

State of Rhode Island

County of Washington

In Hopkinton on the fifteenth day of July 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 7:00 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, 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

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

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

OPPOSED: None

SO VOTED

MULTI-EVENT PERMIT

The Council opened a hearing on an application for a Multi Event Permit for a series of three free Music in the Valley Concerts filed by Christine Anderson on behalf of the Friends of the Hopkinton Land Trust scheduled for Saturday, July 13, 2019, Saturday, August 10, 2019 and Saturday, September 14, 2019 from 4:00 PM to 7:00 PM to be held at Depot Square Park, 1 Mechanic Street, Hope Valley, RI 02832 identified as AP 27 Lot 176.

There was no one present representing the Multi Event Permit application, so the matter was held until such time as a representative arrived. *Note – no one arrived to serve as representative during the remainder of the meeting.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED

BY COUNCILOR CAPALBO TO ADJOURN AS LICENSING BOARD AND RECONVENE AS COUNCIL.

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

The Town Council Meeting Minutes of July 1, 2019 and the July 1, 2019 transcript as the record of the Zoning Ordinance Text Amendment hearing filed by Norbert Ansay, Jr. re: 999 Main Street, were removed from the consent agenda.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE CONSENT AGENDA AS

FOLLOWS: Set August 5, 2019 as a hearing date for a Special Event Permit filed by Holly Tree Campground; Accept the following monthly financial/activity report: Town Clerk.

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

OPPOSED: None

SO VOTED

Councilor Hirst question the vote to adjourn indicating he thought it had been Councilor Capalbo making the motion. The Town Clerk will check the record and make the necessary correction.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF JULY 1, 2019 AS CORRECTED.

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

OPPOSED: None

SO VOTED

Councilor Hirst stated his name was spelled incorrectly as Hirsch in the transcript and asked that it be corrected on page 13 and 14 to read Hirst; Councilor Thompson stated the Zoning Board had been erroneously used by the attorney for

the applicant on page 5 and page 7, and this should state Planning Board; Councilor Davis questioned page 8 as it pertains to the comment on the color of the building and Councilor Thompson confirmed what she stated was correct – the building was blue and orange it was because the Rexall pharmacy was housed there.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ACCEPT THE JULY 1, 2019 TRANSCRIPT AS THE RECORD OF THE ZONING ORDINANCE TEXT AMENDMENT HEARING FILED BY NORBERT ANSAY, JR. RE: 999 MAIN STREET WITH CORRECTIONS.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Carol Derosiers of Pleasant View Drive commented on the continuance request for 0 Main Street. She asked the Council to not grant the request to reschedule again because the matter dates back eight months; there had been six hearing dates and five cancellations resulting in frustration by the abutters who have been unable to speak. She mentioned that there were some individuals hoping there was nothing happening behind the scenes with this matter because it is the same developer as the Skunk Hill Solar.

Joe Moreau of Old Depot Road noted he had concerns regarding Palmer Circle but realized they may not be able to be addressed during public forum. Council President Landolfi will speak with him after the meeting. Mr. Moreau referred to the June 10, 2019 decision where there was a list of suggestions made including the purchase of the Gardiner property and would like to know the status.

Councilor Thompson will update him after the meeting. He also stated he was interested to know when the new ordinances will be available. Mr. Moreau commented on the Atlantic Solar application and since the July 8 meeting was cancelled, he is under the impression that the matter will have to be re-advertised

and re-noticed. Mr. Moreau noted the Planning Board 2/2 vote relative to the 336 Woodville Road project so no vote passed; he noted this is a solar project that would exceed the percentage cap in the revised ordinance and did not understand how the matter could move forward.

COUNCIL PRESIDENT REPORT

Council President Landolfi noted he had been contacted periodically over the years about holding a town-wide shred it day. He provided a status report that preliminary research was being done to determine cost and frequency; this subject is it's the early stages.

OLD BUSINESS:

ZONING ORDINANCE TEXT AMENDMENT TO ADD ART GALLERY/STUDIO TO DISTRICT USE TABLE – NORBERT ANSAY, JR. APPLICANT – 999 MAIN STREET, AP 27 LOT 102

This matter had been scheduled to further discuss and possibly vote to render a decision re: a Zoning Ordinance Text Amendment filed by Norbert Ansay, Jr., 63 Cedarwood Lane, Hope Valley, RI 02832 for property he owns located at 999 Main Street identified as Assessor's Plat 27 Lot 102, a Neighborhood Business Zone. The applicant requests a zoning ordinance text amendment to the Chapter 134 District Use Table to adopt use category 761 "Art Gallery/Studio" to be permitted in a Neighborhood Business Zone and in Aquifer Protection areas based on types of materials and supplies utilized. The proposal to adopt use category 762 "Art Gallery/Studio" has been sent back to the Planning Board for further study. The hearing was held on July 1, 2019.

Steven Surdut, Esq. was present with applicant Norbert Ansay, Jr. A stenographer was present to record the proceedings. The transcript will be attached and made part of this record. At the conclusion of deliberations, the Town Council considered the following motion:

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO APPROVE A ZONING ORDINANCE TEXT AMENDMENT FILED BY NORBERT ANSAY, JR. FOR PROPERTY LOCATED AT 999 MAIN STREET, HOPE VALLEY AND IDENTIFIED AS

ASSESSORS PLAT 27 LOT 102, A NEIGHBORHOOD BUSINESS ZONE, THE TOWN COUNCIL AGREES WITH THE PLANNING BOARD THAT THE PROPOSED USE AS AN ART GALLERY/STUDIO (NON-CAUSTIC, NON-HAZARDOUS MATERIALS) IS CONSISTENT TO THE HOPKINTON COMPREHENSIVE EPLAN WITH THE CONDITION THAT HOPKINTON’S DISTRICT USE TABLE (DUT) USE CODES 761 REQUIRE A SPECIAL USE PERMIT IN A NEIGHBORHOOD BUSINESS ZONE. THE TOWN COUNCIL ALSO AGREES ART GALLERIES WILL BE REMOVED FROM USE CATEGORY 76 AND NEW USE CATEGORY 761 ART GALLERY/STUDIO (NON-CAUSTIC, NON-HAZARDOUS) ARE CREATED, SPECIFICALLY:

	RFR-80	RES-1	NB	Comm.	Mnufct.	Pri.	Sec.
761 Art Gallery/Studio	S	N	S	N	N	P	P
(Non-caustic/non-hazardous, materials)							

THE APPLICANT MUST ADHERE TO THE FOLLOWING CONDITIONS: 1. THE ART GALLERY IS LIMITED TO NON-CAUSTIC, NON-HAZARDOUS MATERIALS SUCH AS WATER BASED AND ACRYLIC PAINT; 2. BEFORE THE GALLERY OPENING, THE APPLICANT WILL REAPPLY TO THE HOPE VALLEY WATERLINE. THIS REQUIRES A POSITIVE INSPECTION OF THE ISDS AND THE INSTALLATION OF A WATER METER (AT THE APPLICANTS EXPENSE) AND ACCORDING TO TOWN STANDARDS; 3. THE APPLICANT WILL ADHERE TO RIDEM’S APPROVED ISDS FROM MAY 3, 1995 LIMITING THE ISDS DAILY FLOW TO 45 GALLONS AND DESIGNED FOR A LIMIT OF 3 EMPLOYEES. NO INCREASE IN ISDS LOADING IS ALLOWED WITHIN THE HOPE VALLEY WASTE WATER MANAGEMENT DISTRICT. There was discussion on the motion which will be further noted in the transcript and the motion on the table was voted on as follows:

IN FAVOR: Hirst, Thompson, Davis

OPPOSED: Landolfi, Capalbo

MOTION CARRIED

RESCHEDULE HEARING RE: SOLAR DG, LLC/CLEARWAY ENERGY GROUP & EDWARD CARAPEZZA ZONING AND COMPRENSIVE PLAN AMENDMENTS – 336 WOODVILLE ROAD, AP 8 LOT 36

This matter had been scheduled to discuss, consider and vote to grant request of William Landry, Esq. to reschedule the following matter re: an amendment to the Hopkinton Comprehensive Plan Future Land Use Map and an amendment to the Hopkinton Zoning Ordinance and Zoning Map filed by Solar DG, LLC, a wholly owned subsidiary of Clearway Energy Group, 205 Hudson St., 7th Floor, New York, NY 10013 and Edward M. Carapezza, 336 Woodville Rd., Hopkinton, RI 02833, with Solar DG, LLC as lessee, for a portion of the property located at 336 Woodville Rd. identified as AP 8 Lot 36 an RFR-80 Zone. This matter was originally scheduled for July 22, 2019 at the CMS Auditorium.

The Council discussed various dates and rescheduled the hearing to Monday, September 23, 2019 at the Chariho Middle School Auditorium, 455B Switch Road, Wood River Jct., RI 02894 at 7:00 PM.

RESCHEDULE HEARING RE: ATLANTIC SOLAR LLC/ATLANTIC CONTROL SYSTEMS, INC. ZONING AND COMPRENSIVE PLAN AMENDMENTS – 0 MAIN STREET, AP 7, LOT 32; AP 10, LOT 87, AP 11, LOT 35

This matter had been scheduled to discuss, consider and vote to grant request of Robert E. Craven, Esq. to reschedule the following matter re: an amendment to the Hopkinton Zoning Ordinance and the Hopkinton Comprehensive Plan Future Land Use Map filed by Atlantic Solar LLC, 260 West Exchange Street, Providence, RI 02903 and Atlantic Control Systems, Inc., 318 Dry Bridge Road, North Kingstown, RI, RI 02903, the land owner for property located at 0 Main Street identified as Plat 7, Lot 32; Plat 10, Lot 87 and Plat 11, Lot 35 an RFR-80 Zone originally scheduled for hearing on November 19, 2018 – no hearing held and continued to January 14, 2019 – no hearing held and continued to April 15, 2019 – no hearing held and continued to May 28, 2019 – no hearing held and continued to June 10, 2019; hearing held June 10, 2019 and continued to July 8, 2019, as was announced during the advertised and noticed June 10, 2019 Town Council Meeting.

The Council discussed various dates and rescheduled the hearing to Monday, October 28, 2019 at the Chariho Middle School Auditorium, 455B Switch Road, Wood River Jct., RI 02894 at 7:00 PM.

NEW BUSINESS

POSSIBLE AMENDMENT TO RICHMOND-HOPKINTON WATER LINE AGREEMENT

This matter had been scheduled to discuss, consider and possibly vote to initiate the process to seek to amend the 1991 water line agreement between the Town of Hopkinton and Town of Richmond to include Plat 27 Lot 135 - requested by Councilor Thompson. Councilor Thompson had prepared a memorandum with the agreements attached. She explained her involvement with the waterline, wanted to address the omission and amend the agreement to correct the mistake. She was responsible for getting the waterline done. Exhibit A lists the included parcels, drew in the boundary on the map, the establishment of a Waste Water Management District. Send to Richmond ask that they amend the agreement to include the lot that was excluded. Councilor Capalbo noted Councilor Thompson had done a great deal of work on the waterline. Councilor Davis had no problem with the proposal and Councilor Hirst did not have a comment. Councilor Landolfi noted it would ultimately be up to Richmond; he felt it would most likely end up as a workshop with Richmond but supported sending it over and see how it plays out. Town Manager William McGarry commented that in applying to be on the waterline, there was a specific set of criteria; application and administrative details that would have to be complied with including the installation of a special type of meter that has the ability to be read remotely; meter installation and meter removal. Town Clerk Cook-Martin indicated the map with the outline covered over the name of the road; she was assuming it was Locustville Road. Council noted what was significant was the map and lot. Councilor Thompson asked the Solicitor if the proposed amendment she had drafted was sufficient and he indicated it was.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO INITIATE THE PROCESS TO SEEK TO AMEND THE 1991 WATER LINE AGREEMENT BETWEEN THE TOWN OF HOPKINTON AND THE TOWN OF RICHMOND TO INCLUDE PLAT 27, LOT 135.

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

OPPOSED: None

SO VOTED

BOARDS & COMMISSIONS:

Planning Board Alternate

This matter had been scheduled to discuss, consider and possibly vote to appoint Emily Shumchenia as alternate to the Planning Board. Ms. Shumchenia was interviewed on July 1, 2019.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO APPOINT EMILY SHUMCHENIA AS ALTERNATE TO THE PLANNING BOARD.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road spoke on the decision on the proposed art school. He commented about his daughter who at age 4 and started in an art program and she ended up attending the Pratt Institute in NY but she started out at 4 years old with watercolor paints, learning how to paint and making new friends and now his 12 year old granddaughter is doing the same. His daughter has her own on-line business as a jewelry designer but he remembers bringing her to class and it was never a problem. He noted the applicants tonight were very upset walking out and he did not blame them. We want business in Town but we put them through hoops over an art studio; he did not believe they would use chemicals. He noted the applicant's wife is an artist with patents on her designs. She would have the best interests of the children in mind who would be in that studio and an art studio would be better than what is there now. Mr. Moreau spoke on a joint five page memo he helped to pen on June 25th regarding the background of a land owner. He felt it's a public record – not a personal record; there are court cases involved and violations with RIDEM, with fines in other towns. His intent along with Mr. Bibler was to share information and hope it would be read before getting involved with long, drawn out processes involving solar. He commented that the

solar ordinance was clear; it's a 3% cap. He added that the developer has some serious issues; he has a dam that has been deemed by the DEM to be a significant hazard. Mr. Moreau's opinion is that it is public record.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF ELEANOR DOVE OF THE NARRAGANSETT INDIAN TRIBE.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk