

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

6 **Wednesday, April 3, 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 April 3, 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, Ron 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 MS. WILLIAMS MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 6, 2019 PLANNING  
22 BOARD MEETING.

23 MR. PRELLWITZ SECONDED THE MOTION.

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

26 MS. WILLIAMS MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 6, 2019 PLANNING  
27 BOARD MEETING.

28 MR. PRELLWITZ SECONDED THE MOTION.

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

30 **PUBLIC HEARING:**

31 MR. PRELLWITZ MADE A MOTION TO OPEN A PUBLIC HEARING.

32 MS. WILLIAMS SECONDED THE MOTION.

33 MR. DIORIO, MS. WILLIAMS, MR. PRELLWITZ, AND MR. LINDELOW APPROVED.

34 Major Land Development – **Preliminary Plan submission** – Photovoltaic Solar Energy System –  
35 AP 4 Lot 25 – 310 Main Street – Maxson Hill LLC c/o Anthony DeVicario, applicant

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38 Mr. Prellwitz disclosed that he was an abutting property owner to the project, but has been  
39 advised by the Town Solicitor that recusal is not required.  
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2 Town Planner Jim Lamphere introduced the project application to the Planning Board. He  
noted that state law required a decision to be made on the application by June 2<sup>nd</sup>. The Board  
4 has seen Master Plan and the Preliminary Plan application has been certified as complete.

6 Attorney John Mancini appeared representing the applicant. He stated that revisions had  
been made to the plans since the Master Plan stage, based upon the peer review of the  
8 engineering by the Town’s engineering firm Crossman Engineering. Substantial input had  
been proposed by Crossman and had been implemented by DiPrete Engineering. He said that  
10 all of the comments from Crossman had been addressed in the Preliminary Plan, which results  
in a decrease in the size of the site, an increase in the vegetative buffering, and other conditions  
12 of approval that having been attached, which will ultimately be recorded in the land evidence  
records of the town upon approval. A RIPDES permit had been obtained from RIDEM.

14 Mr. Mancini called on Mr. David Russo, project engineer from DiPrete Engineering. The  
16 project had received Master Plan approval on January 2<sup>nd</sup>, 2019 and the Preliminary Plan had  
been reviewed by the Town’s engineer, Crossman Engineering, who had written a memo  
18 dated March 15<sup>th</sup> indicating that their review comments had been addressed. The four  
conditions under review were Survey Certification, stormwater dimensions, landscape  
20 buffering, and noise measurement. He said that the site plans were very similar to the Master  
Plan configuration. The plan pushed the development away from Maxson Hill Road. The  
22 northern solar field had been moved east, away from Main Street. The southern field was also  
moved 20 feet. Drainage designs were conservatively calculated. Approval had been received  
24 from the Ashaway Fire Department, and the Zoning Official had issued a memo instructing  
the applicant to demolish the existing structure on the property, addressing a previous  
26 question raised by the Planning Board.

28 Mr. Russo said that the DPW Director had asked the applicant to discover the source of the  
water on Maxson Hill Road. He provided some photos of the area, and explained that a Field  
30 Engineer had been sent to the site. He said he believed that the reason the water has been  
ponding along the road is because the road had been cut too low to the water table, which is  
32 very shallow in this area. The water leeches out of the side of the right of way. He said that  
the applicant is willing to work with the Town to address it, and suggested using crushed  
34 stone as a way to remedy it.

36 Questions from the Planning Board:  
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Ms. Williams: Can you describe the drainage along Route 3?

40 Mr. Russo: There is a change on the north side. There is an existing culvert that goes under  
the road, and a pipe connects to it to move water under the road. The south side plan has not  
42 changed since the last design, which allows the water to flow more naturally as it does today.

Mr. Holberton: Will clearing a large area of trees along Maxson Hill Road make the water  
44 problems over there worse?

Mr. Russo: The site inspections show that not much water goes from the site onto the road.

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Questions from the public:

Mr Bruce Reynolds, 103 Maxson Hill Road: There is a water problem on Maxson Hill Road that is immense. My well is only 80 feet from where the clearing is proposed.

Mr. Russo: The high point of the watershed flows towards Mr. Reynold’s property. We’re proposing measures to address that water from the clearing. Calculations have been done to address flow in a cleared area.

Mr. Mancini: It is a valid concern. This plan protects the property owners through exposure to liability if the plans aren’t built to specification per the RIDEM permits. Management of the property has a vested interest to maintain the site as according to plans and the RIDEM regulations.

Ms. Williams: When will the swales be put in, during or after construction?

Mr. Russo: The down-gradient areas will have erosion control measures during construction to prevent sediment from leaving the site.

Ms. Williams: The neighbors won’t have any additional water during construction?

Mr. Russo: No.

Mr. Mancini: Condition #16 of the Master Plan approval also allows for regular inspections during construction.

Ms. Lynn Lapierre, 100 Maxson Hill Road: I’m not confident that it will be maintained any more than the existing culvert is maintained.

Mr. Justin Bentley, 138 Maxson Hill Road: I have reservations about the removal of existing vegetation, but I doubt that situation can be improved.

Ms. Capalbo: There could be weekly inspections instead of monthly inspections.

Mr. Mancini: The peer review will be done during construction. The next aspect is screening and buffering, which has been expanded since the Master Plan stage.

Kevin Alverson, registered landscape architect, presented next to the Board. He was tasked with screening the project from existing neighboring homes. The vegetation in the Northeast section has been significantly increased, as well as a decrease in the spacing between the plantings. The plantings should be subject to independent review at the applicant’s expense. The western side near Main Street has been moved away from the road and buffer increased. The eastern area near Maxson Hill Road has had the fence pushed into the site and the crushed stone access road has been eliminated. The focus of the buffering has been in five areas: The Northeast, Northwest, Southeast, Southwest, and the Maxson Hill Road section. The Northwest area on Main Street has been moved back to 150’ from the roadway, and has a buffer of 25’ around the entire perimeter of the site, plus additional plantings on the interior. The Southwest area fencing has been pushed into the site, and plantings are on the outside of the fence where possible. The Southeast area has been modified to address the Fire Department’s concerns. The applicant is going to propose to National Grid to move several poles into the site.

2 Mr. Alverson said that moving down Maxson Hill Road, there will be shrub vegetation used  
4 as a buffer with evergreen supplements. The evergreen will be 10-13' tall at planting, and  
shrubs will be at least 4' tall, and the vegetation will be layered.

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8 Questions from the Planning Board:

10 Mr. DiOrio: My concerns were softened by the inclusion of an independent reviewer to  
12 evaluate the vegetation after planting. At the end of installation, if the Town is not happy  
about the screening, the Town will have an independent registered landscape architect to  
evaluate the plantings and work with the applicant to address any problems.

14 Mr. Mancini: That is correct. This will include any concerns that haven't come up yet to date.  
It would be similar to the review that was performed by Crossman Engineering.

16 Ms. Williams: Are there plantings near the slat fence?

18 Mr. Alverson: The fencing is along the southern area, and there are plantings on both sides.

20 Ms. Williams: Is it not a wooden fence?

22 Mr. Alverson: We thought that a privacy slat fence is less visible where it's positioned, further  
into the property. It is a 6' panel fence in that area with plantings in front of the fence.

24 Ms. Williams: Will the applicants or owners replace and repair the fence as needed?

26 Mr. Mancini: Yes, that is one of the conditions of the approval. The applicant is obligated to  
maintain the structural integrity of the security features.

28 Ms. Williams: Please include the panel fencing specifically, in addition to the security features.

30 Mr. Mancini: Yes, it will be included in the Preliminary Plan approval.

32 Mr. Pennypacker: Are the evergreens ever going to need to be capped or topped?

34 Mr. Alverson: They will be planted far away enough from the panels for that not to be  
necessary.

36 Ms. Williams: I'm appreciative of the additions to the landscaping plan. I think the changes  
are a benefit to the neighbors.

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42 Questions from the public:

Me. Bentley, Maxson Hill Road: What happens with regards to site maintenance if the project  
is sold to another company? It could be sold to an LLC that could dissolve.

36 Mr. Mancini: All approvals run with the land, so any potential operator is bound by these  
conditions of approval.

38 Mr. Bentley: What is the process for neighboring owners to be involved in the screening and  
independent review?

40 Mr. DiOrio: The language for that needs to be refined prior to Final Plan.

42 Mr. Mancini: The language should be incorporated into zoning enforcement, where there are  
daily penalties already available to the Town.

Mr. Moreau, Old Depot Road: We were told that the property would not be sold.

2 Mr. Mancini: We would never state that the property will not be sold. The approvals run with  
4 the title and approvals would be valid for a new owner. The long-term operator of the site  
has already been determined.

Mr. Moreau: What are the plans to replace the shrubs if they are eaten by deer?

6 Mr. Mancini: That will be addressed in the maintenance plan. The operator will be obligated  
to address the problem if something doesn't take.

8 Mr. Alverson: The plans state a one-year warranty on the plants.

Mr. Lindelow: How long from the start of construction until the buffer is in place?

10 Mr. Alverson: It will be as soon as possible, and plantings will be ongoing throughout  
construction.

12 Mr. Richard Einseth, Budlong Farm, Warwick: It seems that the applicant has addressed many  
of the concerns. Where is the gate and what will it look like?

14 Mr. Alverson: Where there is a wooden fence, the gate will be wood. And where there is a  
chain-link fence, the gate will be chain-link.

16 Mr. DiOrio: Is there any signage on the fencing?

Mr. Russo: There is emergency contact signage as required by National Grid.

18 Mr. Jeff Light, 43 Forest Glen Drive: How will hazardous material be contained and prevented  
from entering the groundwater?

20 Mr. Mancini: Condition #10 of the Master Plan approval requires that containers be able to  
22 receive at least 125% of the fluid in the components. Ms. Nicole Mulanaphy of Sage  
Engineering will go into further detail about those systems.

24 Ms. Nicole Mulanaphy, professional engineer of Sage Environmental, was the next presenter  
26 for the applicant. Ms. Mulanaphy detailed that the fencing would be raised 6" off the ground  
for wildlife to traverse the property. The revision to the plan has opened a corridor for wildlife  
28 to travel from the east to west across the property. In shade-cleared areas, a pollinator mix is  
going to be used to help create pollinator habitats.

30 The secondary containment of the transformer fluids were also discussed. The transformers  
32 are to be located on raised concrete pads. A geomembrane liner will be used around the pads  
that is specifically designed for oils. The liner reacts to oils to create a solid containment if it  
34 is contacted by the oil. The transformers also have sensors to detect any leaks.

36 Questions from the Planning Board:  
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Mr. DiOrio: In the event of a petroleum leak that forms the solid within the liner, what  
40 happens next?

Ms. Mulanaphy: If initiated, the whole liner would need to be replaced.

42 Mr. DiOrio: Is the product sensitive to different soil types?

Ms. Mulanaphy: There are two options based on soil type. We will work with the  
44 manufacturer to obtain the correct product. The company comes to oversee the installation,  
and it is an insured product.

**2** Mr. DiOrio: At what point would those final design plans be ready?  
Ms. Mulanaphy: After working with the vendor. It will be included in the final plan  
**4** submission.  
Mr. Lindelow: What is the probability of the system being needed?  
**6** Ms. Mulanaphy: There is a very low probability that it will be needed.  
Mr. DiOrio: Have there been any cases where this product has failed?  
**8** Ms. Mulanaphy: The insurance policy has never been paid out, so to my knowledge, no.

**10** Questions from the public:

**12** Ms. Capalbo: How many transformers are there on the site?  
Ms. Mulanaphy: The layout of the site has changed since first before the Planning Board. The  
**14** number of transformers and inverters has been reduced.

**16** Ms. Mulanaphy discussed the noise measurement issue as well. The ambient sound on Main  
Street was measured to range from 31-88 db. A typical wilderness sound is about 35 db. A  
**18** Type 1 noise meter was used to measure the sound in order to develop a baseline level of  
existing noise levels, which will be compared to ambient levels post-construction. If the sound  
**20** exceeds 40 db, the applicant will add sound curtains to the area and then re-measure.

**22** Questions from the Planning Board:

**24** Mr. DiOrio: What level of decibels will be heard during operation?  
Ms. Mulanaphy: The sound should be below 40 db. There should not be an audible difference  
**26** from the 35 db of ambient sound.  
Mr. DiOrio: As the system ages, how will the sound be measured?  
**28** Ms. Mulanaphy: The Town will receive all data from noise studies.  
Mr. DiOrio: Will the person measuring the sound be independent?  
**30** Mr. Mancini: Engineers are selected by the Town in order to preserve independence.

**32** Mr. Mancini said that their Preliminary Plan presentation is complete, and hoped that it had  
addressed all issues raised by the Board and the Town’s engineer. He said that the applicant  
**34** is willing to incorporate conditions from Master Plan as well as new conditions at the  
Preliminary stage.

**36** Mr. Steve Cabral, professional engineer of Crossman Engineering, was called upon to provide  
**38** his comments to the Planning Board as the Town’s engineering reviewer. Mr. Cabral stated  
that review was unique in its level of detail at the Master Plan stage. He said that he felt the  
**40** plan had been refined and the result was a better project, incorporating the wildlife corridor  
and improved drainage plans. Infiltration systems have been expanded, and the applicant has  
**42** worked with the Town to recognize concerns and work to resolve them.

**44**

2 The Planning Board discussed the details of the project and how the Preliminary Plan stage  
4 might be approved with conditions attached. The applicant suggested starting with the  
6 Master Plan conditions and then adding new conditions as they felt appropriate. Mr. Mancini  
8 identified several issues that the Board had mentioned as potential conditions: inclusion of  
10 fence maintenance in the Maintenance Plan, inspections during and after construction, and  
12 the specifics of the fluid secondary containment system. The applicant also expressed a  
willingness to address the pre-existing issue of water pooling along Maxson Hill Road. The  
Board members concluded that there was too much information involved to be able to make  
a motion at this meeting, therefore the Planning Department would collect the information  
from Master Plan approval and from this meeting and help prepare a motion to be made at  
the next meeting.

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MS. WILLIAMS MOVED TO CLOSE THE PUBLIC HEARING.

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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.

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MOTION PASSED 5-0.

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MS. WILLIAMS MOVED TO CONTINUE THE PRELIMINARY PLAN STAGE TO THE MAY 1,  
2019 PLANNING BOARD MEETING.

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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.

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MOTION PASSED 5-0.

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MR. PRELLWITZ MOVED TO COMBINE THE PRELIMINARY PLAN AND FINAL PLAN  
STAGES FOR THE MAY 1, 2019 PLANNING BOARD MEETING.

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MS. WILLIAMS SECONDED THE MOTION.

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

MOTION PASSED 5-0.

**OLD BUSINESS:**

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None

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**NEW BUSINESS:**

None

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**SOLICITOR'S REPORT:**

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None

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**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:** May 1, 2019

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**ADJOURNMENT:**

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MR. PRELLWITZ MOVED TO ADJOURN THE MEETING

MR. HOLBERTON SECONDED THE MOTION

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MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW APPROVED.  
MOTION PASSED 5-0.

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The meeting was adjourned at 9:40 P.M.