

State of Rhode Island

County of Washington

In Hopkinton on the twenty second day of January 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 7:00 P.M. in the Chariho Middle School Auditorium, 455B Switch Road, Wood River Jct., RI 02894.

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

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

**HEARINGS:**

**PETITIONS FOR COMPREHENSIVE PLAN AND ZONING AMENDMENTS:**

Council President Landolfi reported receipt of a request to continue the following to March 25, 2019:

A hearing to consider an amendment to the Hopkinton Comprehensive Plan Future Land Use Map and an amendment to the Hopkinton Zoning Ordinance filed by Atlantic Solar LLC, 260 West Exchange Street- Ste. 102A, Providence, RI 02903 and Gordon Excavating, Inc., 15 Cold Spring St., Providence RI 02906; Donald G. Gordon, 11 Anderson Rd., Pomfret Ctr., CT 06259, the land owner, for property located at 0 Arcadia Rd. & 0 Lisa Ln. identified as Plat 18, Lots 8 & 13, an RFR-80 Zone and filed in accordance with Chapter 16 of the Zoning Ordinances of the Town of Hopkinton, as amended. The applicants propose to install a ground-mounted photovoltaic solar array on the property. The proposal to utilize the property will require approval of the proposed Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial and a Zoning Map Amendment from RFR-80 to Commercial.

And,

A hearing to consider an amendment to the Hopkinton Comprehensive Plan Future Land Use Map and an amendment to the Hopkinton Zoning Ordinance filed by Atlantic Solar LLC, 260 West Exchange Street- Ste. 102A, Providence,

RI 02903 and Hopkinton Land 1, LLC, 260 West Exchange Street- Ste. 102A, Providence, RI 02903, the land owner, for property located at 145 Skunk Hill Rd. identified as Plat 18, Lot 14, an RFR-80 Zone and filed in accordance with Chapter 16 of the Zoning Ordinances of the Town of Hopkinton, as amended. The applicants propose to install a ground-mounted photovoltaic solar array on the property. The proposal to utilize the property will require approval of the proposed Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial and a Zoning Map Amendment from RFR-80 to Commercial.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO GRANT THE REQUEST FOR A CONTINUANCE TO MARCH 25, 2019.

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

#### **COMMERCIAL HAULERS LICENSE RENEWALS**

Open a hearing on the renewal of the following commercial haulers licenses:

Cory's Rubbish Removal, 69½ Ward Ave., Westerly, RI; CWPM, LLC, 25 Norton Place, Plainville, CT; EZ Waste Systems, Inc., 67 Ledward Ave., Westerly, RI; MTG Disposal, LLC, 19 Industrial Way, Seekonk, MA; On-Time Disposal, 203 Ashaway Rd, Bradford, RI; Patriot Disposal, Joseph Vinagro, 2208 Plainfield Pike, Johnston, RI; RPKK, Inc., 9 New King's Factory Rd., Wood River Jct., RI; Republic Services, Inc. 1080 Airport Rd., Fall River, MA; Sanitation by Quint Perry, 7 Sweet Corn Ln., Westerly, RI; Steven Piccolo Jr. & Sons, Inc., 7 Boombridge Rd., Westerly, RI; T&J Sanitation, 235 Westerly

Bradford Rd., Westerly, RI; Waste Management, 1610 Pontiac Ave., Cranston, RI.

Applications with filing fees had been received and notice had been posted.

Town Clerk Cook-Martin indicated that most of the applications had been received with the filing fees and there were a few that were expected to be received shortly. Councilor Capalbo stated that the second page of the application of Steven Piccolo Jr. & Sons, Inc. was incorrectly filled out and asked that this be corrected prior to the granting of their license.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO GRANT RENEWAL TO ALL LISTED COMMERCIAL HAULERS LICENSES WITH THE EXCEPTION OF STEVEN PICCOLO JR & SONS APPLICATION WHICH NEEDS INFORMATION CLARIFIED.

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

OPPOSED: None

SO VOTED

#### **CAMPGROUND LICENSE RENEWALS**

The Council opened a hearing on the renewal of the following campground license: Ashaway RV Resort – Alan Haney, Resort Manager/Zeman Homes, 225 Ashaway Road licensed for 260 Campsites. There are no Safari Sites.

Allyson Reagan from Zeman Homes was present along with Resort Manager Alan Haney. Filing fees had been paid and notice posted.

Council President Landolfi read a letter that had been submitted to the Council by Marita Breault, Deputy Town Clerk, which indicated that the water had receded from the Hindle Drive residences. He also stated that he had been contacted by Allyson Reagan from Zeman Homes in Chicago and he had advised her that he wished to have something in the file from Zeman Homes stating their ongoing attention to this matter. Ms. Reagan wrote in part: “Please accept this letter as confirmation that we have been made aware of a recent complaint that the town received of a water issue that occurred near Vuono PL at Ashaway RV Resort in

November and December, 2018. It is also our understanding that the town of Hopkinton has confirmed that these issues were addressed and properly resolved. We as professional property owners will use all commercially reasonable efforts to continue to monitor the drainage issue now and into the future and will address any issues as they arise.”

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO GRANT RENEWAL TO THE LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET.

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

OPPOSED: None

SO VOTED

Councilor Thompson asked Ms. Reagan if they had steps in place to keep this from happening again and she indicated that they had hired someone to trap the beavers and they have brought in equipment and cleared out the critter crossings. They are monitoring this issue and trying to find a long term resolution. Andrea Panciera of Panciera Lane stated that her property bordered the campground on the north, east and south. Ms. Panciera stated that Councilor Capalbo’s motion stated that it was subject to all State and Town regulations being met and her concern was that the beavers are not the sole reason for the wetlands rising, though they have certainly contributed to it; she was concerned that runoff from the campground is contributing to higher waters and that the well system, pumping system and storage for the water at the campground may be contributing to their well drying up during the summer. At the last meeting they had hoped to get some help from the Town to investigate what was going on and determine whether the facilities that were proposed for the campground were actually in place and are operating as they should be. Council President Landolfi suggested that Ms. Panciera obtain Ms. Reagan’s contact information so they could speak and he advised her that she should contact the Town Manager to determine if there is a specific department which would review her concerns. Councilor Hirst asked Ms. Panciera if she had been in contact with DEM and she stated that she had sent them a letter and would be following up in that regard.

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

**CONSENT AGENDA**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of January 7, 2019; Accept the following monthly financial/activity report: Town Clerk; Approve motor vehicle abatement due to vehicle being registered out of state submitted by Tax Assessor.

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

OPPOSED: None

SO VOTED

The Executive Session Minutes of January 7, 2019 were excluded from the Consent Agenda approval.

**PUBLIC FORUM**

Joe Moreau thanked the Council for allowing the public to voice their opinions regarding the changes to the solar ordinance. He also thanked Town Planner Lamphere, the Planning Board, residents and Town Clerk for their assistance. He stated that he felt 2018 was a very stressful year for the Town Council, residents and Town employees, mainly because of solar; but believed 2019 would be a much better year. Mr. Moreau advised that there is a workshop scheduled for the Chariho school budget on Thursday, January 24, 2019. He believed the solar issue and the school budget were tied together though indicated that not everyone would agree to that statement. He believed the Town Council was looking for ways to raise revenue to help offset the rising expenses for education. He asked all residents to attend the hearing on Thursday and to support the Town Council. Lou Ann McCormick wished to present a petition to support the Planning Board's

recommendation to disapprove spot zoning regarding the Skunk Hill Road solar project. She stated that there are forty abutters to the project and she had obtained a total of 203 signatures of residents who support property rights. Jon Closterman of 600 Main Street spoke regarding the Atlantic Solar, Main Street project. He indicated that he has lived in Hopkinton since he was 21 years old and purchased his property because he wanted a place where privacy and nature were paramount. He went on to state that he found out about the proposed project by receiving a certified mail letter with a map and saw that this project was right in his backyard; they proposed to clear cut thirty acres for the solar panels. He and his wife went around to the twenty abutters with a petition and obtained signatures and he also had another petition which had been signed by 150 residents. Council President Landolfi indicated that the Council had not heard that project yet and advised Mr. Closterman that he should come to that hearing and he would be able to speak about the proposed project at that time. Town Clerk Cook-Martin advised that the hearing on that proposed project was scheduled for April 15, 2019. Jim Dillon of 23 Lisa Lane indicated that he had received notice of tonight's meeting as an abutter to the Skunk Hill Road solar project and taken time off of work to attend the hearing. Now the matter was continued to March and no one had informed them that this matter was going to be delayed. He wished the Town to get the solar projects under control as they did with the big boxes that were proposed years ago. Eric Bibler of Woodville Road indicated that he had a petition with 593 signatures opposing the Brushy Brook project, supporting the Planning Board, as well as objecting to the general practice of rezoning residential parcels on a project by project basis to industrialize the countryside. The three petitions that were handed to the Council ask the Council to note that the Planning Board in all three instances have given an adverse advisory opinion and recommended to the Town Council that they deny the requests based on the fact that they are inconsistent with the Comprehensive Plan. He asked if the Council should disagree with the Planning Board's recommendation, that they specifically state why they disagreed so they can explain that to the residents. Edward Carapezza indicated that he and his family have lived in Town for over fifty years and are large property owners. He was flabbergasted to think that less than ten percent of

the residents of Hopkinton have been speaking anti-solar and they seem to be driving the process in the Town. As a citizen and taxpayer, he believes the services in the Town are disproportionate with the taxes. Westerly has city water and sewer, a big library and large park and their tax rate is half that of Hopkinton. He went on to state that his property has remained a nature preserve for all these years and they have cut a lot of trees with the advice of Senior Foresters with Department of Environment Management and Department of Agriculture. He stated that three times in the last fifteen years he has been asked to clear cut areas of his property for wildlife habitat and believed that a lot of the people that are anti-solar were not aware of that. At this time he is cutting an eight to twelve acre parcel on his property for an Eastern Cottontail Rabbit habitat and is doing the right thing to preserve nature. Mr. Carapezza advised that there is now an opportunity in Hopkinton for large property owners to make a few bucks to help them pay their taxes and all he hears is negative words about solar which is a renewable resource. He believes there are some properties in Town where people can put solar which will not be seen by their neighbors and he believes they should be allowed to use more than the three percent which is being proposed. He wished the Council to think about the fiscal responsibility of the Town. Doug Harris, Preservationist with the Narragansett Indian Tribe and Deputy Tribal Preservationist spoke about cultural impacts and their relationship to solar projects. He noted that the entire portion of the ordinance referring to Tribal Culture Landscape Preservation has been stricken from the ordinance. He believed ceremonial stones are ancestral to this area and it is the responsibility of the people of the Town to preserve these. The Narragansett Tribe has a Letter of Understanding with the Hopkinton Land Trust and the Tribe works with the Land Trust to identify ceremonial stone landscapes and to preserve them. Mr. Harris indicated that it broke his heart when he saw an article in the Westerly Sun indicating that there was a perception being pushed that the protection of ceremonial stone landscapes was going to lower property values. Mr. Harris asked that the Council reinstall the paragraph regarding Tribal Cultural Resource Protection and work with the Tribal Historic Preservation Office to identify these sites. Carol Derosiers thanked the Council for working through so many

iterations of the solar ordinance and for working towards a solution that will help keep residential areas residential. She asked that the Council consider the Planning Board’s advisory opinion when it was time for them to make a decision concerning the Brushy Brook project and vote in spirit with the new ordinance. An audience member, Colleen, spoke and indicated that she resided on Lisa Lane and was an abutter to the proposed Skunk Hill solar project. She stated that she had moved to town due to its rural nature. She wished the Council to preserve the wildlife in the area and consider the Zoning Board’s recommendations when deciding that application.

**TOWN MANAGER REPORT**

Town Manager William McGarry reported that the Town was pleased to announce the hiring of Samantha Bowen as its new full time Animal Control Officer and she will begin work on Monday, February 4, 2019. The Town is also advertising for a part time Animal Control Officer. He also indicated that the Town had hired David Rodio as the new full time Certified Building Official who replaces the part time building inspector and part time building official.

**OLD BUSINESS**

**NON-RESIDENTIAL PHOTOVOLTAIC SOLAR ENERGY SYSTEMS (PSES) ORDINANCE AMENDMENT DECISION**

This matter is scheduled before the Town Council to render a decision 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. Council President Landolfi reported he had asked the Town Solicitor and Town Planner to draft some suitable language as it pertains to item 13 on page for which he distributed to the Town Council for their review. He called for a ten minute recess and upon its conclusion, the meeting reconvened.

**Council deliberations:**

Councilor Capalbo noted that there was a correction needed to Page 6, Section C, No. 1 in the first line of the second paragraph where it stated “residential” it should be changed to “RFR-80”. Town Planner Lamphere stated that he had given the Council a handout with two new proposals for page 4, No. 13. He

indicated that he would recommend one additional improvement to the second No. 13, and change the last sentence to read: “In its advisory opinion to the Town Council on a proposed zone change, the Planning Board shall recommend an appropriate parcel coverage for a proposed PSES based upon the unique characteristics of the parcel and in a manner that is consistent with the Town’s Comprehensive Plan with the intent to balance environmental and aesthetic concerns, as well as the rights of the property owner to develop the parcel.” He felt this was a good change for when an applicant submits an application to the Town Clerk’s office for a zone change the Clerk immediately submits it to the Town Planner’s office and it is immediately scheduled on the next available Planning Board agenda because the Planning Board has to get their advisory opinion to the Town Council in advance of their public hearing. If that sentence is changed as he suggests, then the Planning Board’s recommended lot coverage would be included in their advisory opinion to the Council. Councilor Thompson asked Town Planner Lamphere what happened to Councilor Davis’ proposal for No. 13, Page 4 which she thought was going to be incorporated into the ordinance. Town Planner Lamphere stated that Council President Landolfi had asked him and the Town Solicitor to take another look at Councilor Davis’ two proposals to see if they could come up with another alternative. Councilor Thompson stated that she thought they had been in agreement with that prior language other than the last sentence that needed to be revised. Councilor Davis requested a change to line 4 where it states: “If the parcel is zoned RFR-80, and the applicant is seeking to re-zone the parcel, and if the Town Council approves the application to re-zone the parcel to allow a PSES installation and use, then the maximum...” and asked that this read: “If the parcel is zoned RFR-80, and the applicant is seeking to re-zone the parcel, then the maximum requested coverage may be the lessor of 3% or 3 acres.” Council President Landolfi read paragraph 13 as revised with several additional changes being requested. Councilor Capalbo injected that she could not justify allowing solar projects on tiny pieces of acreage scattered all over town and there are lots of people who wish to put a small amount of solar on their land. She would recommend zero percent coverage on RFR-80 which meant that applicants could still come before the Council and they

can make a determination exclusively on whether it is coherent with the comprehensive plan. Eric Bibler indicated that he had a question regarding procedure and asked since they were adding new language to the ordinance if they were supposed to file that revision four days in advance of the hearing. Council President Landolfi responded that this was what Council deliberations are and that was why he took a recess so everyone could digest the changes that were being requested. Councilor Thompson indicated that point of order was the hearing was closed. Mr. Bibler argued that he believed they needed to file the language four days in an advance as an ordinance that is proposed for adoption. Council President Landolfi thought he may have made a mistake in trying to have the Planner elaborate on better verbiage for paragraph 13. Solicitor McAllister agreed with Council President Landolfi this was their deliberation and there was proper notice given of the time of discussion. Council President Landolfi stated for the record that he was of the opinion that 30% was too much coverage and he was in agreement that 15% or 10% would be better but there had been no Council support for that. He was of the opinion to allow a larger percentage. Town Planner Lamphere read the newly revised paragraph 13 in total.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADOPT THE PROPOSED AMENDMENTS TO CHAPTER 246 NON-RESIDENTIAL PHOTOVOLTAIC SOLAR ENERGY SYSTEMS (PSES).

Councilor Hirst thanked everyone for their patience and was proud that the Council could work together on a very controversial issue. Councilor Capalbo indicated that she was pleased with the PSES ordinance which was a great deal of work; however, indicated that she did not agree with the 3% or three acre coverage.

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

OPPOSED: None

SO VOTED

**NEW BUSINESS**

**ANNUAL GOALS & MULTI-YEAR GOALS**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ADOPT THE PROPOSED TOWN-WIDE FY 2019-20 ANNUAL GOALS AND FY'S 2021-23 MULTI-YEAR GOALS.

Councilor Thompson wished to point out that in years past Town staff had completed many of their goals and she wished to thank everyone for their hard work.

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

OPPOSED: None

SO VOTED

**BUDGET TIMETABLE/SCHEDULE BUDGET WORKSHOPS**

The Town Council was provided the Budget Timetable and went on to Schedule Budget Workshops for the following dates: Monday, February 11, 2019, Monday, February 25, 2019, Tuesday, March 5, 2019, Monday, March 11, 2019 and Wednesday, March 13, 2019.

**ANNUAL TREE WARDEN APPOINTMENT**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT SCOTT E. AHERN AS TREE WARDEN FOR 2019.

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

OPPOSED: None

SO VOTED

**CENTRICA BUSINESS SOLUTIONS FILINGS OF ZONING AMENDMENT PETITIONS AND COMPREHENSIVE PLAN FUTURE LAND USE AMENDMENT PETITIONS**

Discuss and consider setting hearing dates for Zone Amendment & Comprehensive Plan Future Land Use Map Amendment filed by Centrica Business Solutions for the following properties:

- a. Michael & Donna Church, 10 Grantville Extention; AP 15, Lot 11A.
- b. Karen & James Cherenzia, 201 Chase Hill Road; AP 2, Lot 32.
- c. Ronnie & Kay Bonnie Sposato, 40 Maxson Hill Road; AP 4, Lot 38.
- d. Maitland Fothergill, 10A Crandall Lane; AP 2, Lot 001.
- e. Fated Farmer, 0 Wich Way; AP 7, Lot ~~20~~ 17A.

Council President Landolfi indicated that he had spoken with the Solicitor because the applicant had waived their timeframe and discussed scheduling

this hearing to May 20<sup>th</sup>. Attorney Steven Surdut was present on behalf of the Law Office of George Comolli, and acknowledged that he had spoken with the Planner and they had waived the 45 day requirement and would continue to work with the Town. He suggested that they may be removing one of the applications from the agenda pursuant to the new ordinance that was adopted. Attorney Surdut indicated that he would submit a letter to the Town Clerk's office regarding the applications that would be going forward and they would schedule a hearing date thereafter.

**BOARDS AND COMMISSIONS:**

**Historic District Commission Appointment**

Michael Hoard applied to become a member of the Historic District Commission and was interviewed on January 7, 2019.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO APPOINT MICHAEL HOARD TO THE HISTORIC DISTRICT COMMISSION.

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

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

Scott Bibler thanked the Town Council for their work on the ordinance and allowing the public to voice their opinion.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF DR. MARTIN LUTHER KING, JR. AND PRUDENCE CRANDALL.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk