

**TOWN OF HOPKINTON
PLANNING BOARD**

**Wednesday, June 3, 2020
7:00 p.m.
Hopkinton Town Hall
1 Town House Road, Hopkinton, RI 02833**

CALL TO ORDER:

Due to some technical difficulties in the Chamber, Chairman Alfred DiOrio called the June 3, 2020 Hopkinton Planning Board meeting to order at around 7:15 p.m.

MEMBERS PRESENT:

As the meeting was conducted remotely, Chairman Alfred DiOrio, Town Planner Jim Lamphere, and Senior Planning Clerk Talia Jalette were the only people present in the Chamber. Carolyn Light, Ronald Prellwitz, Keith Lindelow, and Emily Shumchenia were present via Zoom.

Also present via Zoom were: Sharon Davis, Hopkinton Town Council Liaison; Attorneys Sean Clough and Kevin McAllister, and Deb O'Leary, the Hopkinton Conservation Commission Liaison.

APPROVAL OF MINUTES:

A MOTION WAS MADE BY MR. PRELLWITZ AND SECONDED BY MS. LIGHT TO APPROVE THE MINUTES FROM THE MAY 6, 2020 PLANNING BOARD MEETING.

IN FAVOR: DIORIO, PRELLWITZ, LIGHT, LINDELOW, SHUMCHENIA
ABSTAIN: NONE
OPPOSED: NONE

MOTION PASSED 5-0.

PUBLIC HEARING:

Advisory Opinion to the Town Council – Request for Comprehensive Plan/Zoning Map Amendments – AP 7, Lot 32, AP 10, Lots 87, and AP 11, Lot 35 – Main Street – Atlantic Control Systems Inc. (c/o James R. Grundy), applicant.

Mr. DiOrio provided a recusal notice to the Senior Planning Clerk, Ms. Jalette, as he had involvement with the Atlantic Control Systems Inc.'s project. Mr. Prellwitz, Vice Chair,

served as Chair. Mr. Lamphere provided a brief introduction to the task at hand before Mr. Clough elaborated on it further.

Mr. Lamphere: “Sean, would you mind just teeing this up for the Board – specifically with what they’re charge is today, this here? It’s basically, it’s basically an advisory opinion to the Town Council on an amendment to an approval to zoning that was granted for this project, and the, what’s on the table for discussion here is striking out a Town Council condition, which placed \$25,000 per megawatt A/C as a decommissioning bond.”

Mr. Clough: “So, Jim, that is correct – this is Attorney Clough here, acting as a Solicitor for the Town of Hopkinton and for the Planning Board. So, this was on a motion made by Town Council Councilor Sylvia Thompson, and brought before, brought to the Planning Board for an advisory opinion, and Jim is absolutely correct. Essentially, what the Planning Board is considering tonight at its public hearing is an amendment relative to the conditions setting the amount of required cash decommissioning bond. So, essentially, you’re looking at whether or not the Planning Board will advise in the affirmative or negative that the Council should strike the term of ‘\$25,000 per megawatt A/C’ from the ordinance and substitute that to, to read ‘to be determined by the Planning Board. That’s, that is, in particular the discussion that you’re having this evening, and that you’re taking public comment on.”

Ms. Light was the first Planning Board member to speak in regards to this issue. She said that she believed that “setting the decommissioning is in the purview of the Planning Board”, and that she was “highly in favor of the Board following through with the amendment to the ordinance.” Mr. Lindelow stated that he did not think that the Board had “the full information to make the correct decision and disagree with the Town Council’s decision.” Ms. Shumchenia was in agreement with Ms. Light, and stated that she was in “support of this amendment and the consistency with which it brings the ordinance back in line with the solar ordinance as written for most of the projects in Town.” Mr. Prellwitz weighed in on the issue.

Mr. Prellwitz: “I would have to agree with everybody, that it is in the purview of the Planning Board to set these limits. I, however, don’t feel that \$25,000 is too far out of line. The New York State Board claims \$30,000 is a better, a better amount for decommissioning, but then again, it’s up to us to have a discussion on that, and go with that, but the point being now is whether or not we send an advisory opinion to change it from what Councilor Thompson said, at \$25,000, and it should be discussed on each project.”

Mr. Prellwitz asked Mr. Lamphere if it was time to take a vote, and Mr. Lamphere explained that this was a public hearing, and described the process that had to be followed to conduct a public hearing.

Mr. Lamphere: “We have to have, this is a public hearing on this matter, so at this point...”

Mr. Prellwitz: “Oh. Understood, okay.”

Mr. Lamphere: “You should make it clear that the public has an opportunity here, to comment on this, and don’t forget: at the end of public comments, just prior to – after you take a vote – you’ll have to close the public hearing as well, so.”

During the period for public comment, Ms. Davis, Hopkinton Town Council Liaison, spoke. She stated that she “really agreed with having the Planning Board determine decommissioning.” She continued by explaining her own voting history in relation to the project.

Ms. Davis: “And I will just say, for the record, that when, when the Atlantic Solar project was voted on by the Town Council, I did not participate in Barbara’s [Hopkinton Town Council member Barbara Capalbo] the reading of her motion. I really thought that that motion was going to fail, so I did not comment, and I did not realize that, if it passed, it passed with her specifying the \$25,000 per megawatt, and so I had no way of doing anything at that point, so I’m glad that Sylvia [Hopkinton Town Council member Sylvia Thompson] brought it up, and is asking the Planning Board for an advisory opinion, and then, you know, based on that, it will come back to the Town Council and we’ll do a vote. So, I really, really appreciate the comments that I’m hearing from the Board members. I really do think that this should be done – the setting of the decommissioning – by the Planning Board. Thank you.”

