

State of Rhode Island

County of Washington

In Hopkinton on the second day of March 2020 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Frank Landolfi, Scott Bill Hirst, Sylvia Thompson, Barbara Capalbo, 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 ANTICIPATED & PENDING LITIGATION.

POLL VOTE:

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO RECONVENE IN OPEN SESSION.

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

OPPOSED: None

SO VOTED

Council President Landolfi reported no votes were taken in the Executive Session.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO 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 and a salute to the Flag.

HEARING

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

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

OPPOSED: None

SO VOTED

SPECIAL EVENT PERMIT

The Council opened a hearing on an application for a Special Event Permit filed by Martin Liese on behalf of the Ashaway Sportsman Club for the annual Huck Finn Day scheduled for Sunday, June 7, 2020 from 8:00 AM to 3:30 PM (rain date: Sunday, June 14, 2020) to be held at Crandall Field, 188 Main Street, Ashaway, RI 02804.

The applicant was not present. The Council indicated the matter will be continued if the applicant doesn't arrive during the meeting. No one arrived.

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 February 18, 2020 and the Budget Workshop Notes of February 6, 2020 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: Town Council Meeting Minutes of February 3, 2020; Executive Session Minutes of February 3, 2020; Budget Workshop Notes of February 13,

2020; Approve abatement resulting from a 2019 real property adjustment submitted by the Tax Assessor.

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

OPPOSED: None

SO VOTED

Councilor Capalbo noted that in the February 18, 2020 minutes, page 1, in the vote for the Consent Agenda, Councilor Davis' name was missing. Regarding the February 6, 2020 minutes, page 4, at the bottom of the first paragraph where Councilor Davis noted that no money should be spent from the Council contingency fund without a prior vote of the Council, Councilor Capalbo wished it to be noted that the Councilors agreed with her statement.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE TOWN COUNCIL MEETING MINUTES OF FEBRUARY 18, 2020 AND BUDGET WORKSHOP NOTES OF FEBRUARY 6, 2020 WITH CHANGES.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Loretta Peach of Main Street spoke regarding the Atlantic Solar proposal. She noted that she had attended the meeting with Mr. Grundy at the grange where he showed them a plan for 64 units of low income housing and advised that he would seek to build on this property if the solar project was rejected. She noted that she was against the solar project, as well as the low income housing, which she felt would not be in the best interest of the town. She was concerned about the setback lines for this solar project and believed there was a lot of confusion. She felt the Council was pitting neighbor against neighbor and wished compassion for the citizens. Ms. Peach advised that she supports the comprehensive plan to keep Hopkinton country.

Jon Closterman of Main Street explained that he had purchased his property when he was 21 years old and at that time knew that there was property behind him that

may one day be developed; however, it is residentially zoned and he never thought something like this might happen. He noted that Mr. Grundy tried to intimidate the abutters by saying he would put in low-income housing. He asked the Council not to change the zoning from residential to commercial.

Loretta Peach spoke again noting that Mr. Grundy had moved and preserved the Tully house in North Kingstown which is now behind a commercial property on Post Road and Camp Avenue. She suggested that he had also put in several other houses, which were duplexes inexpensively made, noting that they were close together with a one lane road for ingress and egress. She felt this type of development was not welcome here in Hopkinton.

Ray Cox of Main Street asked what the Zoning Board had to say about this project and Councilor Hirst responded that it was the Planning Board who had a say. Mr. Cox questioned why the Zoning and Planning Boards were not together as one board such as in Connecticut. Councilor Hirst answered that this was the way the State of Rhode Island sets it up. Mr. Cox felt that this should be changed and noted that the Planning Board was unanimously against this project. He asked why it was even before the Council since the Planning Board had rejected it. Council President Landolfi noted that the Planning Board's opinion was only advisory. Mr. Cox asked why people would want to be on a board if their opinion really didn't matter.

David Carter of Lawton Foster Road South objected to all of the solar projects being approved in town. He felt that the Council was destroying Route 3 and the town; and, the residents were willing to pay their taxes without the necessity of granting these solar projects in an attempt to reduce taxes.

COUNCIL PRESIDENT REPORT

Council President Landolfi provided an update on the Chariho Regional School District Budget and noted that Hopkinton was still above the 4% cap by about \$87,000. He noted that at the last meeting they did bring up a possible reduction in the fund balance. Council President Landolfi noted that he was very impressed by David Stall's contribution to date and his insistence that the School Committee take up the fund balance question and issue a vote on it. The fund balance was at 2.8% and there was some talk about reducing that to 2.4%, which he hoped would

happen. He felt that this budget was what was creating Hopkinton's need for revenue.

TOWN MANAGER REPORT

Town Manager William McGarry reported on three matters:

Mr. McGarry noted that they had several meetings over the last several months regarding the Council Chambers air conditioning and had obtained three quotes for just under \$4,000. He hoped that before the summer they can install two AC units in the Council Chambers. Mr. McGarry noted that one of the DPW employees has an HVAC license so he will be doing the installation and the cost will only be for the purchase of the air-conditioners.

Regarding the RFQ for engineering services, Mr. McGarry explained that they will be going out to bid for a three year contract since the current contract expires on June 30, 2020. He noted that they have been very pleased with the work that Crossman Engineering has done for the town. In mid to late April this will be before the Council for bid award.

Lastly, he advised that the Stubtown Road Landfill is a long term, complex project and explained that the landfill is divided into two sections: Phase I being the old section and Phase II is the new section. DEM has approved the closing of Phase II but there is still a lot of work to be done; even without putting any solar panels on the landfill. A lot of the work can be done by DPW employees and if solar panels are to be put there, then there is an extensive amount of work to be done. Phase I of the old landfill has never been capped and the town is working with the Town Solicitor, the private property owner adjacent to this property, Planning Board, DEM and DOH in order to try to resolve this situation. He noted that the Town had applied for two grants last year but they were not funded by DEM. They are going to reapply this year for those annual grants, one being \$352,000 and the second being \$361,000.

Councilor Thompson noted that the old landfill was closed in the 1990's and has monitoring wells and a membrane cover.

OLD BUSINESS

DECISION RE: ATLANTIC SOLAR, LLC AND ATLANTIC CONTROL SYSTEMS, INC., PROPERTY LOCATED AT 0 MAIN STREET IDENTIFIED AS PLAT 7, LOT 32, PLAT 10, LOT 87, AND PLAT 11, LOT 35

This matter had been scheduled to discuss, consider and vote on a motion to either approve or reject the petition for amendments to the Hopkinton Zoning Ordinance and Hopkinton Comprehensive Plan Future Land Use Map filed by Atlantic Solar, LLC, 260 West Exchange Street, Providence, Rhode Island, 02903 and Atlantic Control Systems, Inc., 318 Dry Bridge Road, North Kingstown, Rhode Island 02865, 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 following completion and closing of the public hearing on January 27, 2020.

Attorney Robert Craven and Frank Epps from Atlantic Solar, LLC were present. A stenographer was present to record the proceedings. A copy of the transcript will be attached and made part of the record. The transcript includes the full motion, any amendments, and all comments made pertaining to this decision. Upon the conclusion of deliberations:

Councilor Capalbo stated that currently before the Town Council are the applications for amendments to the Hopkinton Zoning Ordinance and the Comprehensive Plan Future Land Use Map Amendment filed by Atlantic Solar, LLC, 260 West Exchange Street, Providence, Rhode Island, 02903 and Atlantic Control Systems, Inc., 318 Dry Bridge Road, North Kingstown, Rhode Island 02865, 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, and filed in accordance with Chapter 16 of the Zoning Ordinances of the Town of Hopkinton, as amended. The applicants propose to install a ground-mounted photovoltaic solar array on the property. The proposal to utilize the property requires 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. The required public hearing was completed and closed on January 27, 2020.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE APPLICATIONS SEEKING

THE ZONING AMENDMENTS CHANGING THE ZONING CLASSIFICATION FOR THE PARCELS DESCRIBED ABOVE FROM RFR-80 TO COMMERCIAL SPECIAL IN ACCORDANCE WITH SECTION 16[A] – [E] OF THE ZONING ORDINANCES OF THE TOWN OF HOPKINTON AS AMENDED, AND ALSO TO APPROVE THE APPLICATIONS FOR THE REQUESTED AMENDMENTS TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP REFERRED TO ABOVE, AND TO THEREBY ADOPT THE TWO (2) PROPOSED ORDINANCES, BASED UPON THE FOLLOWING FINDINGS, AND SUBJECT TO THE FOLLOWING CONDITIONS: (SUBJECT TO THE CONDITIONS WHICH FOLLOW), AND BASED UPON THE EVIDENCE AND TESTIMONY OF RECORD PRESENTED AND SUBMITTED AT THE PUBLIC HEARING REFERRED TO ABOVE AS WELL AS THE COMPREHENSIVE PLAN AS AMENDED INCLUDING ITS STATED GOALS AND RECOMMENDATIONS, THE PROPOSED ZONING ORDINANCE AMENDMENTS AND THE PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENTS TO MAP 13 ARE BOTH CONSISTENT WITH THE GENERAL AUTHORITY RESERVED TO THE COUNCIL UNDER THE COMPREHENSIVE PLAN TO IDENTIFY THOSE AREAS IN TOWN WHERE SUCH USES ARE APPROPRIATE AND TO IDENTIFY THE CONDITIONS UNDER WHICH SUCH USES MAY EXIST, AND SPECIFICALLY WITH THE FOLLOWING ASPECTS OF THE COMPREHENSIVE PLAN: CONSERVATION GOAL #1 (TO PROMOTE CONSERVATION OF HOPKINTON’S NATURAL RESOURCES, PARTICULARLY THE PROTECTION OF THE GROUND AND SURFACE WATERS); NATURAL RESOURCES GOAL #1 (TO PRESERVE, CONSERVE, AND PROTECT THE SIGNIFICANT NATURAL RESOURCES OF HOPKINTON AS AN ENDOWMENT FOR THE FUTURE OF THE TOWN); PUBLIC SERVICES AND FACILITIES GOAL #3 (TO PROVIDE A SAFE, HIGH QUALITY AND SUFFICIENT DRINKING WATER SUPPLY TO THE TOWN ALONG WITH EFFECTIVE WASTEWATER MANAGEMENT AND SOLID WASTE DISPOSAL REDUCTION WHICH IS SENSITIVE TO ENVIRONMENTAL CONCERNS AND GROWTH

MANAGEMENT); AND PUBLIC SERVICES AND FACILITIES GOAL #5 (TO REDUCE HOPKINTON’S ENERGY CONSUMPTION AND HELP IMPLEMENT RECOMMENDATION 14, WHICH IS TO EVALUATE THE FEASIBILITY AND COST OF INSTALLING PHOTOVOLTAIC ELECTRICITY GENERATING TECHNOLOGIES; AND RECOMMENDATION 18, WHICH IS TO EXPAND THE CURRENT ZONING REGULATIONS’ ALLOWANCE OF PHOTOVOLTAIC INSTALLATIONS IN RESIDENTIAL DISTRICTS. WE ARE ALSO DEALING WITH NATURAL RESOURCES POLICY #5 (PROMOTING ENERGY SELF-SUFFICIENCY USING RENEWABLE ENERGY AND ENERGY CONSERVATION). IT IS FURTHER FOUND THAT THE CHANGES PROPOSED WILL PROVIDE BENEFITS TO THE TOWN IN TERMS OF ENHANCED TAX REVENUES TO BE RECEIVED FROM THE PROPERTY AS A RESULT OF THE DEVELOPMENT OF THE SOLAR ARRAY; THAT THE CHANGES PROPOSED WILL PROMOTE AN IMPORTANT LOCAL, STATE AND NATIONAL OBJECTIVE SEEKING ALTERNATIVE ENERGY SOURCES THAT ARE SAFE FOR THE ENVIRONMENT AND THE CITIZENS OF HOPKINTON; THAT THE PROPOSED CHANGES WILL NOT ADVERSELY AFFECT THE HEALTH, SAFETY OR WELFARE OF THE TOWN AND ARE IN THE BEST INTERESTS OF THE COMMUNITY; THAT THE PROPOSED CHANGES ARE SUITABLE TO THE CHARACTER OF THE LOCATION IN QUESTION AND CONSTITUTES A NON-NOXIOUS USE; AND THAT THE PROPOSED USE IS IN CONFORMANCE WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN AS SET FORTH ABOVE. AS CONDITIONS FOR THE APPROVAL OF THE PROPOSED CHANGES, THE PETITIONERS AND/OR THEIR SUCCESSORS-IN-INTEREST MUST ADHERE TO THE FOLLOWING: (1) THE ZONING DISTRICT CLASSIFICATIONS ARE CHANGED FROM RESIDENTIAL RFR-80 TO COMMERCIAL SPECIAL WITH THE RESTRICTIONS THAT THE PROPERTIES USE HEREAFTER IS LIMITED TO USE CODE 486 PHOTOVOLTAIC SOLAR ENERGY SYSTEMS ALONG WITH THE RESTRICTIONS FURTHER PLACED UPON THE USE STATED IN CHAPTER 134 IN EFFECT AS OF THE TIME THE

APPLICATIONS WERE SUBSTANTIALLY COMPLETED AND FILED WITH THE TOWN, AND WITH THE FURTHER CONDITIONS THAT (A) THE ZONING DESIGNATIONS FOR THE PROPERTIES SHOULD REVERT BACK TO RFR-80 ZONE SUBJECT TO FURTHER HEARING AND ACTION BY THE HOPKINTON TOWN COUNCIL PURSUANT TO RIGL SEC. 45-24-53 ONCE THE PROPOSED USE AND/OR ACTUAL USE OF THE PROPERTIES AS AN OPERATING PHOTOVOLTAIC SOLAR ENERGY SYSTEM IS ABANDONED OR TERMINATED, CONSISTENT WITH THE INTENT OF THE TOWN COUNCIL THAT NO OTHER COMMERCIAL USE OF THE PROPERTY IS HEREINAFTER AUTHORIZED; AND (B) THAT THE APPLICANTS HAVE RECEIVED ASSURANCES FROM NATIONAL GRID THAT THE USE OF THE PROPERTIES AS AN OPERATING PHOTOVOLTAIC SOLAR ENERGY SYSTEM AS PROPOSED, HAS RECEIVED THE ASSURANCE FROM NATIONAL GRID THAT SUCH AN INTERCONNECTION APPROVAL WILL BE GIVEN FINAL APPROVAL BY NATIONAL GRID AT THE APPROPRIATE TIME, WHICH IS AT THE COMPLETION OF THE COMBINED-PROJECT; (2) ALL DECOMMISSIONING AND OTHER PROVISIONS IN PLACE FOR PHOTOVOLTAIC SOLAR ENERGY SYSTEMS AS SET FORTH IN CHAPTER 134 AS AMENDED, AS WELL AS UNDER HOPKINTON PLANNING BOARD REQUIREMENTS, SHALL BE COMPLIED WITH, INCLUDING BUT NOT LIMITED TO THE POSTING OF A DECOMMISSIONING CASH ESCROW BOND IN THE AMOUNT OF \$25,000 PER MEGAWATT AC; (3) IN CONJUNCTION WITH THE DECOMMISSIONING AND OTHER PROVISIONS REFERRED TO ABOVE, AND IN ADDITION TO THE DECOMMISSIONING CASH ESCROW BOND DESCRIBED ABOVE, THE PETITIONERS SHALL PREPARE A REFORESTATION PLAN TO BE APPROVED BY THE PLANNING BOARD AND POST AN ADDITIONAL CASH ESCROW BOND IN A REASONABLE AMOUNT TO BE DETERMINED BY THE PLANNING BOARD, DESIGNED TO ENSURE IMPLEMENTATION AND COMPLETION OF THE REFORESTATION PLAN SO APPROVED; (4) THE BOTTOM OF THE

PERIMETER FENCING REQUIRED BY SECTION 5.3 OF CHAPTER 134 SHALL BE RAISED SIX INCHES (6”) ABOVE THE GROUND SO AS TO ALLOW MIGRATORY PASSAGE OF SMALL SPECIES THROUGH THE SITE; (5) THE APPLICANTS SHALL PREPARE AND SUBMIT TO THE PLANNING BOARD FOR APPROVAL A REASONABLE PLAN DESIGNED TO SUSTAIN THE NATIVE SPECIES IN AND AROUND THE SOLAR ARRAY FACILITIES DURING ITS OPERATION UNTIL THE FACILITY’S CLOSURE; (6) TO THE EXTENT APPLICABLE, THE APPLICANTS SHALL PREPARE AND SUBMIT TO THE PLANNING BOARD ANY AND ALL APPLICATIONS AND SUPPORTING DOCUMENTATION NECESSARY TO OBTAIN FROM SAID PLANNING BOARD THROUGH ITS NORMAL SUBDIVISION APPROVAL PROCESS ANY AND ALL SUBDIVISION APPROVALS AS MAY BE REQUIRED TO CREATE ANY NEW PARCELS OF LAND THAT ARE PART OF THE APPLICATION PROCESS, AND FURTHER, SHOULD SAID APPLICATIONS FOR SUBDIVISION APPROVAL BE APPROVED, THE APPLICANTS THEREAFTER SHALL CONFORM WITH ANY AND ALL CONDITIONS OF SAID APPROVAL(S); (7) WHILE OPERATING, THE NOISE LEVELS FROM THE EQUIPMENT WITHIN THE SOLAR ARRAY SHALL NOT EXCEED THE WORLD HEALTH ORGANIZATION’S STANDARD OF 40 DECIBELS MEASURED AT THE PROPERTIES’ BOUNDARY LINES. THE APPLICANT SHALL PAY FOR AN INDEPENDENT QUALIFIED COMPANY SELECTED BY THE TOWN TO CONDUCT APPROPRIATE SOUND TESTING BEFORE LOGGING AND CONSTRUCTION HAVE COMMENCED AND AGAIN AFTER THE PROJECT IS COMPLETED AND OPERATIONAL; (8) DURING THE SITE PREPARATION AND INSTALLATION STAGES OF THE CONSTRUCTION OF THE SOLAR ARRAY, SUCH WORK SHALL BE PERFORMED ONLY DURING THE MONDAY THROUGH FRIDAY WORKWEEK, AND ONLY BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M. EST.; (9) THE ADOPTION OF THESE ORDINANCES IS CONSISTENT WITH THE TOWN OF HOPKINTON’S COMPREHENSIVE PLAN AS NOTED ABOVE, AND ALSO WITH THE PLAN’S OBJECTIVE LU-1

RESTRICTING POTENTIAL POLLUTING LAND USES; AND WITH THE PLAN'S GOAL ED-3 TARGETING DEVELOPMENT THAT IS CONSISTENT WITH ELIMINATING ANYTHING THAT IS ADVERSE TO THE QUALITY OF LIFE INCLUDING ESTABLISHING BUSINESS INTERESTS THAT WILL HAVE LIMITED IMPACT TO THE ENVIRONMENT; (10) REQUESTED WAIVERS THAT WERE REQUESTED BY THE APPLICANT, INCLUDING SEPTIC SYSTEM, AND EVIDENCE OF WATER SUPPLY, ARE HEREBY APPROVED; (11) PRIOR TO CONSTRUCTION, APPLICANTS WILL SIGN APPENDIX B – RIDEM'S SAMPLE STORMWATER FACILITY MAINTENANCE AGREEMENT BETWEEN THE TOWN AND LANDOWNERS; (12) DURING OR AFTER CONSTRUCTION, NO BLASTING, CHEMICALS, OR HERBICIDES ARE ALLOWED; AND ALL TOPSOIL WILL REMAIN ONSITE; AND THE TOWN'S ENGINEER OR REPRESENTATIVE SHALL BE ALLOWED TO DO PERIODIC INSPECTIONS; AND THE APPLICANTS SHALL REIMBURSE THE TOWN FOR THIS COST, AND THE APPLICANTS AND FUTURE OWNERS WILL BE REQUIRED TO SUBMIT ANY AND ALL INSPECTION REPORTS TO THE TOWN MANAGER OR HIS REPRESENTATIVE EVERY MONTH DURING CONSTRUCTION OF THE PROJECT; AND (13) AFTER THE COMPLETION OF THE PROJECT, THE APPLICANTS AND ANY FUTURE OWNERS WILL ALLOW THE TOWN TO CONDUCT AN INSPECTION IN APRIL OF EVERY YEAR FOR THE LIFE OF THE PROJECT AND WILL REIMBURSE THE TOWN FOR THIS COST.

Councilor Thompson wished to add an amendment to Councilor Capalbo's motion, as follows:

AN AMENDMENT TO THE MOTION WAS OFFERED BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO AS FOLLOWS: ABUTTERS' HOMES DISTANCE TO SOLAR PANELS VARIES FROM APPROXIMATELY 1,214 FEET TO 435 FEET, EXCEPT FOR PLAT 10, LOT

86 WHICH IS APPROXIMATELY 130 FEET, THEREFORE THE DEVELOPER WILL REMOVE THE PANELS BEHIND PLAT 10, LOT 86 WHERE THE SERVICE ROAD HAS PANELS ON EACH SIDE AS DEPICTED ON THE MAP SUBMITTED DURING THE JANUARY 27, 2020 HEARING, SPECIFICALLY THE SOLAR PANELS ON THE NORTHERN SIDE OF THE SERVICE ROAD ARE TO BE REMOVED. THIS WILL INCREASE THE DISTANCE OF THE SETBACK TO THIS HOME. ADDITIONALLY, THIS SAME AREA BEHIND PLAT 10, LOT 86, WILL REQUIRE THE DEVELOPER TO ESTABLISH AN EIGHT FOOT BERM TO BE HEAVILY LANDSCAPED WITH NOT LESS THAN EIGHT FOOT ARBORVITAE WITH UNDERSTORY VEGETATION IN ORDER TO BETTER SCREEN THE SOLAR PANELS FROM THIS HOME. THE ENTRANCE FROM ROUTE 3 AS DEPICTED AT THE JANUARY 27, 2020 HEARING IS THE ONLY ENTRANCE AND WILL BE ATTRACTIVELY LANDSCAPED WITH A MIX OF FLOWERING BUSHES AND OTHER UNDERSTORY.

There was a vote on the amendment:

IN FAVOR: Landolfi, Capalbo, Thompson

OPPOSED: Davis, Hirst

MOTION CARRIES ON THE AMENDMENT.

Vote on the main Motion:

IN FAVOR: Landolfi, Capalbo, Thompson

OPPOSED: Davis, Hirst

MOTION CARRIES.

IN RE: CTG PROPERTIES, LLC AND CENTRICA BUSINESS SOLUTIONS – FORMER FATED FARMER, LLC AND DETERMINATION OF WHETHER THE RECENT FILING IS AN AMENDED APPLICATION OR A NEW APPLICATION

This matter had been scheduled in order to discuss, consider and possibly vote to decide whether to accept the recent filing by Applicants’ attorney, either as an “amended application” or as a new application, relative to the original application filed by the Fated Farmer, LLC, on January 7, 2019; in either case requesting to amend the Comprehensive Plan Future Land Use Map and Zoning Ordinance for property identified on the application as 0 Wich Way on Assessor’s Plat 7, Lot 17,

an RFR-80 Zone, filed February 21, 2020 by Steven Surdut, Esq. on behalf of CTG Properties, LLC and Centrica Business Solutions.

Councilor Davis stated, per our legal counsel, the original Fated Farmer, LLC January 7, 2019 PSES solar application was not legally or substantially completed because it listed the wrong lot number for the parcel that would be the subject of the requested Zoning and Future Land Use Map amendments. As such, no legal rights were vested in the applicant at the time of the filing of that application.

Therefore, I make a motion that the Council reject the notion that the February 21, 2020 filing is an amended application and the Council should consider the corrected application as a new application that will have to meet the requirements of the new January 22, 2019 PSES Ordinance. This motion was seconded by Councilor Capalbo. There was no further discussion and the Council voted on the motion on the table as follows:

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

OPPOSED: None

SO VOTED

NEW BUSINESS

FLOOD HAZARD OVERLAY DISTRICT ORDINANCE AMENDMENT

The Town Council discussed and considered setting date for a Special Town Council Meeting to render a decision on an amendment to the Flood Hazard Overlay District in accordance with directive from Federal Emergency Management Agency (FEMA), for compliance with the requirements of the National Flood Insurance Act of 1968, prior to effective date of April 3, 2020. The date of the hearing is March 16, 2020. The Council set Monday, March 23, 2020, 6:30 PM as the date to render a decision at the Town Hall.

APPLICATIONS FOR CLASS B-V LIQUOR LICENSE, VICTUALLING LICENSE & HOLIDAY SALES LICENSE FILED BY NEW FRONTIER, LLC

The Town Council discussed and considered setting a hearing date for an application for a Class B-V Liquor License, Victualling License, Holiday Sales License filed by New Frontier, LLC for property located at 15A Frontier Road.

Applicant Teresa Dove-Rottinghaus was present. The Council set Monday, April 20, 2020 at 7:00 PM as the date for the hearing to be held at the Town Hall.

RESOLUTION OF SUPPORT RE: 2020-H7430, 2020-H7480, 2020-S2285

This matter had been scheduled to discuss, consider and possibly vote on a Resolution of support to legislation 2020-H7430, 2020-H7480, 2020-S2285 that would change the September Primary date from a Tuesday to a Wednesday when the Primary falls on a Tuesday following Labor Day.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO ADOPT THE RESOLUTION OF SUPPORT TO 2020-H7430, 2020-H7480, 2020-S2285.

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

OPPOSED: None

SO VOTED

The Resolution follows:

**TOWN OF HOPKINTON, RI
RESOLUTION OF THE TOWN COUNCIL**

WHEREAS, to meet Federal regulations and to ensure that service men and women stationed all over the world have an opportunity to receive, cast and return election ballots in time for state and federal elections in November, the RI General Assembly amended RIGL Sec. 17-15-1, to require primary elections to be held on the 8th Tuesday preceding biennial state elections; and

WHEREAS, in most years, this change will not affect municipalities financially; however, in some years, such as 2020 and 2026, when the primary will fall on the day after Labor Day, there will be a major financial expense to municipalities, especially those municipalities with a large number of polling places to set up; and

WHEREAS, with set-ups the day before elections, the overtime for employees working on a holiday will add many thousands of dollars to municipal budgets around the state; and

WHEREAS, to eliminate these added costs, legislation has been introduced in the general assembly which would move the September Primary to Wednesday in the years the primary is to be held during the same week as Labor Day; and

WHEREAS, the Hopkinton Town Council believes that this legislation is in the best interest of the Town of Hopkinton.

NOW, THEREFORE, BE IT RESOLVED, THAT THE HOPKINTON TOWN COUNCIL, AT THE REQUEST OF THE HOPKINTON BOARD OF CANVASSERS, DOES HEREBY SUPPORT 2020-H7430, 2020-H7480, 2020-S2285 AND ANY OTHER BILLS WHICH MOVE THE PRIMARY TO WEDNESDAY IF IT IS HELD IN THE SAME WEEK AS LABOR DAY, AND URGES THE HOPKINTON DELEGATION TO THE GENERAL ASSEMBLY TO WORK DILIGENTLY FOR ITS PASSAGE.

BOARDS & COMMISSIONS:

Police Commission

Philip Scalise had indicated in writing that he wished to be reappointed to the Police Commission.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO REAPPOINT PHILIP SCALISE TO THE POLICE COMMISSION.

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

OPPOSED: None

SO VOTED

Land Trust Board of Trustees

Cynthia Johnson had indicated in writing that she wished to be reappointed to the Land Trust Board of Trustees.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT CYNTHIA JOHNSON TO THE LAND TRUST BOARD OF TRUSTEES.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Tim Ward believed that at every Town Council meeting where solar projects were discussed, one of the major justifications stated was to support the Chariho School budget. He noted that when the State of Rhode Island got into the lottery business, the vote was approved to allow the lottery system in Rhode Island under the guise that all the funds were going to support public education in Rhode Island and that did not happen; instead that money goes back into the general fund. He suggested that the Council set up a special fund, in the interest of accountability, and that all proceeds from solar projects go directly into that fund to support education for our students in Hopkinton and Chariho. Councilor Thompson stated that they do this now, but Mr. Ward noted that the funds go into the general fund

which was different. He would like to see a separate fund set up so that all monies collected from solar projects could be used towards education.

Ronald Prellwitz of Main Street noted that it has been a year and a half since they established the 1904 School Building Subcommittee and these meetings are open to the public and held on the first Tuesday of the month. He would like to see more participation from residents.

Carolyn Light of Forest Glen Drive noted that there has been a massive trend of applicants targeting RFR80 land for solar development and she was proud to have watched the Council modify the solar ordinance. Last year they made a decision to limit the change in zoning to 3% of three acres, whichever was less; and, if they hadn't done that, she felt the trend of developers applying for these projects would be continuing. She wished to understand how the Council had come up with its formula for setting the decommissioning bond and wondered why they had left the reforestation bond at the Planning Board level. Her opinion was that both of those bonds go hand and hand and there is very little said about forestation in the zoning ordinances. It has been the job of the Planning Board to find out what reforestation means and how that is going to impact the community. She asked what formula was used to come with the amount for the decommissioning bond and who came up with that formula and noted that it was the opinion of a lot of people that the decommissioning dollars that have been applied to projects are not sufficient. Councilor Capalbo explained that this was taken from the first project approved, which was the Maxson Hill project, provided by Crossman Engineering, and the decommissioning bond was \$264,000 for 11.54 megawatts AC. Tonight's project was a smaller project of 2 megawatts AC and \$22,150 was used two years ago per megawatt so she raised it to \$25,000 per megawatt AC. She took it off of the decommissioning bond that they used for Maxson Hill provided by the town's engineer and she used their numbers. Ms. Light noted that she has learned that you have to shop around for prices and she wondered how Crossman Engineering came to the conclusion that this amount was sufficient. She likened the preparation of these solar projects to what occurs in a coal mine. Joe Moreau of Old Depot Road asked at a previous meeting if a Councilor or resident could call the expert that they were waiting to hear from regarding the

Chase Hill Road solar project, to ask their question and he was told that it would be a violation of the open meetings law; however, one member of the Council could have a meeting off-site with abutters and the developer, but this was not a violation of the open meetings law. He also noted that Ted Dionne of Chase Hill Road had been in the hospital the past week on Hospice and every day that Mr. Moreau visited Mr. Dionne he would ask him about the Chase Hill solar project. After several days of this, as Mr. Dionne's health continued to fail, they told him a white lie that the project had been defeated, much to Mr. Dionne's relief and he passed away on Sunday, March 1, 2020.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF THEODORE C. DIONNE AND ALAN TEIXIERA.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk