

State of Rhode Island

County of Washington

In Hopkinton on the twenty third day of September 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 7:20 P.M. in the Chariho Middle School Auditorium, 455B Switch Road, Wood River Jct., RI 02894.

PRESENT: Frank Landolfi, Scott Bill Hirst, Barbara Capalbo, Sharon Davis; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin. Absent: Sylvia Thompson.

The meeting was to have begun at 7:00 P.M. but Attorney Landry had been stuck in traffic. The meeting was called to order with a moment of silent meditation and a salute to the Flag at 7:20 PM.

PRELIMINARY HEARING:

The Town Council proceeded with 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. Once the Town Council decides whether or not to move forward with

a hearing on this specific item, it would be the first public hearing conducted on this particular proposal.

William Landry, Esq. was present. A stenographer was present to record the proceedings. The transcript will be attached and made part of the record.

Solicitor Kevin McAllister provided his legal opinion verbally to the Town Council and William Landry, Esq. provided a verbal rebuttal argument. The full opinion of the Town Solicitor, rebuttal argument of Attorney Landry and Town Council deliberations are reflected in the transcript. Thereafter, the Town Council proceeded to vote:

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS THAT THE HOPKINTON TOWN COUNCIL AGREES THE PETITION IS OUT OF ORDER AND IS NOT ACCEPTABLE TO THE TOWN COUNCIL OF HOPKINTON, RI.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

Based on the vote of the Council, the hearing on the proposed text amendment to Chapter 246 Non-Residential Photovoltaic Solar Energy Systems (PSES) Ordinance was not held.

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.,th 7 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 Town Council proceeded with the following matter at 7:48 P.M.

PETITIONS FOR: COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT & ZONING ORDINANCE/ZONING MAP AMENDMENTS

The Council opened 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.

William Landry, Esq. was present. Also present: Edward M. Carapezza – property owner, Anna Chavis from Clearway Energy, Audie Osgood from DiPrete Engineering. Filing fees had been paid and notice posted. A stenographer was present to record the proceedings. A copy of the transcript will be attached and made part of the record. At the conclusion of the presentation, the Town Council proceeded to vote in the following motion:

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR CAPALBO TO CLOSE THE HEARING AND SET OCTOBER

28, 2019 AS A DATE TO RENDER A DECISION; MEETING TO BE HELD
AT THE CHARIHO MIDDLE SCHOOL AUDITORIUM AT 6:30 PM

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY
COUNCILOR CAPALBO TO ADJOURN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk