

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

6 **Wednesday, February 6, 2019**
7 **7:00 P.M.**

8 **Hopkinton Town Hall**
9 **One Town House Road, Hopkinton, Rhode Island 02833**

10 **CALL TO ORDER:**

11 The February 6, 2019 meeting of the Hopkinton Planning Board was called to order at
12 7:00 P.M. by Chair Al DiOrio.

14 **MEMBERS PRESENT:**

15 Al DiOrio, Amy Williams, Tom Holberton, Ronald Prellwitz, and Keith Lindelow were
16 present.

18 Also present were: John Pennypacker, Conservation Commission; James Lamphere, Town
19 Planner; and Kevin McAllister, Town Solicitor.

20 **APPROVAL OF MINUTES:**

21 MS. WILLIAMS MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 2, 2018 PLANNING
22 BOARD MEETING.

23 MR. PRELLWITZ SECONDED THE MOTION.

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

26 **PUBLIC HEARING:**

27 MS. WILLIAMS MADE A MOTION TO OPEN A PUBLIC HEARING.

28 MR. LINDELOW SECONDED THE MOTION.

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

30 **Advisory Opinion to Town Council – Request for Zoning Map Amendment –**

31 **AP 5, Lot 6 – 165A Tomaquag Road – Joyce K. Luzzi/Joyce K. Luzzi Living Trust, applicants**

32 Attorney Kelly Fracassa appeared representing the applicant. Mr. Fracassa informed the
33 Planning Board that the applicant was applying for a Future Land Use Map amendment for
34 the subject parcel at 165A Tomaquag Road. The property is zoned Manufacturing Special
35 from the early 1980s. The applicant is seeking to return the land use to Residential in order to
36 sell the lot. Medium Density Residential is the predominant land use in the area.

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2 Questions from the public:

4 Ms. Davis: Can the property be subdivided if the zone is changed?

Mr. Fracassa: That would be up to a future owner to pursue, should they be interested.

6 Mr. DiOrio: There are no plans to merge or reconfigure this lot with the adjacent lot under the same ownership?

8 Mr. Fracassa: No, I don't believe so.

10 Mr. Lindelow made a motion that the Planning Board support amendment of the Hopkinton
12 Comprehensive Plan Future Land Use Map classification for AP 5 Lot 6 from Manufacturing
to Medium Density Residential as being consistent with the existing land uses in the
surrounding neighborhood.

14 Mr. Holberton seconded the motion.

16 Mr. DiOrio, Ms. Williams, Mr. Holberton, Mr. Prellwitz, and Mr. Lindelow approved the
motion.

18 Motion adopted unanimously, 5-0.

20 MS. WILLIAMS MADE A MOTION TO CLOSE THE PUBLIC HEARING.

MR. HOLBERTON SECONDED THE MOTION.

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

24 **OLD BUSINESS:**

26 Development Plan Review – **Plan Submission** – Photovoltaic Solar Energy System –
AP 11, Lot 47 – 41 Palmer Circle – Oak Square Development, LLC, applicant.

28 Mr. DiOrio informed the public that the application had been continued to the next Planning
30 Board meeting.

32 **NEW BUSINESS:**

34 3- Lot Minor Subdivision - **Preliminary Plan** – AP 17, Lot 16 – Saw Mill Road –
Robert H. Goodwin, applicant

36 Bill Dowdell, of Dowdell Engineering, presented the application on behalf of the
38 applicant. He was last before the Board for a different subdivision across the street at 15
Sawmill Road in September. This property is located at 16A Sawmill Road. The existing
40 conditions are high and dry land above Moscow Brook. The proposed subdivision is a 3-
lot subdivision. Septic systems have been permitted for the three lots for 4 bedroom
42 homes. The soils are good, and houses will be located within the building envelopes. No
RIPDES permits were needed, and post card notice has been sent to all abutting
44 property owners within 500 feet.

2 Questions from the Planning Board:

4 Mr. DiOrio: Is the applicant open to consideration of no-cut buffer areas within the setback area?

6 Mr. Dowdell: A driveway would need to be located in the setbacks.

8 Mr. DiOrio: The goal is to reduce the amount of clearing on properties near roadways. In the past the Town has excepted driveways from the no-cut area in order to accommodate if they are placed in areas other than as indicated on the plan.

10 Mr. Dowdell: I don't think it would be worth pursuing on this property. There aren't many trees located in that area to be cut.

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There was no comment from the public.

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16 Having found that the proposed subdivision is consistent with the Comprehensive
18 Community Plan and/or has satisfactorily addressed the issues where there may be
20 inconsistencies; that the proposed development complies with the Hopkinton Zoning
22 Ordinance; that there will be no significant negative environmental impacts from the
24 proposed development as shown on the Plan, with all required conditions for
26 approval; that the subdivision, as proposed, will not result in the creation of individual
28 lots with such physical constraints to development that building on those lots
30 according to pertinent regulations and building standards would be impracticable;
32 that all proposed land developments and all subdivision lots have adequate and
34 permanent physical access to a public street; that the proposed subdivision provides
36 for safe circulation of pedestrian and vehicular traffic, for surface water run-off
38 control, for suitable building sites, and for preservation of natural, historical and
40 cultural features that contributes to the attractiveness of the community; and, that the
42 design and location of streets, building lots, utilities, drainage improvements and
44 other improvements in the proposed subdivision minimizes flooding and soil erosion,
46 Mr. Holberton moved that the Planning Board grant Preliminary Plan approval, and
that Final Plan be approved by the Administrative Officer.

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Mr. Prellwitz seconded the motion.

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Mr. DiOrio, Ms. Williams, Mr. Holberton, Mr. Prellwitz, and Mr. Lindelow approved the motion.

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Motion passed 5-0.

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2-lot Minor Subdivision - **Preliminary Plan** – AP 18, Lot 33 – 46 Skunk Hill Road –
40 Gardiner Family Trust, applicant.

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44 Engineer Nathan Lauder, of Cherenzia and Associates, presented for the applicant. The
46 subject property is located on Skunk Hill Road. The application is for a 2-lot minor
subdivision. One of the lots already has an existing structure on it, and the other is
planned for future development. The gross area of the property is 5.7 acres, located in an
RFR-80 zone. Both lots conform to zoning for both frontage and area requirements.

2 Subdivision suitability has been approved for both lots. There were no wetlands found
4 on the property. Mr. Lauder explained that the somewhat irregular shape of the lots is a
function of the gross area of the property and the need to maintain the setbacks for the
existing structure.

6 Questions from the Planning Board:

8 Ms. Williams: Are the trees in the back of the property or on the adjacent parcel?

10 Mr. Lauder: They are on the adjacent property.

12 There was no comment from the public.

14 Having found that the proposed subdivision is consistent with the Comprehensive
16 Community Plan and/or has satisfactorily addressed the issues where there may be
inconsistencies; that the proposed development complies with the Hopkinton Zoning
Ordinance; that there will be no significant negative environmental impacts from the
18 proposed development as shown on the Plan, with all required conditions for
approval; that the subdivision, as proposed, will not result in the creation of individual
20 lots with such physical constraints to development that building on those lots
according to pertinent regulations and building standards would be impracticable;
22 that all proposed land developments and all subdivision lots have adequate and
permanent physical access to a public street; that the proposed subdivision provides
24 for safe circulation of pedestrian and vehicular traffic, for surface water run-off
control, for suitable building sites, and for preservation of natural, historical and
26 cultural features that contributes to the attractiveness of the community; and, that the
design and location of streets, building lots, utilities, drainage improvements and
28 other improvements in the proposed subdivision minimizes flooding and soil erosion,
Mr. Holberton moved that the Planning Board grant Preliminary Plan approval, and
30 that Final Plan be approved by the Administrative Officer.

32 Ms. Williams seconded the motion.

34 Mr. DiOrio, Ms. Williams, Mr. Holberton, Mr. Prellwitz, and Mr. Lindelow approved the
motion.

Motion passed 5-0.

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40 **Pre-application** – Photovoltaic Solar Energy System – AP 8, Lot 36 –
Clearway Energy, applicant.

42 Anna Chavis, from Clearway Energy, presented the pre-application to the Planning
Board. They wanted to have a pre-application with the Board to introduce the company
44 and the project to the Board without requiring a formal decision. Clearway is a solar
developer with a portfolio of long-term ownership of solar projects, including

2 permitting, construction, and maintenance. This project is in a very preliminary form,
and the applicant is seeking to have a conversation with the Board about it. The project
4 site is an 8 MW AC ground-mounted array. The parcel is currently 195 acres, located at
336 Woodville Road, currently owned by Edward Carapezza. The solar project is on the
6 far north side of the property, located near Route 95. The zoning for the parcel is
currently RFR-80, which would entail the need for seeking a zone change from the Town
8 Council. The project would support sale of electricity to Rhode Island schools, hospitals,
and other eligible organizations and would provide increased tax revenue to the
10 municipality in which it is located. The packet they have provided to the Board contains
a good amount of other information with respect to biological and environmental
12 impacts that could arise from development. The applicant is specifically seeking
feedback for the project with respect to the new solar ordinance that the Town had
14 recently passed. As currently situated, the project is located back from other properties
to screen the project from view. The Planning Board is empowered by the new
16 ordinance to contemplate when there are unique characteristics on a property that they
could authorize applicants to exceed the 3 acre requirement of the new ordinance.

18 Questions from the Planning Board:

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22 Mr. DiOrio: I appreciate the applicant utilizing the pre-application in order to bring the
project to the Town.

24 Mr. Holberton: I appreciate that the project is pretty limited in size, but I could not
support a zone change to Manufacturing in a residential area.

26 Ms. Chavis: We wouldn't want to re-zone the entire 195 acres. There is an interest in
minimizing the area of the potential re-zone.

28 Mr. DiOrio: I would also not support re-zoning the property. The view of the town from
the interstate is an important aspect of the town. This application doesn't meet the
30 standard for unique properties, it's just like any other in town. The primary obstacle for
this project is the re-zoning.

32 Ms. Williams: What is the percentage of the lot coverage as proposed?

Ms. Chavis: It is located on 26 of 195 acres, or 13% of the property.

34 Ms. Williams: I also notice several wetlands crossings on the plans. Are those difficult to
obtain permits for?

36 Mr. Carapezza, property owner: We have existing farm roads to maintain the property
for conservation and habitat purposes. We've been cutting those area for fifty years. I
38 thought the location near the highway was appropriate based on the elevation being
higher than the road, so you couldn't see it from the highway. And based on a close
reading of the Comprehensive Plan, there are several parts of it that are supportive of
40 solar development, including a proposal to explore the siting of solar projects in
residential zones. So I believe the Planning Board has the flexibility and discretion to
42 look at specific properties and find out if a larger development fits within the
Comprehensive Plan.

44 Ms. Chavis: There are three areas of wetlands that we're beginning to engage RIDEM
and neighboring property owners over what permitting would look like.

2 Mr. Carapezza: The forest wetland areas such as these are considered by RIDEM to be low-value wetlands.

4 Ms. Williams: Other projects that we have seen have involved more housing located around them.

6 Mr. Carapezza: There’s very little housing in that area. The closest residence is over a half-mile away. The Hopkinton Land Trust owns some property in that area, and I expect that they will own the land to the west within the next several years.

8 Ms. Williams: And the project is not viable at the 3% lot coverage limit?

10 Ms. Chavis: Based on the capital cost and permitting, it would not be.

12 Mr. Pennypacker: With several of the factors involved in this project, such as the location near Route 95 and that you typically wouldn’t want to locate housing that close to the highway, and that the property abuts a Commercial zone already, I could see reason to support this proposal.

16 The Planning Board discussed with the applicant and the Town Planner the process of re-zoning all or some of the property. The applicant stated that they would prefer not to re-zone the entire parcel, considering the existing structure on the property.

20 Comment from the public:

22 Mr. Moreau, Old Depot Road: I commend the applicant for initiating the voluntary pre-application process, but residents take issue with the re-zoning of property from Residential to Manufacturing. Over 600 residents have signed petitions against the re-zoning of property from Residential to Manufacturing for the purpose of accommodating solar projects.

26 Ms. Capalbo: What is the size of the project in megawatts?

28 Ms. Chavis: 8.1 MW AC.

30 Mr. Buford: I wouldn’t support a split-zone lot being created. The house would need to be addressed to allow it to continue there. There are benefits to a project like this. It could benefit the property owner, the Town, and conservation efforts. There will be a limit to how much power can be generated on the grid.

34 The Planning Board discussed the use of “Special” designations by the Town for Commercial and Manufacturing zones that had special restrictions applied to them. The applicant thanked the Board for hearing the application.

38 No vote is taken for a pre-application.

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SOLICITOR’S REPORT:

42 None

PLANNER’S REPORT:

None

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CORRESPONDENCE AND UPDATES:

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None

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PUBLIC COMMENT:

None

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DATE OF NEXT REGULAR MEETING: March 6, 2019

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ADJOURNMENT:

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MS. WILLIAMS MOVED TO ADJOURN THE MEETING

MR. LINDELOW SECONDED THE MOTION

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

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The meeting was adjourned at 8:40 P.M.