

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of August 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:45 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.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO CONVENE OPEN SESSION AND ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5(A) (2) PERTAINING TO POTENTIAL LITIGATION.

POLL VOTE:

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO RECONVENE IN OPEN SESSION AND SEAL THE MINUTES OF THE EXECUTIVE SESSION.

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

OPPOSED: None

SO VOTED

The meeting was called to order with a moment of silent meditation for Derrick Payne, Eva Marie Gardner Andrews and Barbara Merritt. This was followed by a salute to the Flag.

Council President Landolfi reported no votes were taken during the executive session.

Council President Landolfi asked that the Consent Agenda and the item listed under New Business be moved up ahead of the hearing.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO TAKE THE AGENDA OUT OF ORDER AND MOVE THE CONSENT AGENDA AND THE NEW BUSINESS ITEM UP AHEAD OF THE HEARING.

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

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

The Town Council Meeting Minutes of August 5, 2019; Executive Session Minutes of August 5, 2019 and the July 15, 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 THOMPSON AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Accept the following monthly financial/activity report: Town Clerk; Approve refunds due to overpayment of 2015 & 2018 real property tax & 2019 tangible tax submitted by the Tax Collector; Set September 3, 2019 as a hearing date for a Special Event Permit filed by Foster Parrots; Approve amendment to the Richmond-Hopkinton Waterline Agreement that adds and hereafter includes Hopkinton AP 27 Lot 135.

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

OPPOSED: None

SO VOTED

Councilor Capalbo noted a correction was necessary and asked that page 17, line 19 of the transcript be corrected taking out the words “page in” with “painting”.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ACCEPT THE JULY 15, 2019 TRANSCRIPT

AS THE RECORD OF THE ZONING ORDINANCE TEXT AMENDMENT HEARING FILED BY NORBERT ANSAY, JR. RE: 999 MAIN STREET AS AMENDED.

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

OPPOSED: None

SO VOTED

Regarding the Town Council Meeting Minutes of August 5, 2019, Councilor Davis noted the word “on” needed to be inserted on page 2, line 10 between “hearing” and “an”.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF AUGUST 5, 2019 AS AMENDED.

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

OPPOSED: None

SO VOTED

The Executive Session Minutes of August 5, 2019 will be placed on an upcoming agenda for approval.

**PUBLIC FORUM**

Joe Moreau of Old Depot Road stated that what was started a couple of years ago by a member of the Town Council, in an attempt to obtain revenue for the Town by installing solar on Town property, has led to the following: currently there are 19 solar projects approved and 11 projects that are proposed. Eco Rhode Island News has printed an article about double taxation hits on towns and on August 12<sup>th</sup> there was another article which advised that studies were being delayed in both Rhode Island and Massachusetts, and the approval process for large renewable energy projects is expected to take longer, due to the burden of solar and off-shore wind on the regions electricity transmission systems. Mr. Moreau stated that there was a workshop held on January 29, 2019 between the Town Council and Conservation Commission in which they discussed wind turbines. At that meeting a Council member noted that there was a possible conflict of interest for a voting member of the Conservation Commission who wished to install a

wind turbine on his property. Mr. Moreau was worried that if wind turbines were allowed for farmers who had large tracts of land there would be loopholes for any individual who owned a large tract of land, just like what is happening regarding these solar projects. He also commented on a test turbine being placed on the Palmer land near Exit 1 and advised that Mr. Palmer also owned property in Voluntown, Connecticut and he believed he was a Connecticut resident; however, Connecticut will not allow wind turbines. Another thing that was said was that wind was the only option available to support our Town with new revenue so that farmers can continue farming and preserve their open space. Mr. Moreau advised that he has a neighbor who owns a restaurant in Westerly which was flooded in 2010 and they didn't look to the Town to help them out, they took out a second mortgage on their home to get that restaurant back open. Mr. Moreau suggested if the farmer with a wind turbine decided to retire and sell off his land he would still see the revenue from the turbine. He lastly mentioned that two weeks ago there was a DPW worker, who happened to be Derrick Payne, working in front of his house clearing brush in the hot noontime sun and he gave him a glass of ice water. He noted there is more to life than going to meeting after meeting for these issues and he agreed that any possible loophole for allowing these wind turbines into town should be closed. He also wished to commend John Pennypacker who was the only Conservation Commissioner to vote no.

## **NEW BUSINESS**

### **RIDEM FRESHWATER WETLANDS APPLICATION RE: SAWMILL ROAD**

This matter had been scheduled to discuss, consider and possibly vote to authorize the Town Manager to execute the RIDEM Freshwater Wetlands application for the Sawmill Road widening improvements associated with the 140-unit Brushy Brook Residential Subdivision.

Attorney William Landry was present to answer questions and he explained that one of the conditions of the 2010 approval of the residential development which needed to be satisfied is the permitting and construction of the road widening of Saw Mill Road, which required wetland approval by DEM. In order to proceed

with this project they are asking the Town to also execute the application; there has been a one year extension to July of 2020. Councilor Thompson asked Attorney Landry if they had to go before the Planning Board for pre-application to start the process over again and Attorney Landry stated they did not, they already had been through the preliminary and master plan stage; however, a date hasn't been selected for the next stage of the application before the Planning Board. The next phase in the process was permitting to show proof of State approvals and any design changes those approvals required. Councilor Thompson asked if they had any other DEM approvals yet and Attorney Landry stated no – they were in the engineering stage now. Council President Landolfi noted he only had a question on the widening of the road. The widening involves the crossings of Moscow Brook, Brushy Brook and an intermittent stream. There were no other questions.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A RIDEM FRESHWATER WETLANDS APPLICATION FOR SAWMILL ROAD PAVEMENT WIDENING IMPROVEMENTS, ASSOCIATED WITH THE 140-UNIT BRUSHY BROOK RESIDENTIAL SUBDIVISION.

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

OPPOSED: None

SO VOTED

## **HEARINGS**

### **COMPREHENSIVE PLAN AMENDMENT & ZONING ORDINANCE DISTRICT USE TABLE AMENDMENT RE: PROHIBITION OF WIND TURBINES**

The Council opened a hearing to consider and act upon proposed text amendments to the Town's Comprehensive Community Plan and a proposed text amendment to the Town's Zoning Ordinance, introduced & sponsored by Councilor Thompson.

Proposed text amendments to Comprehensive Community Plan Public Services and Facilities Section/Energy: Goal PSF5; Recommendation 14 and Recommendation 19, are shown in strike-through format:

~~Recommendation 14: Evaluate the feasibility and cost of installing photovoltaic and/or wind-powered electricity generating technologies on municipally owned lands and facilities, particularly building rooftops and the capped landfill on Stubtown Road.~~

~~Recommendation 19: Consider a zoning ordinance to permit wind energy projects in appropriate zoning districts.~~

Proposed amendments to the Zoning Ordinance, Appendix A; Chapter 135 Section 5 District Use Regulations are shown in italics:

P=Permitted, N=Prohibited, S=Special Use Permit, A=Aquifer Protection Permit, P=Permitted

Use Category	RFR-80	RES-1	NB	Comm.	Mnufct.	Aquifer Overlay	
						Primary	Secondary
<i>487 Wind Turbines</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>

The intent of the proposed text amendments is to prohibit Wind Turbines in all zones in Town.

Councilor Thompson introduced and sponsored the proposed amendments to the Comprehensive Plan and Zoning District Use Table. A stenographer was present to record the proceedings. A copy of the transcript will be attached and made part of this record. The hearing commenced.

Council President Landolfi advised that they had received an advisory opinion from the Planning Board which was confusing to him so he reached out to the Town Manager who contacted the Town Planner. Thereafter he received a revised advisory opinion which further confused the issue. He then spoke to the Planning Board Chairman, Alfred DiOrio, and asked him to explain what they had received in their packets. Councilor Hirst asked Solicitor McAllister about the way the law is now in that wind turbines were not permitted and if this or text

amendment was approved they would still not be permitted. Solicitor McAllister stated that there are two proposed text amendment ordinances before the Council; the first was to make it clear that wind turbines would not be allowed in any zone in town. The way the law is now it is not a permitted use already so it doesn't change that aspect of it at all. The second proposed amendment changes the actual comprehensive plan in two respects, which is Sections 14 and 19 which encourage further study and consideration of wind turbines in certain parts of town. The second text change ordinance presented tonight would eliminate those recommendations from the comprehensive plan. That is more of a clear change than the first text amendment ordinance.

The following individuals spoke: Alfred DiOrio; Councilor Hirst; Solicitor Kevin McAllister; Councilor Thompson; Harvey Buford; Henry Roy, President of the RI Farm Bureau; Eric Bibler; Justin Bentley; Louanne McCormick; Ed Wood; Councilor Capalbo; Richard Noel; Mary Ann McNamara; Gary Williams; Councilor Hirst spoke again; Sherry Aharonian; Lydia Lamphere; Kevin Blattner; Joe Moreau; Edward Lowe; Paula Moreau; Matt Sullivan; Tammy Walsh; Edward Lowe; Harvey Buford spoke again; Eric Bibler spoke again; and, Kevin Blattner spoke again.

At the conclusion of the hearing, the Town Council would vote to close the hearing and set the date to render a decision.

**A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO CLOSE THE HEARING AND SET A DATE FOR A DECISION.**

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

**OPPOSED:** None

**SO VOTED**

The Council set October 7, 2019 as the date to render a decision. The meeting will be held at the Hopkinton Town Hall beginning at 7:00 P.M.

**ADJOURNMENT**

Councilor Hirst asked the Council to adjourn in memory of Derrick Payne, Eva Marie Gardner Andrews and Barbara Merritt.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF DERRICK PAYNE, EVA MARIE GARDNER ANDREWS AND BARBARA MERRITT.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk