTON SECONDED THE MOTION

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

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MOTION PASSED.

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The meeting was adjourned at 9:25 P.M.

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