Ms. Light asked for clarification in regards to what the Board’s true role would be in relation to determining the sufficiency of prospective decommissioning bonds.

Ms. Light: “Can I have some clarification on what we’re talking about here? The Planning Board is not going to do, itself, a decommissioning review. This is going to have to be done by a professional consultant.”

Ms. Davis: “Correct.”

Ms. Light: “Just so that we understand that that matter is clear.”

Ms. Davis: “It’s clear.”

Mr. Lamphere provided further clarity in regards to this process.

Mr. Lamphere: “Well, basically, Carolyn is correct. The decommissioning – the Solar Ordinance dictates that the Planning Board set the decommissioning amount, based upon a recommendation by the Town’s engineer. So, I can assure you, that when this particular project comes before the Planning Board, the Planning Board will have an opportunity to set an amount that it feels as though is reasonable. We will – the ordinance will be followed. But, again, just for clarity purposes, we’re really not even going to get into people’s opinions as to whether this \$25,000 is adequate or not adequate. That is not the subject tonight. The subject, basically, is to restore the power, that the Planning Board has by ordinance, that the Planning Board will, ultimately, decide on the number. And, what we’re here to do, as you correctly pointed out, Ron, is to get an advisory opinion on striking out the language that the Town Council put in and substitute that it will be determined by the Planning Board. That’s the opinion that we have to give to the Town Council. Now, the Town Council, after we rendered our opinion, they will have their

public hearing on this matter, and they'll decide whether, among themselves, whether they actually want to go forth and strike it, and substitute it, or not. That's yet to be determined. But, at this point, it's the Planning Board's opinion that we're seeking."

Joe Moreau, of Old Depot Road, made a comment before the Board.

Mr. Moreau: "Hi, this is Joe Moreau, and I agree 100% that the Planning Board should be in the decision-making process. I've been involved in these solar projects since the beginning of 2018, and we've had in the past, as we do now, five qualified members of the Planning Board, we have Jim [Lamphere] and Talia [Jalette], who are both very qualified, and that is up to the Planning Board, in my opinion. It is not up to any member of the Town Council to decide, interfere, in the planning process. I've seen it time and time again, where residents start to question, 'Why do we have a Planning Board?' if the Town Council is going – some of the Town Council – if they're going to make changes to the Planning Board. So, I agree, 100%, that it should be a Planning Board decision. Thank you for your time."

Barbara Capalbo, Hopkinton Town Council member, called in after Mr. Moreau. She wanted to know if the engineering firm had been chosen, or if that "was still an unknown." Mr. Lamphere stated that "the Ordinance will be followed by the Planning Board", and elaborated to explain that the Ordinance states that "it will be prepared by the applicant's representative first, but we also have to have the Town engineer to weigh in on it. But the ultimate decision is to be made by the Planning Board in this, so we'll follow the Ordinance." Ms. Capalbo responded that "if the Planning Board is going to follow the Ordinance, and actually use the Town Planner and the Town engineer to determine this, this amount of decommissioning bond, it will be very interesting."

Mr. Prellwitz attempted to make a motion to close the Public Hearing before Mr. Clough jumped in, and reminded the Board that the Presiding Officer could not make this motion – it would have to be made by another Board member.

MS. LIGHT MADE A MOTION TO CLOSE THE PUBLIC HEARING. MR. LINDELOW SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN.

IN FAVOR: LIGHT, SHUMCHENIA, LINDELOW, PRELLWITZ
ABSTAIN: NONE
OPPOSED: NONE

4-0, MOTION PASSED.

Mr. Lindelow made a motion disapproving the amendment. Mr. Clough asked Mr. Lindelow to clarify his stance. Mr. Lindelow stated that he may have said it wrong, but that he wanted to "return the decision process back to the Planning Board." Mr. Clough stated that he understood, and provided further insight into the correct language for the vote to reflect Mr. Lindelow's intent.

Mr. Clough: “Right, and I understand that it’s a little confusing. If you are in favor, or you would like to make a motion in favor of striking the wording of requiring the \$25,000 per megawatt A/C language, and substituting that ‘to be determined by the Planning Board’, you would make a motion to approve of the amendment.”
Mr. Lindelow: “Gotcha, gotcha.”

MS. LIGHT MADE A MOTION THAT THE PLANNING BOARD APPROVE THE AMENDMENT TO CHAPTERS 272 AND 273 OF THE HOPKINTON ZONING ORDINANCE, AND AN AMENDMENT TO THE HOPKINTON COMPREHENSIVE PLAN FUTURE LAND USE MAP, REQUESTED BY THE TOWN COUNCIL FOR PROPERTY OWNED BY ATLANTIC CONTROL SYSTEMS, INCORPORATED, AND LOCATED AT 0 MAIN STREET, IDENTIFIED AS ASSESSOR’S PLAT 7, LOT 32, AND PLAT 11, LOT 35, AS WELL AS PROPERTY OWNED BY JAMES R. GRUNDY, IDENTIFIED AS ASSESSOR’S PLAT 10, LOT 87, ALL WITHIN THE RFR-80 - RURAL, FARMING, AND RESIDENTIAL ZONING DISTRICT. THE PLANNING BOARD APPROVES THE AMENDMENT RELATIVE TO THE CONDITIONS SETTING THE AMOUNT OF THE REQUIRED CASH DECOMMISSIONING BOND, THEREBY STRIKING “THE \$25,000 PER MEGAWATT A/C”, AND SUBSTITUTING “TO BE DETERMINED BY THE PLANNING BOARD”. MR. LINDELOW SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN.

IN FAVOR: LIGHT, SHUMCHENIA, LINDELOW, PRELLWITZ
ABSTAIN: NONE
OPPOSED: NONE

4-0, MOTION PASSED.

OLD BUSINESS:

Development Plan Review – Photovoltaic Solar Energy System – Revity Energy, LLC – AP 7, Lots 62, 62A, and 63, 15 Frontier Road. Revity Energy, LLC., applicant.

Mr. DiOrio returned to serve as Chair. Kevin Browning, an attorney for Revity Energy spoke before the Board.

Ms. Browning: “We have been working very hard to get everything together to come back to you – including, but not limited to significant conversations and work with your peer reviewer, Crossman [Engineering], who we have made significant progress with in the last few days. However, we do have a little bit more work to do. It is our hope to come before you soon. We had hoped to come before you tonight, but that is not possible. We need a little bit more time. So we are, respectfully, requesting a one-month continuance to your next hearing date, which I believe in July 1.”

MR. PRELLWITZ MADE A MOTION TO CONTINUE THE DISCUSSION UNTIL JULY FIRST. MR. LINDELOW SECONDED THE MOTION.

IN FAVOR: DIORIO, PRELLWITZ, LIGHT, LINDELOW, SHUMCHENIA

ABSTAIN: NONE

OPPOSED: NONE

5-0, MOTION PASSED.

NEW BUSINESS:

Preliminary Plan – 2-Lot Minor Subdivision – AP 20, Lot 4, 32 Kenney Hill Road. John J.B. Silvia, Jr. PhD, applicant.

Neal Hingorany, a professional landscape surveyor with Narragansett Engineering, spoke before the Board in regards to this subdivision project.

Mr. Hingorany: “So, the property in question is 32 Kenney Hill Road, Plat 20, Lot 4. We are with you tonight for a minor subdivision, one parcel. Throughout the preliminary stage the zone here is RFR-80, and the proposed parcel would be used as a single-family residential lot, which is a permitted use. Before I go too much further, I just want to point out and confirm, or ensure, that everyone is looking at the plan revision date that we supplied. It’s a revision one, with a date of 6/2/20. We made a change to remove the subdivision from the easement area, at this agricultural easement here. And, just some background on the parcel: there’s a significant topographical relief on the parcel from the southwesterly to northeasterly direction. I think there’s over a hundred feet of elevation change here. We’ve done soils testing for the new parcel, which you can see is labeled 4B, and that’s in yellow, and that would be on the westerly side. There’s two soil evaluation locations. Those follow a cart path, which leads to the south, to Kenney Hill, which is what we presume would be the ultimate access for the parcel. Soil evaluations yielded some excellent results as sandy, deep, ninety-six-inch water tables. There should be no issue with a proposed septic system. There’s a, the Bushy [Clerk’s note: SIC – should be ‘Brushy’, applicant misspoke] Brook sort of bisects the parcel here, and then there’s an offset, an offshoot of the brook, that’s labeled, that does run to the, the northeast, that that Brook is probably about two-hundred-and-forty to two-hundred-and-sixty feet away from our soil evaluation locations and it’s, I think, around forty feet in, in vertical elevation away, so there’s, there’s definitely gonna be some wetlands associated with the Brook. They’re actually probably evident on the plan, in a greenish color just by the vegetation, but any potential, future development that we propose here would be well outside of regulated areas. There is an existing parcel, 32 - or an existing structure and garage to the southeast – that’s 32 Kenney Hill Road. There is an existing septic system there and an existing well, and then to the, the northeast, there’s an easement in favor of the Agricultural Land Preservation Commission. That’s essentially a farming easement, there’s no change there proposed to that, to that easement. The new parcel, as mentioned, is significantly larger than the minimum 80,000 required lot size, so the new parcel’s 39.35 acres and maintains well over the minimum required two-hundred-and-twenty-five-foot frontage. Same is true for parcel four, that’s going to be 23.81 acres, and it’s going to have a significant frontage both on Kenney Hill [Road] and Woody Hill [Road]. We, so

the process here is that the, the present owner, Todd Kenney's going to retain the parcel called 'Lot 4' on this plan, and the parcel, 'Lot B' would be purchased by Dr. Silvia and his son, who is also Dr. Silvia – JJ. They don't have any immediate plans for development or construction on the parcel, which is why there's none shown, though we do have, like I said, sufficient water tables to indicate that it will be a developable parcel. They're avid outdoorsmen, and I think, just for the moment, they plan to use the land in that fashion and camping or RVs or things like that. At this point, we would respectfully, we're seeking preliminary approval for this project, and ideally, some sort of administrative final recording. I'd certainly be happy to take any questions at this point."

Mr. Prellwitz was the first Planning Board member to speak in regards to this issue. He asked Mr. Hingorany to clarify the aim of the revised plans, which he believed to be the restoration of "the easement property to its original state, and not bisects it like the older plans." Mr. Hingorany stated that that was correct.

Mr. Hingorany: "That is correct. There is a stipulation in the easement that states that it is not allowed to be subdivided."

Ms. Light asked what the two Mr. Silvia's intentions were with the property, as "from what I can tell, Silvia Holdings LLC is a real estate company."

Ms. Light: "So, the way I'm thinking is that this type of a transaction supports some idea of development, otherwise the asset would be a negative investment for them, so am I to understand that in the immediate future- would be today for me – but the immediate future for the applicant is that one, two, three, or five years? So, I'd like some clarification on that."

Mr. Hingorany: "Sure, and, again, I can only tell you what's been, based on my discussions with them, but you know, development in the sense that this would turn into, you know, a ten-parcel development, with a, you know, a roadway running through it is, is not what we've discussed. The longer term for them? They've discussed eventually putting a cabin here, septic system, well for water withdrawal, and it would essentially remain for their private use. Again, so no, no plans have been discussed in terms of any, any intensification of development aside from just a single family parcel here.

Ms. Light: "Okay, I guess I'm just confused about it becoming an asset of a development company, and not a direct purchase of a landowner."

Mr. Hingorany: "That I can't directly speak to. I know that, obviously, you know, there's, there's no specific purchase in the sales transaction on this because the parcel hasn't been created yet, but I can't speak specifically to the, to the, to the LLC portion of this. I don't know the impetus behind that."

Ms. Light: "Okay, I just, I just feel a little uncomfortable not having some more insight on where this whole thing is going, and I really like the idea of a cabin on forty-two acres. And, while we're at it, I wanted to note that it looks like there was a typo on the memo that was received. We're subdivision 63.16 acres into forty-two acres and twenty acres, so I just wanted to bring that up. I think that..."

Mr. Hingorany: "I appreciate that, thank you, I believe that's correct and I'd obviously state that any, you know, should anything change with the development of this parcel,

I'm sure it would require approval of the Board. Again, not that there are any immediate plans for that, but I would assume that any, any intensification would require Board approval."

Mr. DiOrio suggested a "follow-up" to Ms. Light's questions and Mr. Hingorany's answers.

Mr. DiOrio: "Carolyn, just to follow-up on that – what I, maybe, what I could recommend here is, as part of their final submission, maybe the applicant could submit a little bit more detailed information on this concept of what's going to happen in the future. Not because I'm asking – it would be asking the applicant to view into the future – but simply because we'd like to have something on record as our regulations require. What do you think about that idea?"

Mr. Hingorany stated that the applicant would "be happy to submit a few paragraphs and get on, get in writing what the plans are."

Ms. Shumchenia had a procedural question in regards to the ownership of the property.

Ms. Shumchenia: "Excuse my inexperience on this, I'm just confused, from a procedural perspective, how an individual who hasn't yet acquired the property can submit a preliminary plan to subdivide a property owned by some other person or entity, so it just seems strange to me that this can be submitted, at an applicant who hasn't acquired the property yet can submit this and get it under way, and maybe that's related to some of the asks that have been made just recently about, you know, telling us a little bit more about the plans for this property, and having that property acquisition be in place prior to this request being made to subdivide."

Mr. Hingorany: "So, formally speaking, the application has been submitted by, and under the name of, Todd Kenney, Jr. He is the owner of the entire parcel. After the subdivision, he would continue to be the owner of the entire parcel, and the statement with respect to the Silvia's is similar – peering into the future – as far as what their, what their arrangement would be, should the subdivision be approved. But, specifically speaking, the, the owner of record and the, the application – a signatory was the, was Todd Kenney, Jr."

Mr. DiOrio made two additional comments, both of which were posed to the applicant and Mr. Lamphere.

Mr. DiOrio: "Minor subdivision. I see your notes – six and ten – how do you make it through the checklist without putting those items on the plan? Minor subdivision – topo[graphy] and wetlands – what happened? What are we doing here? Something different?"

Mr. Hingorany: "Jim, do you want me to start?"

Mr. Lamphere: "Go ahead, Neal."

Mr. Hingorany: "Sure, and I think the discussion just that we had was that the, it's, it's a large, it's a relatively large parcel, and the area that a) would be developed, as you know,

is relatively small, and in upland, and I think, more importantly, that there was no immediate development proposed on it. That said, I think it that's a technical requirement, we'd be happy to add topography and wetland location to the plan if that's, if that's something that's necessary here."

Mr. DiOrio: "Pretty sure that's a checklist item. Am I missing something?"

Mr. Lamphere: "Well, you know, in the past – you, you have a good point, very good point. In the past, we have put a policy in place where sufficient test holes on a large property such as this would be sufficient, in lieu of an approved septic design, and in lieu of subdivision suitability. That's, that's the context in which we approved it. Now, take, suppose you could take that one step further and, you know, and say that you should, you know, provide on the plan checklist notes six and ten, but, again, it's uh, it is a checklist item, no question about it, and, but as far as its relevance really for this particular-sized parcel, it's questionable. I suppose it could come into play."

Mr. DiOrio: "I don't think it's questionable at all. I think it's a checklist item, and you need to deal with it. Let me, let me offer some guidance. So, first of all, putting notes on the plan saying that you don't have to do this is not acceptable. This sets a dangerous precedent. I don't do this in my professional approach, and I'm not gonna recommend that you do it either, Neal. You and I know each other, so, let me offer a little bit of guidance. It isn't – these things are checklist items. Now, you've got a fairly large tract here. I'm not suggesting at all that you need to go out and delineate for thousands of feet of wetland edge, because, as you correctly point out, the proposed development really doesn't warrant that. However, there are resources available to you, where you can depict general wetland limits on a sizable piece of property. This will allow you to satisfy the checklist item, and not unduly burden your client with an expense. I already know that you're cognizant that the same thing is available to you regarding topographic data, so in summary, get those things on the plan, satisfy the checklist, so that Al DiOrio doesn't have to worry about what the next guy is going to come in. Are we clear?"

Mr. Hingorany: "Yes, absolutely. Again, we'd be, would be happy to do that to satisfy the checklist. There was just some naiveté on our part in with respect to what might be required for a development like this, but, again, more than happy to add these items to the plan."

Mr. DiOrio: "No problem, and I would be willing to accept this as a condition of the preliminary approval, should my colleagues concur, and have you add those elements to the final plan."

Mr. Hingorany: "We would appreciate that. Thank you."

Deb O'Leary, the Hopkinton Conservation Commission liaison, said that the Commission was concerned due to the presence of streams on the property. She also wanted to know if the exchange of property between the parties was contingent on the approval of the plan that was presented before the Board. Mr. Hingorany stated that he could not speak to the contingency of that, and that he was no longer in his realm of expertise. He said that he was under the impression that there was "no purchase in sales specifically".

During the period for public comment, Audra and Matt Barnes of 6 Kenney Hill Road called in, and asked for the definition of a minor subdivision. Mr. Lamphere explained that a minor subdivision is a subdivision of one parcel into five or fewer parcels. She also

asked if the proposal included building another house on the forty-two-acre lot. Mr. Hingorany explained that the new lot would be 39.35 acres, and that, in all likelihood, a house would be built on that lot, though there were no immediate plans to do so. Ms. Barnes also asked if Mr. Kenney would be retaining the property. Mr. Hingorany explained that his understanding was that the Silvia family would be purchasing the parcel upon the acceptance of the subdivision.

Ms. Capalbo called in again, after first weighing in during the earlier Public Hearing. She stated that she appreciated Ms. Shumchenia's questions, and that "they should be investigated more fully, since there is no purchase and sales agreement", and because "they're asking for this minor subdivision without owning the land," especially because "you can subdivide them [parcels of land] for anything, not just a house."

John "JJ" Silvia III, PhD, the son of John Silvia Jr., PhD, then called in to speak on behalf of his father, the applicant.

Mr. Silvia: "I appreciate a lot of the comments that have been made tonight here regarding the usage, and I don't want to get into great detail because, obviously, we're trying to support Todd Kenney, to be able to make a subdivision, so the intent, of course, if that we'd be able to purchase. I did want to speak to the use a little bit, because we are vehemently concerned about conservation, and I know that there's been comments about the LLC being some kind of, of a threat. I want to just make a comment that the, the, the fact that there's a holdings company – that's actually there as more of a mechanism for the family, but our intention, my Dad and I, are looking for a piece of property that, you know, we can use for recreation. We intend to have, at maximum, a building that we'd be able to use as a camp, or, or maybe even a retirement home or something that would be comfortable, but our dream here is to have a lot of land that we don't really do much to it, other than use it for fishing, have a place where we can have some utility, and be able to, you know, have a place for my daughter and my brother and so forth, to be able to go and enjoy the countryside and do the conservation that we want to do with the land. So, I hope that gave us a little bit of insight. I do appreciate that the folks in Hopkinton care about that, so I knew that there could be questions that this was a creative way to try to sneak in a five-house development and turn a buck, and that couldn't be further from the truth, so I just wanted to comment on a couple of those things also. Todd Kenney is, in fact, the author of this. We're helping him because, obviously, we have interests and it was recommended that he gets an idea of how we'd use the land if it was conveyed to us through a future purchase and sales, so we had a little bit of inspiration on how we want to use it so this Board could get a better idea, not just a subdivision, but what it might look like if it gets conveyed in the future. Thanks for your time."

Ms. Shumchenia made a recommendation that the current owner of the property, Mr. Kenney, should be listed as the applicant, but Mr. DiOrio weighed in, stating that "this format, of an applicant being Party X, and the owner being Party Y, this is not uncommon." He was "fairly certain" that the Board had received information proving that there was owner authorization to proceed with the application, and, as he spoke, Mr. Lamphere produced a copy of the authorization agreement.

Mr. DiOrio: “This [the authorization form] is the document, this is the document that we rely upon, that gives us confidence that the owner is aware of what an applicant may be submitting in their name, so, again, to summarize, I see no contradiction here. This appears to be completely in order.”

MS. LIGHT MADE THE MOTION THAT THE PLANNING BOARD COMES TO A POSITIVE FINDING, REGARDING THE SUBDIVISION AT ASSESSOR’S PLAT 20, LOT 4, THAT IS RFR-80, 2-LOTS, PROPOSED LOT 4-1 AND 4-2.

FIRST, EACH SUBDIVISION SHALL BE CONSISTENT WITH THE REQUIREMENTS OF THE HOPKINTON COMPREHENSIVE COMMUNITY PLAN AND/OR SHALL SATISFY ALL ISSUES WHERE THERE MAY BE INCONSISTENCIES;

NEXT, EACH LOT OF THE SUBDIVISION SHALL CONFORM TO THE STANDARDS AND PROVISIONS OF THE HOPKINTON ZONING ORDINANCE;

THERE WILL BE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS FOR THE PROPOSED DEVELOPMENT AS SHOWN ON THE FINAL PLAN, WITH ALL REQUIRED CONDITIONS OF APPROVAL;

THE SUBDIVISION AS PROPOSED WITH NOT RESULT IN THE CREATION OF INDIVIDUAL LOTS WITH SUCH PHYSICAL CONSTRAINTS TO DEVELOP A BUILDING ON THOSE LOTS, ACCORDING TO THE PERTINENT REGULATIONS AND BUILDING STANDARDS, WOULD BE IMPRACTICAL;

ALL PROPOSED LAND DEVELOPMENTS AND ALL SUBDIVISION LOTS SHALL HAVE ADEQUATE AND PERMANENT LEGAL ACCESS TO A PUBLIC STREET;

EACH SUBDIVISION SHALL PROVIDE FOR A SAFE CIRCULATION OF PEDESTRIAN AND VEHICULAR TRAFFIC, FOR SURFACE WATER RUNOFF CONTROL, FOR SUITABLE BUILDING SITES, AND FOR PRESERVATION OF NAUTRAL, HISTORICAL, AND CULTURAL FEATURES THAT CONTRIBUTE TO THE ATTRACTIVENESS OF THE COMMUNITY;

THE DESIGN AND LOCATION OF STREETS, BUILDING LOTS, UTILITIES, DRAINAGE IMPROVEMENTS AND OTHER IMPROVEMENTS IN EACH SUBDIVISION SHALL MINIMIZE FLOODING AND SOIL EROSION;

AS A CONDITION OF APPROVAL, WE WOULD LIKE THE FINAL PLANS TO INCLUDE CHECKLIST ITEMS NUMBER SIX AND NUMBER TEN, AND WE WOULD ALSO LIKE THE FINAL SUBMISSION TO INCLUDE MORE INFORMATION AND DETAILS ON THE FUTURE USE OF THIS PROPOSED SUBDIVISION.

MR. PRELLWITZ SECONDED. A ROLL CALL VOTE WAS TAKEN.

IN FAVOR: DIORIO, PRELLWITZ, LIGHT, LINDELOW, SHUMCHENIA

ABSTAIN: NONE

OPPOSED: NONE

MOTION PASSED, 5-0.

Preliminary Plan – 2-Lot Minor Subdivision – AP 19, Lot 3, 535 Spring Street. Robert Gordon Jr., Kenneth Gordon, and Richard Gordon, applicants.

Jim Caldarone, a professional land surveyor and the owner of South County Survey Company spoke before the Board to present the project.

Mr. Caldarone: “This is a fairly straightforward two-lot minor subdivision application. The parcel being subdivided is, as Mr., Chairman DiOrio stated, Assessor’s Plat 19, Lot 3, 535 Spring St. The parcel contains approximately 65.68 acres and is zoned RFR-80. The applicant, Bob Gordon and his two brothers, Dick and Ken, would love to subdivide a lot that meets minimum zoning requirements on which Bob and his wife Andy reside. The Gordon family has owned the parcel since the mid-eighteen hundreds. Bob has lived in the house on the proposed parcel since they retired from the Navy approximately forty-three years ago. It’s important to note that no development is proposed whatsoever. Bob and Andy would simply like to subdivide the lot that, you know, the house that they live in, off from the remainder of the land, owned by three brothers. The existing house is on the parcel, is served by an existing well and septic system, and the proposed lot has frontage on both Spring Street and Old Beach Pond Road. The remainder of parcel three has frontage on Old Beach Pond Road. We are seeking preliminary approval from the Board. Chairman DiOrio, I do apologize, but also not included topography on the proposed parcel because there is no proposed development, but you’re right, it’s an excellent point, it is a checklist item, and it can be added to the plan prior to final plan submittal. That is all. Thank you very much. Any questions?”

Mr. DiOrio recognized Mr. Caldarone for preemptively stating that he would add the topography to the final plan prior to approval. Mr. Prellwitz stated that he did not have any questions, as it was “pretty straightforward”. Ms. Light was concerned by how nebulous the plans were in regards to future development on the parcel.

Ms. Light: “Okay, like the previous application we discussed, I have the same concern, that there a longer or a shorter term plan for the development of the rest of the land. So, I would like to delve into that a little bit.”

Mr. Caldarone responded that the “plan is simply to cut off the lot where he and his wife reside”, and the “remainder of the land remains owned by the three brothers, and is going to remain exactly as it is today – vacant and undeveloped.”

Mr. DiOrio asked Ms. Light how she would feel about instituting a similar condition on this proposal as they had on the previous proposal, to require the applicant to elaborate on the proposal with the final submission. Ms. Light stated that she would “feel comfortable if we could include that statement,” especially as Mr. DiOrio “mentioned earlier that it’s actually a requirement for the Board.”

Mr. Lindelow did not have any questions or comments. Ms. Shumchenia stated that, initially, she was not sure, “spatially”, what was proposed for the parcel, before realizing that the view was “a sort of zoomed [in] look” on the parcel that was being subdivided from the “rest of the parcel that’s to be remaining intact and untouched. She suggested that “some other symbology or something might help by clarifying exactly what’s going on in the plan.”

Mr. Caldarone responded to Ms. Shumchenia by stating that he thought that the inset would be helpful, but “perhaps a second sheet” to the plan sets would “be sufficient”. Ms. Shumchenia concurred, and suggested that he use shading to depict the parcel “as it exists today”. Mr. Caldarone responded that that request was “absolutely something I can do.”

MR. PRELLWITZ MADE THE MOTION THAT THIS PROJECT CAN MOVE TO THE NEXT STAGE, IN ACCORDANCE WITH EVERYTHING IN THE COMPRENSHIVE PLAN.

EACH SUBDIVISION SHALL [BE] CONSIST[ENT] WITH THE REQUIREMENTS OF THE HOPKINTON COMPREHENSIVE COMMUNITY PLAN AND/OR SHALL SATISFY AND/OR ADDRESS THE ISSUE SATISFACTORILY, AND ADDRESS THE ISSUES WHERE THERE MAY BE INCONSISTENCIES;

EACH LOT IN THE SUBDIVISION SHALL CONFORM TO THE STANDARDS AND PROVISIONS OF THE HOPKINTON ZONING ORDINANCE;

THERE WILL BE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS FOR THE PROPOSED DEVELOPMENT AS SHOWN ON THE FINAL PLAN, WITH ALL REQUIRED CONDITIONS OF APPROVAL;

THE SUBDIVISION AS PROPOSED WILL NOT RESULT IN THE CREATION OF INDIVIDUAL LOTS WITH SUCH PHYSICAL CONSTRAINTS TO DEVELOPMENT THAT BUILDING ON THOSE LOTS ACCORDING TO PERTINENT REGULATIONS AND BUILDING STANDARDS WOULD BE IMPRACTICAL;

AS ALL PROPOSED LAND DEVELOPMENTS AND ALL SUBDIVISION LOTS SHALL HAVE ADEQUATE AND PERMANENT LEGAL ACCESS TO A PUBLIC STREET;

EACH SUBDIVISION SHALL PROVIDE FOR THE SAFE CIRULATION OF PEDESTRIAN AND VEHICULAR TRAFFIC, WITH SURFACE RUNOFF CONTROL, FOR SUITABLE BUILDING SITES, AND FOR PRESERVATION FO

NATURAL, HISTORICAL, OR CULTURAL FEATURES THAT CONTRIBUTE TO THE ATTRACTIVENESS OF THE COMMUNITY;

THE DESIGN AND LOCATION OF STREETS, BUILDING LOTS, UTILITIES, DRAINAGE IMPROVEMENTS AND OTHER IMPROVEMENTS IN EACH SUBDIVISION SHALL MINIMIZE FLOODING AND SOIL EROSION.

[Here, Mr. DiOrio asked Mr. Prellwitz to add to the motion that “topographic data be included on the final, and that a statement of future use also be included with the final submission.”]

AND FINAL PLAN INCLUDE TOPOGRAPHICAL INFORMATION AND THE STATEMENT OF THE INTENDED FINAL USE OF THE PROPERTY;

[Here, Mr. Lamphere requested that the final plan be delegated to the Planner.]

AND DELEGATE FINAL PLAN APPROVAL TO THE PLANNER.

THE MOTION WAS SECONDED BY MS. LIGHT. A ROLL CALL VOTE WAS TAKEN.

IN FAVOR: DIORIO, PRELLWITZ, LIGHT, LINDELOW, SHUMCHENIA

ABSTAIN: NONE

OPPOSED: NONE

MOTION PASSED, 5-0.

Preliminary Plan – 2-Lot Minor Subdivision – AP 4, Lot 139B, Diamond Hill Road and Egypt Street. Annette E. Kenyon, applicant.

Mr. DiOrio recused himself, as he had prepared the survey mapping for the project. The Planning Clerk accepted his recusal form. Mr. Prellwitz served as Chair once again. Mr. Lamphere provided a little background on the project.

Mr. Lamphere: “I have spoken with Mrs. Kenyon about this project, and you will note that the plans that you have seen there are put forth as a – it’s carving one lot out of a larger lot and with the, with the larger lot being a residential compound lot. Now, in looking at it, in discussions with the applicant, I just found that it was unnecessary to do a compound, that this should be reviewed and looked at by the Planning Board as a mere two-lot minor subdivision. And so, I would ask the Board to approve it as such at that time, at this time, and if anybody has an questions, I’d be more than happy to answer them, as far as the proposal.”

Ms. Kenyon called in to speak on behalf of her project.

Ms. Kenyon: “I am the person who is trying to cut out a lot, and I have a twenty-two plus acre piece there. I also own the adjacent twenty-nine acres that’s fronting on 216 in Egypt

Street. I think that, originally, this was all one big piece. It was part of my farm, which is from 1800 sometime, and I believe that the former owner cut these two pieces into like, two different pieces, so, I'm thinking, I may, I may in the future turn it back into one lot, but for right now, I just want to cut that one, two-acre piece out. I have a really good friend, we're both in our sixties, and she would like to buy it from me and build a retirement home. So, um, I don't know what else to say about it, but that's what I would like to do."

Ms. Light asked Ms. Kenyon if Lot 1 was the one that she had prepared to sell to her friend. Ms. Kenyon said yes, that Lot 1 on the plan was what she wanted to sell – the two-acre lot on Diamond Hill Road, and that Al [Mr. DiOrio] had planned it for her. Ms. Kenyon said that she wanted to sell that so she and her friend could "walk back and forth between her house and mine." Ms. Light was having some difficulty seeing Ms. Kenyon's residence on the plans. Ms. Kenyon said that her house was on the second piece, which was "not even on the plan you're probably looking at", because it is on the "adjacent piece" of property owned by Ms. Kenyon. She stated that, in the future, she may remove the border between the two parcels, as she doesn't "know why that was done in the first place". Ms. Kenyon stated that she has "a farm with horses here."

Ms. Light had another question about the "estimated dwelling" featured on the map. Ms. Kenyon explained that her friend, who is interested in purchasing the property and building a house, "has not made any plans as of yet", and is "thinking about it", as Ms. Kenyon cannot sell it to her until final approval has been granted. Ms. Kenyon stated that while her friend was still thinking about it, that "it's not going to be a big house, because she has a big house right now, and she wants to downsize." Ms. Kenyon also stated that her friend was a single woman, so the home was "just gonna be for her" – and her "very small dog".

Mr. Prellwitz asked if he was correct in assuming that the access for the new parcel would be on Diamond Hill Road, which Ms. Kenyon confirmed. He also asked if it would be "south of the unsuitable area", which Ms. Kenyon also confirmed. She stated that the property was "nice and high and dry", and that it's "all sandy underneath there", and that there are some pine trees on it.

Mr. Lindelow did not have any questions. Ms. Shumchenia did have a few.

Ms. Shumchenia: "In the plans, it shows a conceptual roadway for Lot 2, and it's kind of an odd, circular shape? I was just wondering if you could describe that a little bit more."
Mr. Lamphere: "Yes, Emily, Jim Lamphere, Town Planner here – I, in reviewing this with Al DiOrio, when we were initially considering a residential compound lot, I suggested that. I'll show you exactly how that compound lot was going to have access, so he put the little, mini cul-de-sac. That's what that is, a little, mini cul-de-sac, to get frontage."

Ms. Shumchenia: "Okay."

Mr. Lamphere: "As it turns out, we don't, we don't need this, and I'm not, I'm not suggesting that the Board approve this as a residential compound lot, because it need not

be a compound lot. It's, it meets all of the requirements as legal lot. It has plenty of frontage, more than adequate frontage on Egypt Street, and it also has frontage, as you can see where the cul-de-sac is on Diamond Hill Road. So, it's twenty acres, it has test holes that have been done, which suggests that it's suitable. You could at least get one building lot out of this twenty acres, and, as far as access goes to this lot, you could either access it by Egypt Street or Diamond Hill Road. It's, it's consistent with zoning. Our subdivision regulations just state that access shall be through the frontage, so we have frontage, we have frontage on two roads, so access could be through either one. And, again, you know, this here, you have to differentiate between what is called frontage and sometimes people mistake minimum frontage for front yard, and they're two different concepts, okay. This, this here almost could be looked at as a through-lot, with frontage on two streets. So, there's absolutely nothing wrong with this twenty-acre parcel, the way it's being put forth here right now. Similar to the other two subdivisions that we did tonight – they're both very, very residual, large, residual lots that could easily be built on with at least one residence. That's pretty much what we're looking for here, is to make sure that the lots that we create today don't have any impediments to building on them. We don't want to create non-buildable lots. So, as long as you can build at least one, show that you can build at least one dwelling on a lot here, you're fine.”

Mr. Lamphere recommended that the Board approve the plan as a minor subdivision, make the seven findings of fact, and delegate final plan approval to him, the Planner.

Mr. Prellwitz had a final question about the frontage on the property, but Mr. Lamphere stated that there was more than two-hundred and twenty-five feet of frontage. Ms. Light asked Mr. Lamphere for confirmation that the Board would be approving two conventional lots, not a compound.

MS. LIGHT MADE A MOTION THAT THE PLANNING BOARD APPROVE THE PRELIMINARY PLAN, TO SUBDIVIDE THE 22.8-ACRE PARCEL, AP 4, LOT 139B, THAT IS ZONED RFR-80 INTO TWO LOTS. INCLUDED IN THE MOTION:

EACH SUBDIVISION SHALL BE CONSISTENT WITH THE REQUIREMENTS OF THE HOPKINTON COMPREHENSIVE COMMUNITY PLAN AND THAT SATISFY THE ISSUES WHERE THERE MAY BE INCONSISTENCIES;

EACH LOT IN THE SUBDIVISION SHALL CONFORM TO THE STANDARDS AND PROVISIONS OF THE HOPKINTON ZONING ORDINANCE;

THERE WILL BE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACT FOR THE PROPOSED DEVELOPMENT AS SHOWN ON THE FINAL PLAN WITH ALL REQUIRED CONDITIONS OF APPROVAL;

THE SUBDIVISION AS PROPOSED WILL NOT RESULT IN THE CREATION OF INDIVIDUAL LOTS WITH SUCH PHYSICAL CONSTRAINTS TO DEVELOP THAT BUILDING ON THOSE LOTS, ACCORDING TO PERTINENT REGULATIONS AND BUILDING STANDARDS WOULD BE IMPRACTICAL;

ALL PROPOSED LAND DEVELOPMENT AND ALL SUBDIVISION LOTS SHALL HAVE ADEQUATE AND PERMANENT LEGAL ACCESS TO PUBLIC STREETS;

EACH SUBDIVISION SHALL PROVIDE FOR THE SAFE CIRCULATION OF PEDESTRIAN AND VEHICULAR TRAFFIC, FOR SURFACE WATER RUNOFF CONTROL, OR SUITABLE BUILDING SITES, AND FOR PRESERVATION OF NATURAL, HISTORICAL, OR CULTURAL FEATURES THAT CONTRIBUTE TO THE ATTRACTIVENESS OF THE COMMUNITY;

THE DESIGN AND LOCATION OF STREETS, BUILDINGS, LOTS, UTILITIES, DRAINAGE, AND OTHER IMPROVEMENTS IN EACH SUBDIVISION SHALL MINIMIZE FLOODING AND SOIL EROSION.

WE DELEGATE FURTHER DEVELOPMENT TO THE PLANNER FOR APPROVAL.

MR. LINDELOW SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN.

IN FAVOR: PRELLWITZ, LIGHT, LINDELOW, SHUMCHENIA
ABSTAIN: NONE
OPPOSED: NONE

MOTION PASSED, 4-0.

SOLICITOR'S REPORT:

None.

PLANNER'S REPORT:

None.

CORRESPONDENCE AND UPDATES:

None.

PUBLIC FORUM:

None.

DATE OF NEXT REGULAR MEETING: July 1, 2020

ADJOURNMENT: (no later than 10 p.m.)

MS. LIGHT MADE THE MOTION TO ADJOURN.

MR. LINDELOW SECONDED THE MOTION.

IN FAVOR: PRELLWITZ, LIGHT, LINDELOW, SHUMCHENIA

ABSTAIN: NONE

OPPOSED: NONE

THE MEETING WAS ADJOURNED AT 8:43 P.M.