

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

6 **Wednesday, October 3, 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 October 3, 2018 meeting of the Hopkinton Planning Board was called to order at 7:00 P.M.  
12 by Vice Chair Amy Williams.

14 **MEMBERS PRESENT:**

15 Amy Williams, Tom Holberton, Ronald Prellwitz, and Keith Lindelow 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. PRELLWITZ MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 5, 2018  
22 PLANNING BOARD MEETING.

23 MR. HOLBERTON 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**  
31 **– AP 7 Lot 32, AP 10 Lot 87 & AP 11 Lot 35 – Main Street – Atlantic Control Systems Inc. (c/o James**  
32 **R. Grundy), applicant**

34 Robert Craven appeared representing the applicant. He described the Comprehensive Plan  
35 and Zoning Ordinance amendments as for a solar PSES project. Mr. Craven introduced his  
36 first witness, Mr. Alan Benevides.

38 Mr. Benevides, engineer of Woodard & Curran in Providence, RI, said that the applicant and  
39 his firm have done in excess of 30 solar projects together. The site is 0 Main Street. There are  
40 wetlands on site. The wetlands are located around the property boundaries, and no work is  
41 proposed in the wetlands or buffer areas. The site is approximately 30 acres. The solar panel  
42 area is proposed as 10 acres, the area enclosed by fence will be about 10.5 acres. The applicant  
43 in their design has maintained the 100' setbacks from the property lines and a 50' buffer area.  
44 The total power generated from the array will be 5.2 MW. The design maximizes power

2 output for the land area of panels, and minimizes land clearing. The panels are configured to  
4 face east and west, and opposed to traditional projects that face to the south. The site entrance  
6 is from Main Street. Grading and drainage plans are to be considered at a later stage, but they  
don't anticipate any complex issues. As far as screening, the boundaries are to remind intact,  
the only clearing near the boundaries that is proposed is for the access road.

8 The next witness was Frank Epps, the principle for Energy Development Partners. Mr. Epps  
described the project as unique for Rhode Island. It is designed to use the least amount of land  
10 as possible for the most amount of energy. Solar panels normally face to the south at a 25-30  
degree angle. The rows must be spaced apart to prevent shading from other panels. These  
12 east-to-west panels mimic an array with a tracking system, but are fixed in place. That  
configuration lessens the clearing of land by the shadows facing north. Instead of panels being  
14 separated by 9'-12', they are separated by only 3.3'. The angle of the panels is configured to  
reduce glare, they are flatter than traditional projects. The Albedo reflectivity quotient is about  
16 the same as grass. Also, because they are flatter, the panels are reduced in height. They will  
not be seen from Route 95 because they are lower and at a higher elevation than the road.

18 Mr. Epps described his company as having brought 12 solar systems to operation or  
20 construction phase. They do not own solar facilities long-term. They sell to large corporations  
such as AES, Constellation; firms that manage solar systems from 500 kw to 50 MW in size.  
22 They have a good understanding of issues and desire to be good neighbors. Mr. Epps does  
not believe that his firm has the resources to maintain the systems long-term, while such  
24 corporations do have those resources, including being able to provide financial securities and  
decommissioning. Mr. Epps estimated the tangible tax revenue from the system to be \$23,000-  
26 \$25,000 per year, in addition to the existing property taxes.

28 Questions from the Planning Board:

30 Mr. Holberton: Approximately how much of the property will be cleared?

Mr. Benevides: The fenced area is about 10.5 acres.

32 Mr. Holberton: What is the vegetation like now in that area?

Mr. Benevides: It's undeveloped, a mixture of vegetation. Forest and undergrowth on the  
34 property.

Mr. Lindelow: Where else has the east-west configuration been successful?

36 Mr. Epps: It's been successful in Europe, in Germany. Clearly the south-facing panels are  
more efficient, but the electricity is being sold at under market rate. We're looking at being  
38 able to sell energy below the ISO market rate. It is an efficient use of the land.

Mr. Lindelow: How many homes are in the area?

40 Mr. Epps: Four or five homes. We have not engaged with the neighbors yet.

Mr. Lindelow: Who controls the sale of the system, should it be sold?

42 Mr. Epps: The property owner, we lease the land from them.

Ms. Williams: What about this parcel precludes it from being developed into homes?

2 Mr. Epps: It could be developed into homes. There was a pre-application meeting about this  
4 property about two years ago. It's more of a financial decision that we think this property will  
be developed at some point, but we think this is the best option for the town.

Mr. Lindelow: Who enforces wetlands protection?

6 Mr. Benevides: RIDEM has a database of the wetlands in the state. A wetlands biologist would  
be dispatched to the site, apply their findings to RIDEM, and then it would be approved.

