TOWN OF HOPKINTON
PLANNING BOARD

Wednesday, May 1, 2019
7:00 P.M.
Hopkinton Town Hall
One Town House Road, Hopkinton, Rhode Island 02833

CALL TO ORDER:
The May 1, 2019 meeting of the Hopkinton Planning Board was called to order at
7:00 P.M. by Chair Al DiOrio.

MEMBERS PRESENT:
Al DiOrio, Amy Williams, Tom Holberton, Ron Prellwitz, and Keith Lindelow were present.
Also present were: Carolyn Light, Planning Board alternate; John Pennypacker,
Conservation Commission; James Lamphere, Town Planner; Sean Henry, Planning Clerk;
and Kevin McAllister, Town Solicitor.

APPROVAL OF MINUTES:
MR. PRELLWITZ MADE A MOTION TO APPROVE THE MINUTES OF THE
APRIL 3, 2019 PLANNING
BOARD MEETING.
MR. LINDELOW SECONDED THE MOTION.
MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW APPROVED.

OLD BUSINESS:
Brushy Brook – Request for extension of Master Plan approval – Comprehensive Permit –
AP 32, Lots 1-71 – LR-6-A, LLC, applicant

Attorney William Landry of Blish & Cavanaugh appeared for the applicants. He stated that
he is before the Planning Board to exercise the first of two 1-year extensions of the Master
Plan approval from December 2nd, 2010. The Planning Board had approved Master Plan
with conditions to reduce density based on a formula, and certain off-site improvements.
DiPrete Engineering is working on a conceptual plan to satisfy the formula requirements.
The applicant has met with Town officials to coordinate the off-site improvements. No
motion from the Board is required. The applicant would like to appear at a future meeting
in order for the Board to have an opportunity to provide feedback to the conceptual plan.

No vote was taken. The applicant will work with the Planning Department to coordinate the
next steps.
Mr. Prellwitz stated for the record that he is an abutting neighbor to the project, and that he has been advised by the Town Solicitor that recusal from the project is not necessary.

Attorney John Mancini appeared on behalf of the applicant. The proposal was described as the installation of a solar array. A zone change for the project has already been granted, and the project has already been before the Planning Board in pre-application form, Master Plan, and Preliminary Plan public hearings. The application is back before the Board in order to obtain Preliminary Plan and Final Plan approvals, which have several outstanding items to be addressed.

Mr. Mancini called Mr. David Russo, of DiPrete Engineering, to summarize the final plans to the Board. Mr. Russo noted that although the transformer pad locations had been shifted slightly, the solar fields have not be moved. He said that the transformer locations were the same as those on the Master Plan stage, and provided a set of plans that showed the proposed locations.

The Planning Board had no questions for Mr. Russo.

Ms. Nicole Mulanaphy, of Sage Environmental, was the next witness. Ms. Mulanaphy had performed calculations on a secondary containment system for the equipment used on site that would contain fluids. She had submitted a corrected plan to the Board earlier in the week, along with supplemental information about the containment system in the packet. Six locations of transformers were planned for the project. Each transformer location used a containment system calculated to contain 125% of the volume of oil that will be used. Crushed stone would be added around those transformer islands. The total volume was sized to the transformer islands, and the depth of the groundwater was taken into account, the highest being 18” at Transformer Location D. The specifications of the containment product were also provided. The system is designed to handle rapid release of the oil. The product is insured against failure and the installation of the product is supervised by the manufacturer.

Questions from the Planning Board:

Ms. Williams: So the membrane is located under part of the equipment, which is pitched to contain the spill?
Ms. Mulanaphy: Yes. Berms are used on the other sides to direct it in to the containment area.
Ms. Williams: I was struck during your presentation by how close the groundwater is to the surface, which highlights the importance of having this system in place to protect the aquifer.
Mr. Holberton: What data is available regarding whether or not the equipment leaks?
Ms. Mulanaphy: There is no evidence that the systems leak. In speaking with the manufacturer of the transformers, no known leaks have been found regarding the oil when
looking at the data from the past 20 years. Transformers are very similar to electrical distribution systems, a technology which has existed for some time.

Mr. Holberton: Does the oil last for the lifetime of the transformer, or does it have to be changed periodically like a car?

Ms. Mulanaphy: That is not my area of expertise. That would be part of the maintenance program. And the operator would want to ensure that the equipment is working properly in order for the site to be operating correctly.

Mr. Steven McDermott, of Amaresco, was the next witness. He explained that spill prevention systems are not common, so systems are designed to not leak.

Mr. DiOrio: That will be included in the Final Plan submission, as well as providing a maintenance schedule and clearly stating if the oil is being changed, and who is responsible for the maintenance.

Mr. Pennypacker: How is the design superior to a system that would surround the entire pad?

Ms. Mulanaphy: From a design perspective, the plans are nearly the same. Routing all of the material to go into one location is the goal of using the berms. If the berms were not there, this would be a different design.

Mr. Pennypacker: The pads and berms are made of concrete?

Ms. Mulanaphy: That is correct.

Mr. DiOrio: Will the concrete be sealed?

Ms. Mulanaphy: I am not positive.

Mr. DiOrio: We would like the concrete to be sealed.

Ms. Mulanaphy: Sure.

Mr. Holberton: And this is all to be preventative?

Ms. Mulanaphy: Yes, this is being done for if there was ever to be a release, it would collect it and prevent it from getting into the groundwater. The technology has been tested to ensure that it complies with the SPCC standards.

Ms. Mulanaphy concluded by pointing out that the shift in transformer locations does not affect the level of sound that will be audible at the property line. Mr. McDermott added that the transformers have been used for over 10 years without incident. He said that the applicants will provide the Board with information about the operation and maintenance of the equipment. According to the engineer that was contacted during the meeting, the transformers are maintained off-site. Mr. Mancini agreed that the information would be included in the Final Plan submission. He said that the applicants have reviewed the proposed conditions to be attached to the approval, and that they have some suggestions, but no objections to any of the conditions that were proposed.

The Planning Board discussed a proposed motion and if there were any additional conditions to be included. Using the proposed approval dated April 16th, 2019, the Planning Board also added conditions of using sealed concrete on the transformer pads and berms, and providing to the Town Planner the outstanding information regarding the operations and maintenance plans of the transformer equipment.
Having found that the proposed development is consistent with the Comprehensive 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 proposed development as shown on the Final Plan, with all required conditions for approval; that the project, as proposed, will not result in the creation of individual lots; that all proposed land developments have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliant with this requirement; that the proposed development provides 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 cultural features that contributes to the attractiveness of the community; and, that the proposed project’s design and location of access roads, utilities, drainage improvements and other improvements in the proposed development minimizes flooding and soil erosion; Ms. Williams moved that the Planning Board grant the Preliminary Plan approval and Final Plan approval, subject to the following conditions:

1. The panels shall be constructed so that the rows of panels should be tangent to a straight or curved line; panel construction shall not result in wavy or uneven panel rows.

2. The proposed PSES shall be designed and constructed in accordance with all applicable fire codes, as such may be interpreted by the Fire Marshall. The construction of any PSES will not be allowed until the design has been approved by the Fire Marshall.

3. The proposed PSES will not prevent the normal and orderly use, development or improvement of the adjacent property, for uses permitted in the district.

4. The applicant and/or current project owner shall avoid any disruption, interference with, or loss of radio, telephone, television or similar signals and shall mitigate any such harm caused by the PSES.

5. All precautions must be taken to protect neighboring properties from exposure to any radiation produced as a result of the PSES, including but not limited to, high levels of radio frequency electromagnetic radiation.

6. Sound emitted by the PSES will not exceed forty (40) decibels as measured at the property line. The applicant and/or current project owner will provide mitigation measures at Preliminary Plan that addresses excessive noise should sound be measured in excess of forty (40) decibels at the property line. The applicant and/or current project owner will formally agree to implement those mitigation measures should circumstances dictate and/or should the Town direct the applicant and/or current project owner to implement said measures. The Town shall select independent engineers to measure sound as needed, at the applicant’s and/or current project owner’s expense.

7. No blasting will be conducted on the parcel in conjunction with any activity related to the construction of a PSES, including land preparation.
8. The PSES and equipment shall not have a significant impact upon the soils, water resources, potable water quality, potable water quantity, air quality or other natural resources of the land or any abutting and/or surrounding area.

9. All appurtenant structures and equipment shall be screened from view by vegetation and joined or clustered to avoid adverse visual impacts to any abutting and/or adjacent property that is residentially zoned and/or used for residential purposes, and also cultural resources, including the property located at Assessor’s Plat 4, Lot 121C as stated of being of cultural significance.

10. Any equipment that utilizes fluid shall be outfitted with a containment mechanism sufficient to contain at least 125% of said fluid, and which prevents said fluid contact with the ground.

11. Throughout the life of the project, the owner of the PSES will provide copies of all correspondence with Federal and State agencies pertaining to project permits and regulatory requirements.

12. The applicant and/or current project owner shall submit an as-built plan, prepared, stamped and signed by a Registered Professional Land Surveyor, licensed and currently authorized to practice in the State of Rhode Island, showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Town may order its removal and/or its relocation as appropriate.

13. The applicant and/or current project owner shall maintain the PSES in a neat, clean, operable condition at all times, ensuring the structural and technical integrity of the facility. All maintenance shall be performed in a timely manner. Maintenance shall include, but not be limited to, structural repairs and integrity of security measures, fencing, and vegetative buffers.

14. Site access shall be maintained to a level acceptable to the Fire Chief or Fire Marshal and Emergency Medical Services.

15. The applicant and/or current project owner shall be responsible for the cost of maintaining the PSES and any access road, unless adapted as a public way, and shall bear the cost of repairing any damage occurring as a result of operation and construction.

16. The Town’s Engineer or designee shall inspect the PSES at the expense of the applicant and/or current owner periodically during construction, and annually each year after completion of construction. Said inspection will include a review of any and all reports as required by the State of Rhode Island, and the Town of Hopkinton and the Federal government. The applicant and/or current project owner shall reimburse the town for any cost incurred as specified in the Stormwater Facility Maintenance Agreement.

17. The applicant and/or current project owner with have a contract performance bond in place with the builder of the PSES by the issuance of a building permit, with an amount to be determined at Preliminary Plan stage.

18. Determination from the Town’s Zoning Official as to whether the access road(s) to the PSES are considered to be structures within the lot setback areas and need adjustment.

19. At any time during the project construction, the Town may inspect and/or review the quality and effectiveness of the proposed vegetative screening (including in conjunction with the Town’s consultant for this purpose). In the event that the Town makes the determination that said quality and/or effectiveness of this screening is inadequate and/or
fails to screen the project from any viewing perspective, the Town may contract with a
Registered Landscape Architect, currently licensed and authorized to practice in the State
of Rhode Island, and at the applicant’s and/or current project owner’s expense, to review
said screening and to recommend solutions to rectify the inadequacy and/or failure. Upon
notification, the applicant and/or current project owner shall promptly implement those
recommendations to the complete satisfaction of the Town.

20. A performance bond in the amount of $270,250 will be required in order to ensure that the
site is constructed as shown on the Final Plan. If for any reason, the applicant and/or project
owner do not complete all elements of the approved design, the Town shall have the right
to utilize this bond to either restore the site (by removing incomplete construction) or
complete the project, at their discretion.

21. The applicant and/or current project owner will include in their Final Plan submission a
final design of the secondary spill containment system for inverters and transformers. The
applicant and/or current project owner will formally agree to implement those containment
measures during project construction.

22. The applicant and/or current project owner, in good faith, will work in conjunction with the
Town to address and attempt to improve the issue of pre-existing water entering onto and
pooling along the west side of Maxson Hill Road.

23. The concrete used for the berms and equipment pads will be sealed.

24. The applicant shall provide to the Town Planner specifications and information related to
the maintenance schedule of the transformers used on site.

MOTION PASSED 3-2.

Mr. DiOrio recused himself from the next three applications, and left the meeting.

Mr. David Russo, of DiPrete Engineering, presented for the applicant. He stated that after
completing a Class 1 boundary survey of the site in question, it resulted in a change of the
setbacks. The solar array configuration was changed from ten rows to nine rows. The drainage
plan is proposed to be modified to use less crushed stone and more swales under the panels.
The Town’s engineer, Crossman Engineering has reviewed the proposed amendment, and
having made minor comments, which have all been addressed by the applicant.
Sevag Khatchadourian, of Oak Square Partners, represented South County Solar, LLC. He stated that the changes made to the landscaping plan were to the front and sides of the project. They thought that it would be more efficient to preserve the existing vegetation along the road, and to add privacy slats to the fence. The landscaping plan proposed has 57 fewer trees and shrubs, but the applicant is going to spend a minimum of $300 per tree as a supplemental reserve to address any issues with the screening. The applicants feel that this plan captures the Planning Board’s concern about being able to see the project.

Questions from the Planning Board:

Mr. Holberton: I support the idea of not cutting existing vegetation where it’s not necessary.
Mr. Khatchadourian: The Board was clear that the project was not to be seen from the road.
Mr. Prellwitz: Is the stone being taken out of the swales?
Mr. Russo: The proposed change is to remove the stone from under the panels. The open swales provide for better drainage, there is still crushed stone in the swales.
Mr. Holberton: Why was the solar field moved? Because of a boundary issue?
Mr. Russo: A Class 4 survey standard in Development Plan Review is not as accurate as a Class 1 survey that needs to be done before construction.
Ms. Williams: What material is the fence?
Mr. Khatchadourian: The fence is chain link with privacy slats. The intent is for the site to appear undeveloped. We’re also prepared to have a landscaping contingency budget of $20,000 in order to supplement where it’s needed.
Ms. Williams: Who approves where the plantings are done?
Mr. Khatchadourian: We planned to have the landscape architect design the plan.
Mr. Lamphere: It’s up to the Planning Board to decide that. The Board could decide to have the applicant return after construction, and the Board could do a site visit, and speak with the neighbors.

There were no questions from the public.

Having found that the proposed development is consistent with the Comprehensive Community Plan and/or has satisfactorily addressed the issues where there may be inconsistencies; that the granting of approval will not result in conditions detrimental to the public health, safety, and welfare; that the granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area of zoning district; that there will be no significant negative environmental impacts from the proposed development as shown on the Final Plan, with all required conditions for approval; and that the proposed development has adequate and permanent physical access to a public street, Mr. Holberton moved that the Planning Board grant the amendment to the Development Plan Review approval, subject to the applicant or current project owner returning to the Planning Board one year after completion of construction to review the final landscaping design.
MS. WILLIAMS SECONDED THE MOTION.
MS. WILLIAMS, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW APPROVED THE MOTION.
MOTION PASSED 4-0.


Jason Gold, ESS Group, presented for the applicant. The project appeared before the Planning Board in August of 2018 for a pre-application meeting. The project has since received an insignificant alteration permit from RIDEM on 4/4/19. The fire marshal has also reviewed and commented on the plan on 4/18/19. Finally, Crossman Engineering has also reviewed the plan and submitted a memo dated 4/24/19. The project is a 13.4 acre site, currently zoned Commercial (Special). There is a single family home structure existing on the parcel. The property is mostly wooded and grass, and the wetlands have been flagged. There is a brook on the south side of the property. There are residences to the southwest and across Palmer Circle. The site is screened by vegetation near the road. The proposed solar array will be 998kW in size, sitting on about 2.9 acres of fenced area. The system is smaller than was presented at the pre-application meeting. The project is designed in accordance with the Town’s solar ordinance. Fence privacy slats are proposed on the northeast and south sides. The operations and maintenance plan has been provided, including an annual noise inspection. Decommissioning security have been proposed in the amount of $14,000. The project has been designed to meet Development Plan Review standards. The noise study reports sound measured at 15-31 decibels. Peer review engineering comments from the Town’s engineer have been provided in a memo dated April 24th, which resulted in several amendments to the plan. The applicant states that they have addressed all of the concerns in the memo.

Questions from the Planning Board:

Mr. Prellwitz: $35,000 sounds more reasonable for the decommissioning security. I would prefer the Town not be on the hook for the salvage. Salvage value fluctuates greatly.
Ms. Williams: How many transformers will be used?
Mr. Typatis, Oak Square Development: One transformer.
Ms. Williams: The concern is that the property is on a primary aquifer zone. The new ordinance reflects containment of any oils used in the equipment. I would like the Board to consider adding that as a condition of approval.
Ms. Williams: Will the condominium residents be able to see the project?
Mr. Typatis: We have a sixty foot setback supplemented by new plantings. Then there is 60’-70’ further to the fence, which utilizes privacy slats.
Ms. Williams: Other projects near residences have utilized wooden stockade fences.
Mr. Typatis: We discussed that possibility after the last meeting and the concern was the long-term deterioration of a wooden fence.
Mr. Khatchadourian: The view from Heather Lane could use a secondary stockade fence for screening purposes.

Mr. Holberton: We could bring the applicant back one year after construction to review the screening.

Mr. Khatchadourian: We would appreciate a budget to expect in the motion for financing purposes. We are willing to include a reasonable budget to stabilize and supplement the vegetation as needed.

Ms. Light: The containment system is also a benefit to the applicants, as an insurance on the project.

Mr. Pennypacker: Could you add something to the Operations and Maintenance Plan about not using herbicides?

Mr. Typatis: Yes.

Mr. Lamphere: The Operation and Maintenance Plan should be correct to reflect the property decibel level under Town regulations, as well as the annual noise assessments.

Mr. Typatis: When the plan was prepared, that was prior to the new ordinance.

Mr. Typatis: This is a Community Solar project. The specific document is the RIPUC 212-F, part D. That is the relevant paperwork. It’s administered through National Grid. I can provide that information as well. It’s called a Community Remote Distributed Generation program.

Each contract requires a portion of the cents per kilowatt revenue to National Grid account holders in good standing. There are no restrictions on participation.

Ms. Williams: Could you address the Town Council on this?

Mr. Typatis: Yes.

Ms. Capalbo: The Town receives our electricity from Direct Energy.

Mr. Typatis: The Town could still get credit on the National Grid portions of the energy bill, distribution.

Ms. Capalbo: Other solar arrays have developed electric car charging stations as a part of the development.

Mr. Luther Davis: Is there any buffering needed from I-95?

Mr. Khatchadourian: The property doesn’t abut I-95. It will not be visible from the highway.

Having found that the proposed development is consistent with the Hopkinton Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies; that the granting of approval will not result in conditions detrimental to the public health, safety, and welfare; that the granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district; that there will be no significant negative environmental impacts from the proposed development as shown on the Final Plan, with all required conditions of approval; and that the proposed development has adequate and permanent physical access to a public street, Mr. Holberton moved that the Planning Board grant the Development Plan Review approval, subject to the following conditions:

1. The access drive width will be increased to twenty feet, per the Fire Marshal’s request.
2. The applicant or current project owner returning to the Planning Board one year after completion of construction to review the final landscaping design and retain a landscaping contingency of $20,000 in order to supplement the screening, as needed.
3. A noise study will be conducted annually at the expense of the applicant, and the noise generated from the project will not exceed 40 decibels at the property line.
4. The decommissioning security will be in the amount of $20,000.
5. The applicant or current project owner will use a secondary containment system under the transformer pad meeting the approval of the Town Planner.
6. Any proposed alteration or amendment of the Final Plan requires approval from the Town Planner.
7. The operations and maintenance plan will specify that no pesticides or herbicides are to be used on the site.

MS. WILLIAMS SECONDED THE MOTION.
MS. WILLIAMS, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW APPROVED THE MOTION.
MOTION PASSED 4-0.

NEW BUSINESS:

Brayman Minor Subdivision – Pre-application meeting – AP 17 Lot 12 – 135 Fairview Avenue – Bruce Brayman, applicant.

Bruce Brayman, applicant, appeared seeking input on a conceptual plan that was submitted to the Planning Board.

Questions from the Planning Board:

Mr. Holberton: What led to the odd-shaped lots?
Mr. Brayman: The frontage space for house sufficient. Only one of them is oddly shaped.
Ms. Williams: Is it possible to shape the lots more conventionally?
Mr. Brayman: The lots conform with subdivision standards and meet frontage requirements.

The Planning Board discussed the configurations of lot shapes. There was no vote taken for a pre-application meeting.

Community Development Block Grant – Review of activities for consistency with the Hopkinton Comprehensive Plan

Mr. Lamphere introduced the activities that were included in the Town’s CDBG application. He asked that the Planning Board review them and certify that they do not conflict with the Town’s Comprehensive Plan. He noted that Hope Valley is a low-moderate income area and
has historically had issues with water quantity, which necessitated the need for a water line feasibility study.

MR. HOLBERTON MOVED TO CERTIFY THAT NONE OF THE PROPOSED ACTIVITIES CONFLICT WITH THE GENERAL POLICIES SET FORTH IN THE HOPKINTON COMPREHENSIVE PLAN. MR. PRELLWITZ SECONDED THE MOTION.

MS. WILLIAMS, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW APPROVED. MOTION PASSED 4-0.

SOLICITOR’S REPORT:

Mr. McAllister announced that since a new alternate to the Planning Board had recently been appointed, he may suggest that alternates be allowed to sit in as needed. It would not be appropriate in instances where applications have involved multiple meetings prior without the alternate present. Ms. Williams also suggested reviewing the requirements of the Open Meetings Act at a future meeting.

PLANNER’S REPORT:

Administrative Subdivision - First Baptist Church of Hope Valley

CORRESPONDENCE AND UPDATES:

None

PUBLIC COMMENT:

Mr. Bill Bergan of Dye Hill Road stated that three days prior, DiPrete Engineering had been working on Dye Hill and Sawmill Roads performing surveys. The surveyor stated the purpose was for the widening of the road for the Brushy Brook housing plan. He stated that his understanding was that the 2010 judgment included the requirement that roads and bridges on Sawmill Road be widened. Mr. McAllister stated that the 2010 Master Plan approval is the plan in play. Master Plan is a conceptual approval, and does not have detailed engineering. Mr. Bergan said that he thought perhaps the work has to do with the planned increase to area traffic from additional housing.

DATE OF NEXT REGULAR MEETING: June 5, 2019

ADJOURNMENT:

MR. HOLBERTON MOVED TO ADJOURN THE MEETING
MR. PRELLWITZ SECONDED THE MOTION
MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW APPROVED. MOTION PASSED 5-0.

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