

State of Rhode Island

County of Washington

In Hopkinton on the twenty eighth day of October 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:50 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.

The meeting was called to order with a moment of silent meditation and a salute to the Flag at 6:50 PM. The decision was scheduled for 6:30 PM. Attorney Landry was not present.

DECISION:

PETITION TO AMEND THE COMPREHENSIVE COMMUNITY PLAN FUTURE LAND USE MAP AND AN AMENDMENT TO THE ZONING ORDINANCE AND MAP

This matter was before the Town Council to render a decision 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.

A stenographer was present to record the proceedings. A copy of the transcript will be attached and made part of this record.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO DENY TO AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AND DENY TO AMEND THE ZONING AMENDMENT TO THE ZONING ORDINANCE AND MAP FILED BY SOLAR DG, LLC, A WHOLLY OWNED SUBSIDIARY OF CLEARWAY ENERGY GROUP. Discussion by Council:

Councilor Thompson felt that this had been decided by them on January 22, 2019 when they amended the solar ordinance. Councilor Davis stated that this proposed project challenged the solar ordinance adopted on January 22, 2019. She felt at first glance this might have been a good location for a solar project, but there were other factors to consider which she found troubling, such as the planned access to the site being constructed through wetlands, which she believed DEM had a problem with. Secondly, this property is currently zoned residential and the applicant resides on the premises and wishes to remain living there so this would become a split zone. Her third concern was that this property only qualifies for a maximum of three acres of solar panels, pursuant to the ordinance. Because of those concerns, Councilor Davis voted no. Councilor Hirst stated that he would vote no, due to the numerous violations that Mr. Carapezza had pending regarding this property and that he didn't feel they would be able to trust him to fulfill any promises that he has made. Councilor Capalbo felt that the Carapezza property was a logical place for a solar project and ideal to be utilized as a split zone and she was voting yes for this project. Council President Landolfi stated that this project was submitted three months after the solar ordinance was changed and therefore he could not support it. Vote on

Motion:

IN FAVOR: Landolfi, Hirst, Thompson, Davis

OPPOSED: Capalbo

SO VOTED

7:00 P.M. – HEARING RE:

PETITION FOR COMPREHENSIVE PLAN & ZONING AMENDMENTS

The Council opened a hearing to consider 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 – a

hearing held and the matter was rescheduled on July 15, 2019 to October 28, 2019. The applicants propose to install a ground-mounted photovoltaic solar array on the existing 29.7 acre property listed as Assessor's Plat 7, Lot 32; Plat 10, Lot 87 and Plat 11, Lot 35 to construct a ground mounted Solar array on the property. The proposal to utilize the property will require approval of the proposed Comprehensive Plan Future Land Use Map Amendment from RFR-80 to Commercial Special and a Zoning Map Amendment from RFR-80 to Commercial Special. It was noted that there was a hearing held on June 10, 2019 but supplemental information was required.

Attorney Robert Craven was present with the applicant Frank Epps. Filing fees had been paid and notice posted. A stenographer was present to record the proceedings and a copy of the transcript will be attached and made part of the record.

Mr. Epps provided the Council with additional information including maps; forester's evaluation of the land; and, safety of the products. He stated that Energy Development Partners is only the applicant and not the landowner. The landowner is Atlantic Control Systems who is a commercial and residential developer. Alan Benevides discussed their revised plans and stated that the applicant has had a wetland survey performed and one of the changes they have made is that the panels are now based upon the actual wetland location. John Schrader spoke concerning the three transformers that this project would have. Councilor Davis suggested that since the applicant is increasing the lot size of the project, they should amend their application.

Attorney Donnelly pointed out that the applicant has added another property to their proposal and this matter shouldn't even be entertained by the Council.

Notice would have to be given again because the map is now different; it should be re-advertised; and, this new project has not been before the Planning Board.

Loretta Peach of 598 Main Street stated she was an abutter and has owned her property since 1978 and she is against this project.

Jon Closterman of 600 Main Street agreed with Ms. Peach and felt that there were more wetlands than what was indicated on the applicant's plan.

Councilor Thompson asked what the time frame was for developers to receive tax incentives for solar projects, which Mr. Epps explained.

Joe Moreau of Old Depot Road reiterated that the applicant has added 3.7 acres to this project and therefore this was an entirely new project.

Councilor Hirst wished to ask the Town Solicitor his opinion and Solicitor McAllister stated that he was unsure of the facts; however, if it was true that the addition of the new parcel has changed the 200 foot radius map and additional abutters were entitled to notice, then he would have a problem with proceeding because of state law, town ordinances and the charter. He went on to state that when a situation like this occurs, it is good to give the counsel for the applicant the opportunity to address those issues; a substantial objection has been made and the Council needs to review everything carefully. He suggested that Attorney Craven address this matter soon and the questions raised require further attention. Attorney Donnelly indicated that everyone that was notified properly was only notified of a three lot project and therefore notice was defective.

Eric Bibler stated that when he reviewed the abutters notice letter it only included the three lots with the old map. He noticed there was a letter in the file dated October 22, 2019 and stamped October 24, 2019 that had a new map and included the fourth lot. He stated that because there had been seven meetings scheduled for this project and five of those meetings had been cancelled, that was why he believed more abutters weren't present. Mr. Bibler stated that he was astonished that Council President Landolfi wanted to know what the neighbors thought about this project when there had been a petition opposing this project submitted in January of 2019 signed by almost every single abutter, including Jack Yates, and contained 168 signatures.

Rachel Morgan of 604 Main Street stated that she is not an immediate abutter but she is very close. She indicated that she is very educated concerning renewable energy and has solar panels on her roof and is all for green energy; however, believed they could not replace the benefits of a forest.

Council President Landolfi advised that the Solicitor believed they should put this matter on hold because of the additional lot being added; but asked if anyone wished to comment further.

Attorney Donnelly questioned whether the Council would take further public comment at the next meeting and Council President Landolfi advised yes, there was always public comment heard before a matter gets scheduled for a decision. Walter Czerkiewicz of Rockville stated he was there because he believed people had property rights and he didn't believe solar hurt property values.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO CONTINUE THE HEARING.

Solicitor McAllister suggested that the Council suspend the hearing tonight without setting a date for resuming the hearing and put a caveat that the developer's attorney will address the issues brought up tonight about the current status of this project, what lots comprise the project, and whether the abutters list has changed. If Attorney Craven can provide that information in the near future, then his suggestion would be that the Council consider and deliberate that in open session at a fully advertised meeting with notice to all abutters. The motion and second was rescinded.

Councilor Hirst indicated that his concern was whether or not the Planning Board should be consulted because the proposal has changed. Councilor Davis agreed and felt the applicant should start over.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO SUSPEND THE HEARING AND MAKE THE DETERMINATION TO START OVER.

Councilor Capalbo questioned if this was a suspension of the application or just the hearing and Councilor Davis confirmed she wished it to be the application. This motion and second was rescinded as well and the Council would move to table.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO TABLE THE APPLICATION.

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

OPPOSED: None

SO VOTED

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk