

State of Rhode Island

County of Washington

In Hopkinton on the seventh day of January 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:45 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Frank Landolfi, Scott Bill Hirst, Barbara Capalbo, Sylvia Thompson; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin. Absent: Sharon Davis.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO CONVENE OPEN SESSION AND ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5(A) (1) BOARD/COMMISSION INTERVIEWS – HISTORIC DISTRICT COMMISSION.

POLL VOTE:

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson

OPPOSED: None

SO VOTED

The person being discussed had been notified in advance in writing and advised that they have the right to have the discussion held in open session.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO RECONVENE IN OPEN SESSION.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Councilor Davis arrived after the meeting convened and participated in the Executive Session. Council President Landolfi reported no votes were taken in Executive Session.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

The meeting was called to order with a moment of silent meditation and a salute to the Flag.

Public Works Director Tim Tefft was present to introduced new DPW Custodian Eric Lamson. Mr. Tefft stated that Mr. Lamson has been a resident of the Town for approximately ten years; seemed to be a real hard worker; and, they were happy to have him.

HEARINGS

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO SIT AS A LICENSING BOARD.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

CAMPGROUND LICENSE RENEWALS

Open a hearing on the renewal of the following campground licenses:

Frontier Camper Park, LLC– Scott W. Thompson, 180A Maxson Hill Road, Ashaway, RI licensed for 225 Campsites & Safari Sites. Mrs. Thompson was present. It was noted that the Building/Zoning Official had identified a debris pile that would have to be removed. This violation would have to be cleared before the license can be issued.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE FRONTIER CAMPER PARK CAMPGROUND LICENSE RENEWAL SUBJECT TO AND ALL STATE AND TOWN REGULATIONS BEING MET, TOWN TAXES BEING

CURRENT PRIOR TO ISSUE, THE DEBRIS BEING CLEANED UP BY APRIL 1, 2019 AND THE ANNUAL INVENTORY BEING FILED WITH THE TAX ASSESSOR’S OFFICE WHICH IS DUE BY DECEMBER 31ST.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Greenwood Hill Campground Association, Inc. – Jeffrey P. Aldrich, 13 Newberry Lane, Hope Valley, RI licensed for 80 Campsites & Safari Sites. A representative was present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE GREENWOOD HILL CAMPGROUND LICENSE RENEWAL SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET, TOWN TAXES BEING CURRENT PRIOR TO ISSUE AS WELL AS THE ANNUAL INVENTORY BEING FILED WITH THE TAX ASSESSOR’S OFFICE WHICH IS DUE BY DECEMBER 31ST.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Holly Tree Campground, Inc. – Marie Patrizzo, 109 Ashaway Road, Ashaway, RI licensed for 158 Campsites & Safari Sites. Mrs. Patrizzo was present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE HOLLY TREE CAMPGROUND LICENSE RENEWAL SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET, TOWN TAXES BEING CURRENT PRIOR TO ISSUE AND THE ANNUAL INVENTORY BEING FILED WITH THE TAX ASSESSOR’S OFFICE WHICH IS DUE BY DECEMBER 31ST.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Whispering Pines Campground – Cameron May/WP Management Group, LLC,
41 Saw Mill Road, Hope Valley, RI licensed for 213 Campsites & Safari Sites.

A representative was present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY
COUNCILOR THOMPSON TO APPROVE THE WHISPERING PINES
CAMPGROUND LICENSE SUBJECT TO ALL STATE AND TOWN
REGULATIONS BEING MET, TOWN TAXES BEING CURRENT PRIOR TO
ISSUE AND THE ANNUAL INVENTORY BEING FILED WITH THE TAX
ASSESSOR’S OFFICE WHICH IS DUE BY DECEMBER 31ST.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Ashaway RV Resort – Alan Haney, Resort Manager/Zeman Homes, 225

Ashaway Road licensed for 260 Campsites. There are no Safari Sites.

Alan Haney, Resort Manager was present.

Regarding Ashaway RV Resort, Alan Haney, Resort Manager for owner Zeman Homes was present. Council President Landolfi read a letter that had been submitted to the Town Council concerning the past failure of the critter crossings to be properly maintained and the ensuing water problems on Hindle Drive. Mr. Haney responded that Zeman Homes had acquired Ashaway RV Resort on November 9, 2018 and on the day of the closing he became aware of the existing problem relating to the beaver activity damming up the existing culverts of the environmentally protected pond. He stated that the pond itself was not owned by Ashaway RV Resort and there is an existing home which shares the roadway to access their property. Mr. Haney explained that the road contained three primary culverts to ensure proper water flow and two overflow culverts. He explained that shortly after they purchased the property the water was so high that it covered the roadway. They thereafter contacted several contractors who were unable to do anything at the time; however, on December 7, 2018 a contractor was able to come in and clear up the situation. Mr. Haney stated that he personally, as well as

Zeman Homes, were committed to finding a solution to this issue and they are working with DEM to install beaver cones or a welded apparatus to prevent this situation. Councilor Thompson suggested the Council not approve this license renewal tonight and to refer this matter to the Solicitor to look at the requirements of the Planning Board's previous decisions regarding the master plan. When the Solicitor was satisfied that Zeman Homes has met these concerns then they can issue the license. Councilor Capalbo thought it was a good idea, for the Solicitor would work with the Planning Board to resolve the problem and the Council could thereafter approve the license when the problems are resolved. Mr. Haney advised that as soon as they are able they will install the welded apparatuses to prevent future clogging activity.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO DENY THE RENEWAL OF THE LICENSE OF ASHAWAY RV RESORT AT THIS TIME AND TO REFER THIS MATTER TO THE SOLICITOR AND THE PLANNING BOARD.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Councilor Davis asked what the impact of denying the license would be on the campground and it was stated that the campground was currently closed and had to be closed for two months of the year. Andrea Panciera stated that they own property on the east side of Vuono Place and she just recently realized that the campground had been sold to Zeman Homes. She advised that Zeman Homes is a very large campground, RV and mobile home developer with several communities around the country. Ms. Panciera explained to Mr. Haney that there was a long history regarding the campground and her family's opposition to it and over the course of time there have been many stipulations made by the Planning Board and the Zoning Board to allow for the development and final approval of the campground. One stipulation was for the monitoring of the wetlands and the possible negative impact thereof; monitoring of the wells; and, monitoring the water runoff from the campground into the wetlands. She wished all of these

issues to be reviewed prior to this license being approved. She indicated that she has been watching the water rise and she does not believe this is just a beaver problem but also a runoff problem. She asked that the design of the campground be reviewed to ascertain what can be done to prevent this runoff. She went on to state that her family operates a farm nearby and they have concerns over draw-down of their wells in the summer. Councilor Hirst suggested that this matter be referred to the Building/Zoning Office as well. Randy Harrison spoke concerning his property located on Hindle Drive and stated that there is definitely a flooding problem. He was very happy with the action that Zeman Homes had taken to reduce the flooding and stated that they had taken steps to trap the beavers and clean out the culverts. As of now he was very happy with the results and hopes that it is maintained in the future. Ken Panciera of 9 Panciera Lane advised the Council about a problem with dense smoke emanating from the campground from spring to fall from approximately 4:00 p.m. to 11:00 p.m. every day. He also was concerned with the many freshwater streams in the area and has noticed a big difference in that there is an abundance of excess water flowing through the woods compared to years ago. He wished the Council to determine whether the retention ponds were operating as designed and whether the surface water was being contained. Mr. Panciera went on to state that for the past three years the wells on his farm have run low on water in August and September requiring a time to regenerate, which has never happened before. He wished to know if their wells are being impacted by the RV park water system and if they have a water storage tank according to the design. Councilor Thompson stated that they are referring this matter to the Solicitor and he would look at what is required and what is occurring.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO ADJOURN AS LICENSING BOARD AND RECONVENE AS COUNCIL.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

All filing fees were paid, notices had been posted and notice to abutters sent.

PSES ORDINANCE AMENDMENT

The Town Council continued the hearing on proposed amendments to Chapter 246 Non-Residential Photovoltaic Solar Energy Systems (PSES) Code of Ordinances, Chapter 134 – Appendix A entitled “Zoning” introduced and sponsored by Councilors Landolfi, Buck, Capalbo, Husband & Thompson. The proposed amendments would add, revise and/or strike language.

Council President Landolfi thanked Town Planner Lamphere for being very quick in incorporating the changes they had previously requested regarding the ordinance. Town Planner Lamphere wished to stress that in 2014 the Council made a strong statement where PSESs were allowed in commercial and manufacturing zones. In July of 2016 the Council opened that up to farms by zoning rights and on that same night the Council passed the original ordinance, Chapter 246 which is being amended tonight. The original intent of this ordinance was to regulate those types of systems that the Council allowed by right. He felt that the Council has handled these matters brilliantly. In reviewing the December 17, 2018 Public Hearing Additions, Councilor Capalbo asked on Page 3, No. 3, the second sentence say, “In addition, where acceptable to the applicant and public utility, the Planning Board may approve of a vegetative buffer to be used to prevent unauthorized access and to further obstruct the view of solar panels and equipment.” She wished this change because the fence may not necessarily be enough to buffer the project behind and in front. Councilor Thompson wished to also delete the words “acceptable to the applicant and the public utility”. It was agreed that this sentence should read: “In addition, the Planning Board may approve of a vegetative buffer to be used to prevent unauthorized access and to further obstruct the view of the solar panels and equipment.” Regarding Page 3, No. 9, Council President Landolfi asked if it was appropriate to change the abutter notice to 500 feet and indicated that he had asked the Town Solicitor to look into this and it was determined that State statute, R.I.G.L. 45-24-53(c)(2) sets forth the 200 foot notice requirement for notice of hearings. Councilor Capalbo asked if it could remain 500 feet for construction

notice to abutters. Town Solicitor McAllister stated that the Council could do that but he felt this was potentially a very expensive process especially if it was a heavily populated area and they should state who is going to be responsible to pay for that. Councilor Capalbo also wished to add, “Any and all concerns by those receiving the formal notice shall be resolved in a Planning Board public hearing format...” Councilor Thompson questioned the statement regarding residents within 500 feet shall be given in the form of formal written notification of the possible disruptions, disturbances as well as potential hazards that could occur to their home, property and animals (if applicable) as a result of said construction to install industrial sized solar arrays, saying that they could not list every possible thing that may be disruptive. They should end that sentence after “...500 feet shall be given” and let people come to a Planning Board public hearing if they have concerns. Councilor Capalbo also felt they should end the last sentence after “are addressed” because someone may not be satisfied. It was also noted that in the second sentence where it states “utility scale industrial power plant project”, this should be changed to “PSES”. Council President Landolfi wished to insert that the cost for sending out the five hundred foot notice shall be borne by the applicant and Town Clerk Cook-Martin stated that it should be the responsibility of the developer to prepare and send out these notices. It was decided that the last sentence shall read: “Any and all concerns by those receiving the formal notice shall be addressed by the Planning Board to ensure all concerns regarding safety, health and well-being of residents as stated in the Comprehensive Plan are addressed.” Page 4, No. 12 required a period at the end of the sentence.

Councilor Thompson had a hand-out regarding her requested change to Page 4, No. 13. She stated that the first sentence of that paragraph was fine and the second sentence needed a period after parcels. Councilor Thompson explained that she did not want to discourage farming and farmers who had fifteen acres of land and could use two acres for solar pursuant to the Farm Viability Ordinance, and farmers with fifty acres or more were allowed three acres for solar. Her thought was to allow anyone in an RFR-80 zone who has over fifty acres of land to put up three acres of solar by right, and as part of this they could add, “Any request for a zone change for RFR-80 land to allow a solar farm on less than fifty

acres will be denied. Any request for a zoning change for RFR-80 land in excess of fifty acres will be denied; instead the applicant will be required to adhere to this ordinance in its entirety.” Councilor Capalbo was hesitant about this and Councilor Thompson indicated that the Planning Board would still have flexibility. Council President Landolfi wished to point out that this ordinance was created for the by-right properties which are commercial and manufacturing and none of those projects are the issue. The Planning Board and the Town have approved twelve projects to date, with the Council approving four zone changes, two being in gravel banks and two projects that were in RFR-80 requiring zone changes. He believes any changes they make to the ordinance are going to affect the by-right properties and not RFR-80 properties. He indicated that he personally would like to see the percentage changed to 15% because that was what was required by zoning; however, he believes he was the only one who felt it should be that high. He felt they should try to come up with something that did not affect the by-right properties which are commercial and manufacturing. Councilor Davis suggested that the ordinance state that commercial and manufacturing properties could have more than the three acres. Councilor Thompson stated that the District Use Table states that commercial and manufacturing properties are allowed to do this and possibly the Solicitor could come up with some different wording. She felt that they should come up with some language which states that someone in an RFR-80 zone who had fifty or more acres could use three acres of their land for solar. Councilor Capalbo wished for RFR-80 to not have anything by-right other than farms. She explained that there are large gravel banks in the RFR-80 zone and she did not wish to prevent them from covering the gravel bank with solar. She would not want to have something that draconian. She felt they should make this a special use and have it go through the Planning Board and give them the ability to make these decisions and she did not agree with Councilor Thompson’s suggestion. Town Solicitor McAllister stated that he agreed with Councilor Capalbo and noted that the nature of zone changes is a legislative process and is non-delegable to the Planning Board. Only the Council can change a zone for a particular parcel of land. The legal standard for Council to change a zone is whether such a change

would be consistent with the comprehensive plan and that is the criteria that has to be applied. He felt the statement that read, “Any request for a zone change for RFR-80 land to allow solar farm on any land consisting of less than fifty acres will be denied,” would be unconstitutional. The very fact that a landowner has the right to apply for a zone change implies that they have a right to be considered. Town Planner Lamphere agreed with the Solicitor’s opinion; however, suggested that a better way to achieve Councilor Thompson’s goal might be to take the original ordinance that was adopted by the Council that allowed solar in commercial and manufacturing zones and put a “P”, permitted in the RFR-80 column and then add another condition that stated that the minimum lot size for an RFR-80 parcel would be fifty acres in order to have three acres of solar. Councilor Davis questioned if any of these proposed changes agreed with the comprehensive plan. She felt that if the comprehensive plan said no solar in a residential zone then they should just say no. Councilor Thompson stated that currently the comprehensive plan allowed solar in RFR-80 zones. Councilor Davis thereafter suggested that the land use map is not arbitrary and says that you can have it in the red and purple areas and that is it. Councilor Thompson stated that if they were going to take this language out entirely they would need three Councilors to agree. Councilor Hirst stated that he was against big solar in the Town, but agreed with assisting large landowners in paying their taxes and maintaining their land by allowing them to use a small portion for solar. He is very concerned about the assault on the Town by all of the big solar being proposed. Council President Landolfi asked if there was a consensus regarding establishing an RFR-80 amount of acreage by right. Councilor Davis answered no. Councilor Thompson stated that she felt they should allow a small amount by right, whether it is three acres on fifty acres or more like the farmers, or possibly two acres on fifty acres or more. Council President Landolfi believed they should come up with a percentage and not allow RFR-80 by right. Councilor Capalbo also did not want to allow RFR-80 by right. Council President Landolfi questioned Town Planner Lamphere about mentioning “P” for permitted, but asked about special uses and if there were any avenue for that. Town Planner Lamphere indicated that if they put an “S” in there for special use, this would

direct the applicant to go before the Zoning Board to obtain a special use permit and then be referred to the Planning Board. Councilor Hirst brought up the fact that a large landowner could put solar on their property and thereafter subdivide it and asked how that would impact the percentage? Town Planner Lamphere advised that the approval and rights would go the heirs or purchasers and added that if the Council would rather go with a percentage, such as the 15% coverage allowed by a residential property owner; surrounding property owners wouldn't have any more coverage on an adjacent parcel than what they would expect to see if the property was zoned for residential purposes. Councilor Thompson believed this would discourage farming and stated that she is not in favor of 15%. She would like someone who looks at this ordinance to know that they do not wish any more large solar farms. Town Planner Lamphere reiterated that if they did want to open this up to RFR-80 zones, he could put a "P" for permitted and then put a minimum lot size and then a percentage or fixed number in there for how much acreage would be allowed. Councilor Davis was in favor to say this is not allowed at all in an RFR-80 zone pursuant to the land use map. Solicitor McAllister thought part of the problem was that the existing use table and zoning does not allow solar in an RFR-80 unless an amendment is sought and a change would need to be made in the comprehensive plan. If you put some language in the ordinance that if an application was made to allow for a solar array in an RFR-80 and if the Town Council enacts an ordinance that such change was consistent with the comprehensive plan, they could stipulate that parcel could never be more than "x" percent coverage or "x" acre coverage. They should also keep in mind the Turrisi gravel bank experience where everyone in Town agreed that this was a good idea and that allowed more coverage than 15% and they should not prohibit that. They should remember that one size does not fit all in these situations and there has to be some type of flexibility. Councilor Capalbo reread the sentence that stated, "If the parcel is zoned RFR-80, and the applicant is seeking to re-zone the parcel..." and she suggested removing the words "and the applicant is seeking to re-zone the parcel", so that sentence would read if the parcel is zoned RFR-80, no more than "x" of the parcel shall be covered. Solicitor McAllister stated that if the property was zoned RFR-80 they could not do this without a zone change.

Town Planner Lamphere asked if the Council wanted to see a greater number of small projects in the Town or a small number of big projects in the Town.

Councilor Hirst stated that his concern was that the longer they wait the more applications will come in and he would like to control the flow of solar coming into the Town. Council President Landolfi felt that they should come up with a percentage and he stated that he would like 15% or maybe a little less. Councilor Capalbo stated that she would be okay with 10% or 15%. Councilor Thompson asked who would approve 5% and a number of people in the audience raised their hands as well as Councilors Davis and Hirst. Town Solicitor McAllister voiced again his concern with gravel banks and Councilor Thompson responded by stating that the last sentence allowed the Planning Board the right to adjust the allowable PSES coverage based upon the unique characteristics of the parcel.

Council President Landolfi stated that in an effort to move this matter forward they would use 5% since there were three Councilors who supported that, and ask the Solicitor to work on some language. He asked Councilor Davis to advise the Council if she did not agree with the 5%, which she had previously supported.

Councilor Davis believed that it was not okay, however, 5% was better than 10% and she believed it should state three acres. Councilor Hirst wished it to be three acres and Councilor Thompson agreed. There was a consensus with leaving the amount allowed for solar at three acres. Regarding Page 5, No. 1, Councilor Capalbo asked that in line 9 they take out the words “or power hammering”. In the second paragraph of No. 1 they discussed the 40%, but decided this would stay as is. On Page 7, (c) Councilor Capalbo wished to change the last sentence to read, “...may serve to further screen...” She would also like to add in a last sentence to read, “The owner and its successor will maintain the screen and understory cover.” Regarding Page 9, Councilor Davis wished to change the words in the last paragraph under 5. Finance and Security, from “access drives” to “roads”. Councilor Capalbo wished to add into the last sentence of Page 11, “The applicant and any successors shall reimburse...” The discussion was thereafter opened for public comment. David Husband spoke regarding Page 4, No. 13 and suggested that if the Council stated that this were a percentage or a certain number of acres of property, they should put in that the owner of that property cannot

reduce the size of that property during the existence of that solar array. Solicitor McAllister indicated that they cannot prevent someone from applying to subdivide their property for it would be unconstitutional. That property owner would have to go through the planning process and that would be part of the consideration of the Planning Board as to whether that would be against the spirit of this ordinance. Mr. Husband asked if the number of acres or percentage was directly contingent on the size of the piece of property and Solicitor McAllister indicated yes at the time they apply. Taylor Cann had a comment about the notification, Page 3, No. 9, the Council had indicated to end the sentence after 500 feet, but she wished to keep in the words “shall be given in the form of formal written notification.” This was agreed to be kept in. Justin Bentley of Maxson Hill Road indicated that he still was against solar in an RFR-80 zone; however, regarding the three acre versus 5% or 3%, he felt that 5% could still be a substantial number. He indicated that he was leaning more toward someone having three acres on a minimum of fifty acres. John Pennypacker asked what the consensus was for allowing solar in an RFR-80 zone by right as Councilor Thompson stated three acres. He asked if this was for people who chose to go through the rezoning process and the Council stated yes. An audience member wished to reiterate what Justin Bentley had stated in terms of a fifty acre minimum. David Husband suggested that on Page 4, No. 14 they add in the word “not” in the fourth line between does and yield so it will read, “...the installation, as designed, does not yield a noise level...”. Mrs. Lapierre of Maxson Hill Road questioned Page 4, No. 12, questioning if there would be any monitoring of this and would there be any consequences if this was violated. Council President Landolfi asked if the Council would like to close the hearing or continue it. Councilor Capalbo stated that she would like to continue it one more time to address Page 4, No. 13. She does not believe they should allow by right, other than farmers, solar arrays on RFR-80 parcels, for people with ten or fifteen acres can put solar on their house or barn if they wish. She does not want this to become a Town with of all kinds of little solar projects everywhere. Councilor Thompson stated that they were not allowing people with ten or fifteen acres to have solar arrays, but someone who owned fifty acres or more and where the

applicant was seeking to rezone their parcel. Solicitor McAllister indicated that it was his opinion that this would only apply if an RFR-80 parcel is rezoned; this would not make any property by-right whatsoever.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO CLOSE THE HEARING AND SET A DATE FOR A DECISION. Discussion on the motion:

Councilor Capalbo indicated that she would like to see the changes in writing before they make a decision. She would like to read the entire ordinance and not pieces. Councilor Hirst stated that time is of the essence and they need to do something; there were five new applications filed today. Councilor Davis inserted that in order to vote on the changes, Town Planner Lamphere would have to make the changes and present them with the revised ordinance. Councilor Thompson stated that was correct and they could close the hearing and at the time of the decision discuss the revisions and if they didn't like something they could make that change prior to rendering their decision; however, this would be amongst the Council only, the public would have no comment. Council President Landolfi indicated that he would like to continue the hearing because he just had received Councilor Thompson's proposed change and he would like to review this further. He agreed he would like to see this in print and digest Councilor Thompson verbiage. Town Planner Lamphere questioned the use of the three acre amount for solar and would this be on a fifty acre minimum and Councilor Thompson stated yes. Councilor Capalbo stated that they can still say no to the five new applications that had been filed and that was not a reason to be in such a hurry.

Vote on the motion:

IN FAVOR: Hirst, Thompson

OPPOSED: Landolfi, Capalbo, Davis

MOTION FAILED

There was discussion with Town Clerk Elizabeth J. Cook-Martin relative to scheduling. She indicated that she is being overwhelmed with the applications that are coming in. Town Planner Lamphere stated that he could make these

changes right away and this matter was continued to January 14, 2019 at 6:30 p.m. The meeting will be held at the Chariho Middle School auditorium.

CONSENT AGENDA

The December 17, 2018 Town Council Meeting Minutes and a Transcript were removed from the Consent Agenda. Councilor Capalbo indicated regarding the Minutes of the December 17, 2018 Town Council meeting, page 12, on the twelfth line up from the bottom where it states five acres, it should be fifteen and not five. Councilor Capalbo asked on page 2, for page numbers to be added in when someone is requesting a change to the draft minutes. Councilor Hirst indicated that on page 5 in the last line he wished it to read "...City and Town Council..." Councilor Capalbo stated that in the transcript her name "Capalbo" was incorrectly spelled as "Capaldo".

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Accept the December 3, 2018 transcript as the record of the hearing filed by Southern Sky Renewable Energy RI, LLC, LR6-A Owner LLC & Realty Financial Partners VI LP; Set February 19, 2019 as the second Town Council Meeting in February due to the President's Day Holiday; Approve abatements resulting from adjustments on motor vehicles, tangibles & real property submitted by the Tax Assessor; Approve refunds resulting from overpayments of 2018 Real Property Taxes submitted by the Tax Collector.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE DECEMBER 17, 2018 MINUTES AND THE OCTOBER 29, 2018 TRANSCRIPT WITH CORRECTIONS.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

PUBLIC FORUM

Ray Cox of Main Street indicated that he had two issues, the first being the shoulders of the roads in Hopkinton, as well as in the whole state. He was hoping that our Senators would support a bill allowing for at least three feet on either side of the road for travel, bicycle and pedestrian access. He stated that he sees too many bicycles in the middle of the road and there is no room for people to walk and he would like to see shoulders put in. His second issue was that he felt there are too many signs posted on the roadways which are very distracting and he feels are a form of litter. These signs are a waste of money. Council President Landolfi suggested that Mr. Cox contact our Senators and Representatives with his concerns.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported he had attended the January 1, 2019 State Offices Inauguration Ceremony which was very nice event.

TOWN MANAGER REPORT

Town Manager William McGarry reported that in December he conducted numerous employment interviews for the vacant positions of Animal Control Office and Building and Zoning Official. He was pleased to announce that he had hired David Rooney of Cranston, who is a certified Building Official, as the new Building and Zoning Official who will start on Monday, January 14, 2019. On January 3, 2019 he conducted the Town's annual and multi-year goals staff meeting with department heads in the Police Department's conference room and they were successful in developing the FY 2020 annual goals and fiscal year of 2021 to 2023 multi-year goals for Council review and possible adoption during the second meeting in January.

Councilor Capalbo asked if the Building Official would be full time or part time and Town Manager McGarry indicated full time. Councilor Thompson acknowledged receipt of a memo from the Town Manager that twenty items of the last year's goals had been met.

NEW BUSINESS:

ZONING ORDINANCE AND COMPREHENSIVE PLAN FLUM AMENDMENT

This matter had been scheduled to discuss and consider setting a hearing date for a Zoning Ordinance Amendment filed by Joyce K. Luzzi, Trustee/Joyce K. Luzzi Living Trust, 145 Sakonnet Boulevard, Narragansett, RI 02882 for property located at 165A Tomaquag Road identified as Plat 5 Lot 6, a Manufacturing Zone, to rezone from Manufacturing to R-1.

Attorney Kelly Fracassa was present.

Town Clerk Cook-Martin reported that since the initial filing that came in on December 19th, on Friday, January 4th there was a an additional request to amend the Comprehensive Plan FLUM to supplement the initial filing. Attorney Fracassa indicated that was true and at a Planning Board hearing they mentioned that he also needed to file the comprehensive plan change as well. He explained they are proposing taking this manufacturing zoned property and converting it back to R-1 and as a result of that he is asking for some waivers on some checklist items. He did not believe they would need a soil erosion plan or stormwater control plan. Councilor Thompson indicated that this was just to set this matter down for a hearing date and the agenda did not allow them to hear what it was all about. Attorney Fracassa indicated that his application was not complete and usually there is a pre-application hearing before the Zoning Board so he was treating it like that. Solicitor McAllister indicated that he felt it was okay to hear what Attorney Fracassa had to say as long as the Council did not make a decision. Attorney Fracassa indicated that he was looking for waivers regarding the need to introduce a stormwater control plan, biologist letter, traffic study and also evidence that the water supply is sufficient to support the proposed activity. Councilor Thompson stated that she did not like R-1; they had his four items but that did not mean that they agree to waive them.

The Council set this matter down for hearing on February 4, 2019 at 7:00 PM at the Town Hall.

THREE RECIPROCAL, NON-EMERGENCY AID AGREEMENTS

This matter had been scheduled to discuss, consider and vote to adopt three Resolutions and authorize the Hopkinton Police Chief to enter into three reciprocal, non-emergency aid Agreements between the Towns of Hopkinton/Richmond, Hopkinton/Charlestown and Hopkinton/Westerly.

Chief David Palmer was present. Chief Palmer indicated that this was a routine action and indicated that this agreement has been in existence for quite a long time. This gives the police a little bit of leeway to prosecute cases should they cross town lines. Councilor Hirst asked about the Town of Exeter which did not have a police department, but used the State Police and how we dealt with that issue. Chief Palmer indicated that they worked with the State Police in those instances. They do not need a mutual agreement because they work throughout the whole state.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO ADOPT THE THREE RESOLUTIONS THAT AUTHORIZED THE HOPKINTON POLICE CHIEF TO ENTER INTO THREE RECIPROCAL, NON-EMERGENCY AID AGREEMENTS BETWEEN THE TOWNS OF HOPKINTON/RICHMOND, HOPKINTON/CHARLESTOWN AND HOPKINTON/WESTERLY.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

BOARDS & COMMISSIONS:

Conservation Commission

This matter had been scheduled to discuss, consider and vote to reappoint John Pennypacker to the Conservation Commission.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO REAPPOINT JOHN PENNYPACKER TO THE CONSERVATION COMMISSION.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during the second public forum.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY
COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF BERNARD
EATON, FATHER OF STATE SENATOR ELAINE MORGAN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk