

HOPKINTON SPECIAL TOWN COUNCIL MEETING – September 23, 2019
BUSINESS AGENDA

Chariho Middle School Auditorium, 455B Switch Road, Wood River Jct., RI 02894

7:00 P.M. Call to Order – Moment of silent meditation and a salute to the Flag.

PRELIMINARY HEARING:

The Town Council will conduct a preliminary hearing on whether or not it will adopt the recommendation of the Town Solicitor regarding the legal propriety of the Town Council considering the application 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 entitled *Petition for a Zoning Ordinance Text Amendment to Chapter 246 Non-Residential Photovoltaic Solar Energy Systems* without the sponsorship of a Town Council Member. The Town Solicitor's opinion is that this particular application is not in order because no member of the Town Council has sponsored the proposed amendment in compliance with Section 3210 of the Town Charter. The Council will hear the opinion of the Town Solicitor on said issue and the response of the Applicant's attorney or representative (and perhaps others) on this issue, followed by the Council's discussion, deliberation and possible vote and/or decision related to this legal issue.

N.B. Subject to the vote/decision of the Town Council on this legal issue, the first public hearing listed below will be held on said Application.

PUBLIC HEARINGS:

All other matters scheduled for hearing on this agenda were 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.

1. PETITION FOR A ZONING ORDINANCE TEXT AMENDMENT TO CHAPTER 246 NON-RESIDENTIAL PHOTOVOLTAIC SOLAR ENERGY SYSTEMS (PSES)

Open a hearing on a proposed text amendment to Chapter 134 modifying Chapter 246 thereof, "NON-RESIDENTIAL PHOTOVOLTAIC SOLAR ENERGY SYSTEMS (PSES)", Section 5.3 ("Photovoltaic solar Energy Systems"), under the heading, "PHOTOVOLTAIC SOLAR ENERGY SYSTEMS (PSES) REQUIREMENTS ... A. General Requirements, Sec. 13, as follows:

"13. Solar panels and all associated equipment are considered structures. The entirety of all structures and associated equipment constituting the PSES shall cover no more than 75% of Commercial and Manufacturing zoned parcels. If the parcel is zoned RFR-80, and the applicant is seeking to re-zone the parcel, then the maximum requested coverage may be the lesser of 3% or 3 acres, **unless the Town Council determines otherwise as referenced below.** For purposes of a PSES, lot coverage includes all of the

land area upon which all structures and associated equipment are placed, including all of the land lying directly below the solar panels and associated equipment, as well as the interstitial spaces between the solar panels, and all of the land enclosed by any perimeter fencing. RFR-80 re-zone requests are not guaranteed approval. The Town of Hopkinton encourages PSES on former gravel banks, brownfields and landfills. Such locations shall be consistent with the Hopkinton Comprehensive Plan and shall strive to minimize the visual impacts of these systems from streets and neighboring properties. In the event the Town Council has re-zoned a parcel to allow a PSES installation and use, then the proposed PSES project shall be referred to the Planning Board for ~~Master Plan Development Plan Review~~ approval. As part of its Advisory Opinion to the Town Council on a proposed zone change the Planning Board may recommend, **and/or the Council may in its judgment determine that**, an appropriate lot coverage **in excess of the lesser of 3% or 3 acres** for a proposed PSES is consistent with the Town's Comprehensive Plan, with the intent to balance environmental and aesthetic concerns, as well as the rights of the property owner to develop the parcel.”

Applicant or representative present.

Filing fees paid and notice posted.

Council discussion.

Public comment.

Consider motion to continue hearing or to close hearing and set a date for a decision.

2. PETITIONS FOR: COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AND ZONING ORDINANCE/ZONING MAP AMENDMENTS

Open a hearing to consider 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.

The applicants propose to re-designate approximately 51.8 acres of the parcel in order to install a ground mounted solar photovoltaic array within a fenced area of approximately 26 acres consisting primarily of modules, inverters and transformers on the property. The proposal to utilize the property will require approval of the proposed Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial and an amendment to the Zoning Map in Chapter 134 of the Code of Ordinances of the Town of Hopkinton entitled, “Zoning”, Section 16, changing the zoning designation of said parcel from RFR-80 to Commercial Special (“CS”), limiting the use to solar energy collection as aforesaid, conditioned upon and subject to (1) Development Plan Approval by the Hopkinton Planning Board after expiration of all appeals; and (2) the expiration/”sunset” of such change in the event that the use of the property as aforesaid is abandoned by discontinuance, or installation of such use has not begun within forty eight (48) months. This matter was originally scheduled for July 22, 2019 at the CMS Auditorium.

Applicant or representative present.

Filing fees paid and notice posted.

Council discussion.

Public comment.

Consider motion to continue hearing or to close hearing and set a date for a decision.

ADJOURN

If communication assistance (readers/interpreters/captions) is needed or any other accommodation to ensure equal participation by any person, please contact the Town Clerk's Office at 377-7777 (V) or 377-7773 (TDD) at least two (2) business days prior to the meeting.

Posting Details: Town Hall, Police Station, Hopkinton Website, Secretary of State Website.

Posting date: September 19, 2019