8 Mr. Epps: We do not deal with significant alterations to the wetlands in our projects.

10 The Planning Board discussed the process of re-zoning projects and agreed that they are  
averse to changing a zone for a particular applicant's request when it doesn't follow the  
12 Town's Comprehensive Plan. Members said that the project was compelling, but did not want  
to re-zone residential property to accommodate an industrial facility.

14

Questions from the public:

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Mr. Moreau: I looked at the zoning for my property prior to purchasing it. Solar projects bring  
18 no homes, no new people. I'm concerned that homes would not be built. The Town Council  
has put the Planning Board in a difficult position. An adjacent solar project could affect  
20 property values by as much as 40%. The responsibility of the Town Council is to protect their  
residents' investments.

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Mr. Bibler: I like the project design, but I don't like re-zoning the land. The Planning Board  
has seen 22 solar proposals so far, 4 re-zones have been approved by the Town Council, and  
24 there are 2 more pending. In less than two years, seven applications have been for re-zoning.  
It is starting to seem like the Comprehensive Plan is meaningless. This is spot zoning. People  
26 should have a reasonable expectation that the residential district will remain. Threatening  
residential development is no longer appropriate.

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Mr. Brophy: That was a conscientious presentation. I appreciate the Planning Board  
preserving the Comprehensive Plan.

30

MS. WILLIAMS MOVED TO ADVISE TO THE TOWN COUNCIL THAT THE PLANNING BOARD  
32 DOES NOT SUPPORT THE PROPOSED ZONING MAP AND FUTURE LAND USE MAP  
AMENDMENTS, BASED ON THE COMPREHENSIVE PLAN'S LAND USE GOAL #1 (LU-1), TO  
34 PROTECT THE QUALITY OF LIFE AND RURAL CHARACTER OF HOPKINTON; LAND USE GOAL  
#4 (LU-4), TO PRESERVE EXISTING WORKING FARMS, WILDLIFE, AND WILDLIFE HABITAT; AND  
36 HOUSING GOAL #1 (H-1), HOPKINTON WILL BE CHARACTERIZED BY SAFE, SECURE, AND  
ATTRACTIVE RESIDENTIAL NEIGHBORHOODS.

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MR. PRELLWITZ SECONDED THE MOTION.

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

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MOTION PASSED 4-0.

44 **CLOSE PUBLIC HEARING**

Ms. Williams closed the public hearing.

**2 OLD BUSINESS:**

**4** 3-lot Minor Subdivision – **Preliminary plan** - AP 4, Lot 121EE – Diamond Hill Road – Anthony Pelloni, applicant

**6**

Mr. Pelloni presented his project to the Planning Board and provided a brief history of the parcel. He purchased it about 30 years ago. Mr. Pelloni came before the Board in 2011 to create a one-lot residential compound with a private road, Pelloni Way, which was an existing right of way. His sons are ready to build homes, which is why he has appeared before the Board now. He noted that the wetlands have been flagged and been verified by RIDEM. No flags were moved in that process. He has also obtained wetlands permits and septic approvals. They have spent a great deal of time siting the homes, ensuring that no runoff will be added to wetlands and that it remains on the property. The property is zoned RFR-80, the surrounding properties are zoned R-1 and are a bit smaller.

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Questions from the Planning Board:

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Mr. Holberton: The weird shape of the property pre-dates Pelloni ownership. What will the compound do?

**20**

Mr. Pelloni: One new lot is a standard house lot. The other lot is a compound lot. Phase Two lots aren't proposed, but are required to be addressed by the ordinance.

**22**

Mr. Prellwitz: I went over the plans extensively and have no issues. I'm prepared to approve.

**24**

Ms. Williams: The Board did receive a letter from a neighbor with several concerns. She wanted to ask why the homes weren't placed in other areas on the property.

**26**

Mr. Pelloni: The property is a beautiful area. The wetlands were verified, and it all came together.

**28**

Ms. Williams: She also had concerns about the wetlands, but I can see that you've addressed that concern.

**30**

Questions from the public:

**32**

Ms. Reed, Diamond Hill Road: What plans do you have for Pelloni Way?

**34**

Mr. Pelloni: I have no plans for changed to Pelloni Way. Perhaps the Hopkinton Land Trust might be interested in it at some point.

**36**

Mr. Derrick, Diamond Hill Road: How does the project address the existing easement on the property?

**38**

Mr. Pelloni: That is a hiking trail. I gave it to HLT to continue a trail. HLT has indicated that they plan to bring the trail to Andrea Court.

**40**

Mr. Buford: The Land Trust would need permission to cross other properties. An Eagle Scout project is set to start work during the weekend. The easement would transfer to the new deed.

**42**

Mr. Brusseau, Diamond Hill Road: RFR-80 lots require 225' of frontage?

Mr. Pelloni: Residential compound lots are different, they don't require 225' of frontage.

**44**

Mr. Brusseau: I have a concern about standing water, and the possibility of water going onto other lots.

2 Mr. Pelloni: Any water on these two lots will stay on the lots. It wouldn't flow onto anyone  
else's property.

4 Ms. Brusseau: I don't understand the multiple kinds of regulations.

6 Mr. Holberton provided a short summary of the types of housing developments possible  
under Hopkinton regulations.

8 HAVING FOUND THAT THE SUBDIVISION IS CONSISTENT WITH THE REQUIREMENTS OF THE  
10 HOPKINTON COMPREHENSIVE PLAN; THAT EACH LOT AND SUBDIVISION SHALL CONFORM WITH  
THE STANDARDS AND PROVISIONS OF THE HOPKINTON ZONING ORDINANCE; THAT THERE WILL  
12 BE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS AS A RESULT OF THE SUBDIVISION AS  
SHOWN ON THE FINAL PLANS WITH ALL REQUIRED CONDITIONS OF APPROVAL; THAT THE  
14 SUBDIVISION AS PROPOSED WILL NOT RESULT IN THE CREATION OF INDIVIDUAL LOTS WITH SUCH  
PHYSICAL CONSTRAINTS TO DEVELOPMENT THAT BUILDING ON THOSE LOTS ACCORDING TO  
PERTINENT REGULATIONS AND BUILDING CODE STANDARDS WOULD BE IMPRACTICAL; THAT ALL  
16 PROPOSED LAND DEVELOPMENTS AND SUBDIVISION LOTS SHALL HAVE ADEQUATE AND  
PERMANENT LEGAL ACCESS TO A PUBLIC STREET; THAT EACH SUBDIVISION SHALL PROVIDE FOR  
18 SAFE CIRCULATION OF PEDESTRIAN AND VEHICULAR TRAFFIC, FOR SURFACE WATER RUNOFF  
CONTROL, FOR SUITABILITY BUILDING SITES, AND FOR THE PRESERVATION OF NATURAL, HISTORIC,  
20 OR CULTURAL FEATURES THAT CONTRIBUTE TO THE ATTRACTIVENESS OF THE COMMUNITY; THAT  
THE DESIGN AND LOCATION OF STREETS, BUILDING LOTS, UTILITIES, DRAINAGE IMPROVEMENTS,  
22 AND IMPROVEMENTS SHALL MINIMIZE FLOODING AND SOIL EROSION, MR. HOLBERTON MOVED  
TO APPROVE THE PRELIMINARY PLAN FOR THE MINOR SUBDIVISION AT AP 4, LOT 121EE, AND  
24 DESIGNATED THAT FINAL PLAN BE APPROVED BY THE ADMINISTRATIVE OFFICER.

26 MR. PRELLWITZ SECONDED THE MOTION.

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

28 MOTION PASSED.

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

34 Audie Osgood, professional engineer of DiPrete Engineering, appeared on behalf of the  
36 applicants. The lead engineer on the project was also in attendance. He said that the  
Planning Board has seen the presentation at a previous meeting in July, and that the  
applicant has reviewed their plans with the Town's Engineer relative to the Board's  
38 concerns. The first were the state permits for the project, which have been received from  
RIDEM and RIDOT. The approvals have been provided for the Board. Another concern  
40 was the screening of the solar project from Cardinal Lane. Additional landscaping has  
been proposed to supplement the screening. Select trees will be trimmed for shade  
42 purposes, but existing vegetation will be in-filled with lower vegetation in the buffer  
area along the property line. The Town's engineer also provided some comments for the  
44 engineering review for the drainage. The applicant has received a letter from the  
engineer acknowledging that all of the engineer's concerns have been addressed.

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4 Questions from the Planning Board:

6 Ms. Williams: What size are the trees in the pictures you provided?

Mr. Osgood: I believe they are 7'-10'.

8 Ms. Williams: Would you be able to see the panels from the road at the time of the planting?

Mr. Khatchadourian: The trees are 8'-10' at the time of planting. Based on the sight line, that should sufficiently screen the site from the road.

10

Ms. Williams: Who do we call if the trees don't survive? If the screening isn't effective?

12

Mr. Khatchadourian: The Town should call us. The species of trees are deer-resistant.

Ms. Williams: Could you explain what the Town's engineers' concerns were and how they were addressed?

14

Mr. Osgood: The grading has been revised for stormwater retention purposes to better control water. Some berms have been added around the lowest corner of the property. Analysis was done to the upland watershed area to ensure the culvert size was sufficient. They made sure that we made appropriate assumptions in our models with regards to perviousness and imperviousness.

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Mr. Holberton: What if the improvements are damaged by a storm after it's placed, if they don't work properly?

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Mr. Osgood: I would like to think that whoever caused the drainage issue would be held accountable. I would think that the Town would go back to the developer if the drainage failed.

24

Mr. Holberton: We want to prevent problems from occurring. We want to ensure that the Town is protected in the event of a failure.

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Mr. Prellwitz: I agree with Tom. The site is already zoned for manufacturing, I think its good to go.

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Mr. Osgood: The project is consistent with the zoning ordinance and the Comprehensive Plan. Access to the site is not an issue, so I believe that we have addressed all of the findings that need to be made.

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34 Questions from the public:

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Ms. Capalbo: Related to the swale and drainage if they don't work, who maintains the road?

Mr. McAllister: The Town has police powers and primary responsibility to protect residents. The Town can require the applicant to address any safety issues. The state would require approval for any work in their road, and would require reimbursement.

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Mr. Holberton: The property is being leased?

Mr. Khatchadourian: Yes. We also put up a bond with RIDOT.

42

Mr. Prellwitz said that he found the decommissioning cost estimate to be extremely low. Labor rates dictate that there is a large amount of work to be done in order to remove all of the materials and components from the site. Removal of a post from the ground will take two

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2 men some time to do safety, and that is multiplied by several hundred. These costs are  
4 expensive in today’s dollars, let alone twenty years from now. He said that the engineers have  
6 been upfront in their estimates, but he was concerned that they were too low. Mr. Osgood  
8 agreed that decommissioning is the biggest uncertainty of the project. Mr. Moreau shared that  
he found a study from the State of New York regarding solar decommissioning costs. That  
study indicated that removal of a 2 MW system in twenty years would cost \$98,000. Part of  
the costs included storage costs for panels because nobody could find a buyer to take them.

10  
12 HAVING FOUND THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE HOPKINTON  
14 COMPREHENSIVE PLAN AND/OR HAS SATISFACTORILY ADDRESSED ANY ISSUES WHERE THERE MAY  
16 BE INCONSISTENCIES; THAT GRANTING APPROVAL WILL NOT RESULT IN CONDITIONS INIMICAL TO  
18 THE PUBLIC HEALTH, SAFETY, AND WELFARE; THAT GRANTING OF SUCH APPROVAL WILL NOT  
20 SUBSTANTIALLY OR PERMANENTLY INJURE THE APPROPRIATE USE OF THE PROPERTY AND THE  
SURROUNDING AREA OR ZONING DISTRICT; THAT THERE WILL BE NO SIGNIFICANT  
ENVIRONMENTAL IMPACTS FROM THE PROPOSED DEVELOPMENT AS SHOWN ON THE FINAL PLAN  
WITH ALL REQUIRED CONDITIONS OF APPROVAL; THAT THE PROPOSED DEVELOPMENT HAS  
ADEQUATE AND PERMANENT LEGAL ACCESS TO A PUBLIC STREET, AND THAT THE PLANNING  
BOARD HAS SET THE DECOMMISSIONING SECURITY TO \$6,598 TO BE. MR. HOLBERTON MOVED TO  
GRANT DEVELOPMENT PLAN REVIEW APPROVAL.

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

26 MS. WILLIAMS MOVED TO ACCEPT THE DECOMMISSIONING SECURITY IN THE FORM OF CASH  
ESCROW.  
28 MR. PRELLWITZ SECONDED THE MOTION.  
30 MS. WILLIAMS, MR. HOLBERTON, AND MR. PRELLWITZ APPROVED.  
MOTION PASSED.

32 **NEW BUSINESS:**  
None

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36 **SOLICITOR’S REPORT:**  
38 Mr. McAllister advised the Planning Board that votes for land development or subdivision  
40 approvals must have a number of votes in the affirmative of at least a majority vote of the  
42 total number of Board members. Meaning that for a board of five members, at least three votes  
would be required to approve. He also said that his firm does a good amount of work with  
projecting the present day value of future loss and future expenses, and that it requires the  
service of an economist and an actuary. Projecting future costs is enormously complicated,  
and will not be an exact science.

44 **PLANNER’S REPORT:**  
None

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**CORRESPONDENCE AND UPDATES:**

**4**

None

**6**

**PUBLIC COMMENT:**

None

**8**

**DATE OF NEXT REGULAR MEETING:** November 7, 2018

**10**

**ADJOURNMENT:**

**12**

MR. HOLBERTON MOVED TO ADJOURN THE MEETING

MR. PRELLWITZ SECONDED THE MOTION

**14**

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

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The meeting was adjourned at 9:10 P.M.