

State of Rhode Island

County of Washington

In Hopkinton on the third day of August 2020 A.D. the said remote meeting was called to order by Town Council President Frank Landolfi at 7:00 P.M.

**PRESENT:** In attendance in the Meeting Room: Scott Bill Hirst, Barbara Capalbo; Town Manager William McGarry; IT/GIS Director Christopher Scheib. Participating remotely: Frank Landolfi, Sylvia Thompson, Sharon Davis; Town Solicitor Kevin McAllister; Town Clerk Elizabeth Cook-Martin.

The meeting was called to order with a moment of silent meditation and a salute to the Flag.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO MOVE ALL ITEMS UP ON THE AGENDA FROM THE CONSENT AGENDA DOWN, EXCEPT THE PUBLIC FORUM.

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

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

The July 20, 2020 Town Council Meeting Minutes were removed from the Consent Agenda by Councilor Hirst who noted page ten would be corrected to read Forrest Wright in the adjournment motion.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO APPROVE CONSENT AGENDA AS FOLLOWS: RATIFY AND APPROVE THE EIGHTH LOCAL DECLARATION OF EMERGENCY FROM AUGUST 3, 2020 TO AUGUST 31, 2020.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF JULY 20, 2020 WITH THE CORRECTION NOTED.

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

OPPOSED: None

SO VOTED

**OLD BUSINESS**

**DECISION RE: PROPOSED ORDINANCE AMENDMENT TO CHAPTERS 272 & 273**

This matter was scheduled in order for the Council to render a decision on amendments to Chapters 272 and 273 of the Town of Hopkinton Zoning Ordinance requested by Hopkinton Town Councilor Sylvia Thompson for property owned by Atlantic Solar LLC, 260 West Exchange Street, Providence, RI 02903 and Atlantic Control Systems, Inc., 318 Dry Bridge Road, North Kingstown, RI 02852, for property located at 0 Main Street, Hopkinton, RI, identified as Plat 7, Lot 32; Plat 10, Lot 87 and Plat 11, Lot 35 an RFR-80 Zone re: an amendment relative to one of the conditions in each ordinance setting the amount of the cash decommissioning bond for the proposed PSES project to be constructed on said property, by striking the phrase “of \$25,000 per Megawatt AC” and substituting therefor the phrase “to be determined by the Planning Board”. The public hearing was held and closed on July 20, 2020.

A stenographer attended remotely to record the proceedings. A copy of the transcript will be attached and made part of the record.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO ADOPT THE ORDINANCE AMENDMENT TO CHAPTERS 272 AND 273.

IN FAVOR: Hirst, Thompson, Davis

OPPOSED: Landolfi, Capalbo

MOTION CARRIED

**DECISION RE: PROPOSED ORDINANCE AMENDMENT TO CHAPTER 229**

This matter was scheduled in order for the Council to render a decision on an amendment to Chapter 229 of the Hopkinton Code of Ordinances, requested by Hopkinton Town Council President Frank Landolfi, specifically Article I, Section 19-2(B)(1)(a) of Chapter 19, “Taxation”. Article I, entitled “ When Interest Waived”. The proposed amendment would correct a typographical error in the reference to the Rhode Island General Laws found in said Section 19-2(B)(1) where it reads RIGL “section 44-5.8-“, and substitute for that citation RIGL “section 44-5-8.1”. In addition, the proposed amendment, if enacted, would add the clause “or place of business” after the word “residence” and before the phrase “of the taxpayer” found in Section 19-2(B)(1)(a) of Chapter 229. The purpose of this portion of the proposed amendment would be to extend to taxpayer-owned places of business the opportunity to seek a waiver of payment of one quarter’s worth of interest on one overdue property tax payment, subject to the same conditions currently applicable to taxpayers’ personal residences. The public hearing was held and closed on July 20, 2020.

Council President Landolfi believed that this amendment would go a long way on extending help to local businesses and would not equate to a lot of money lost to the town. Councilor Hirst thanked Council President Landolfi for bringing this change forward and believed it would greatly assist town businesses, which was agreed to by all Councilors.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO ADOPT THE ORDINANCE AMENDMENT TO CHAPTER 229.

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

OPPOSED: None

SO VOTED

**BOARDS & COMMISSIONS**

**Historic District Commission Re-Appointment**

Richard Prescott submitted a request to be reappointed to the Historic District Commission.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO REAPPOINT RICHARD PRESCOTT TO THE HISTORIC DISTRICT COMMISSION.

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

OPPOSED: None

SO VOTED

**Juvenile Hearing Board Re-Appointment**

Martin Liese submitted a request to be reappointed to the Juvenile Hearing Board.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO REAPPOINT MARTIN LIESE TO THE JUVENILE HEARING BOARD.

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

OPPOSED: None

SO VOTED

**Land Trust Board of Trustees Appointment**

Tom Thompson had applied for the vacancy on the Land Trust Board of Trustees and had been interviewed on July 20, 2020.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO APPOINT TOM THOMPSON TO THE LAND TRUST BOARD OF TRUSTEES.

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

OPPOSED: None

SO VOTED

**Chariho Audit Subcommittee Resignation**

Dorothy Gardiner submitted her resignation from the Chariho Audit Subcommittee.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO ACCEPT THE RESIGNATION OF DOROTHY GARDINER FROM THE CHARIHO AUDIT SUBCOMMITTEE WITH REGRET.

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

OPPOSED: None

SO VOTED

**Juvenile Hearing Board Resignation**

Sylvia Algier submitted her resignation from the Juvenile Hearing Board.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO ACCEPT THE RESIGNATION OF SYLVIA ALGIER FROM THE JUVENILE HEARING BOARD WITH REGRET.

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

OPPOSED: None

SO VOTED

**HEARINGS**

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

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

OPPOSED: None

SO VOTED

**CLASS C LIQUOR LICENSE**

The Council opened a remote hearing on an application for a Class C Liquor License filed by Norbert Ansay, Jr., 63 Cedarwood Lane, Hope Valley, RI 02832 for property he owns located at 999 Main Street, Hope Valley, RI 02832 identified as AP 27 Lot 102, a Neighborhood Business Zone to allow for “paint and sip” art classes.

Applicant Norbert Ansay, Jr. and Sherri Desjardins attended remotely. Notice had been posted. Fees are to be billed out.

Ms. Desjardins advised the Council that this would not be a restaurant, bar or tavern; they will be holding art and craft classes. The people attending will have registered and paid for the class; people cannot walk in and decide they want to have a drink. She also noted that they had obtained their retail sales permit and acceptance from Hop Arts as a stop on 2020 studio trail.

Councilor Capalbo asked Solicitor McAllister to explain what the Class C liquor license entailed. Solicitor McAllister noted that fell under the statute R.I.G.L. 3-7-8 and explained that a Class C license holder can keep for sale and sell beverages at retail at the specific location described and deliver them for consumption only on the premises where sold. No beverages can be sold or served after midnight or before 6:00 a.m. The license also authorizes the holder to sell pre-packaged foods prepared off the premises (potato chips, popcorn, pretzels), but prohibits preparation and services of food cooked on the premises. He noted it was a very limited license. Councilor Capalbo asked if catered foods would be allowed and the Solicitor indicated yes, it could be catered with food cooked off-premises. It was noted that Mr. Ansay and Ms. Desjardins would need to be TIP certified, which they both were. Councilor Thompson asked Ms. Desjardins if she had served alcohol in the past and she noted that she had been a bartender at several establishments in the past. Ms. Desjardins noted that West Bakery has a parking lot behind the building and they will not be open simultaneously so they will be allowed to use that parking lot. She believed they will be open Wednesday, Thursday and Friday evenings, late afternoon and evening on Saturdays and Sunday afternoons after the bakery closed. In the back of the building they have fixed up the parking lot area, installed new stairs and are putting in handrails and installing lighting. They have cleaned up the back of the property and there will be access from the back parking lot to their building.

Anyone wishing to speak for, or against: Joseph Moreau, Old Depot Road commended Norbert Ansay and Sherri Desjardins for what they were doing and believed this to be a win-win situation for the town. He felt the business would attract residents from other cities and towns to Hopkinton and they would spend money which would benefit other local businesses as well. He was not concerned

about the Class C liquor license for this was not a bar where people will go to drink. People cannot just walk in; they need to register for these classes. He noted he was in favor of this license.

Councilor Hirst advised that there has been positive feedback from the Chief of Police, Building and Zoning, and the Hope Valley Wyoming Fire District with regard to this application.

No one spoke in opposition to the Class C Liquor License.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO GRANT APPROVAL TO THE CLASS C LIQUOR LICENSE FILED BY NORBERT ANSAY, JR. AND SHERRI DESJARDINS OF 63 CEDARWOOD LANE, HOPE VALLEY, RI 02832 FOR PROPERTY LOCATED AT 999 MAIN STREET, HOPE VALLEY, RI 02832 IDENTIFIED AS AP 27 LOT 102 LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

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

## HEARING

### **CENTRICA BUSINESS SOLUTIONS/KAREN & JAMES CHERENZIA RE: CHASE HILL ROAD**

The Town Council resumed and continued the hearing on a request for an amendment to the Hopkinton Comprehensive Plan Future Land Use Map and an amendment to the Hopkinton Zoning Ordinance filed by Centrica Business Solutions, 1484 Candlewood Road – Suite T-W, Hanover, MD 21076 and Karen M. & James W. Cherenzia, Jr., 201 Chase Hill Road, Ashaway, RI 02804 for

property located at Chase Hill Road as Plat 2, Lot 32, an RFR-80 Zone continued from December 9, 2019 to January 13, 2020 – meeting cancelled and continued to February 18, 2020 - meeting cancelled and rescheduled to March 16, 2020. The March 16, 2020 meeting was cancelled due to the declared State of Emergency re: Covid-19. On April 6, 2020 the resumption/continuation of the public hearing was scheduled for June 15, 2020 provided the hearing could be held in-person. Due to limitations on capacity and distance requirements and the discussion by Town Council on April 6, 2020 regarding a possible resumption of the public hearing on June 15, 2020, resuming the public hearing on that date was not feasible and a new date was scheduled for August 3, 2020. The applicants propose to construct a 2.7± MW DC ground-mounted solar installation on 12.89± acres of property on Assessor's Plat 2, Lot 32. 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 a Zoning Map Amendment from RFR-80 to Commercial.

Documents associated with this hearing were posted on the Town website:

- Exhibit A - Cherenzia Solar 2/14/2020 - ORIGINAL
- Exhibit B - Cherenzia Solar 7/28/2020 – CURRENT
- Exhibit C - Cherenzia Solar 7/23/2020 – BUFFER PLAN
- Exhibit D - Cherenzia Solar 7/23/2020 – LAND USE
- Exhibit E - Cherenzia Solar 7/23/2020 – ABUTTER SIGHTLINES
- Exhibit E.1 - Cherenzia Solar 7/23/2020 – ABUTTER SIGHTLINES

Representatives and applicants participating remotely include: Steven Surdut, Esq.; Charles Kovacic - Project Manager, C&I Solar, Centrica Business Solutions; Douglas J. Telepman - Director, Business Development Solar and Storage, Centrica Business Solutions; Jason Gold - Manager, Civil/Site Engineering Services, ESS Group, Inc.; Legal representative: Joelle Rocha.

Notices had been posted; updated billing to be done. A stenographer attended remotely to record the proceedings. A copy of the transcript will be attached and made part of the record.

Various questions were asked by Council members and are outlined in the transcript.

**PUBLIC FORUM**

Public comments were made by Clifford Heil and Emily Shumchenia, 211 Chase Hill Road; Joseph Moreau, Old Depot Road; Daniel Makowski, Woodville Alton Road; Carol Desrosiers, Pleasant View Drive; Rogean Makowski, Trustee for the late Ted Dionne and Mariette Dionne; Nikki Scott, 187 Chase Hill Road; Joshua Cherenzia, Chase Hill Road; and, Eric Bibler, Woodville Road, all of which are outlined in the transcript.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO CLOSE THE HEARING AND SET A DATE FOR A DECISION.

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

OPPOSED: None

SO VOTED

The Council set September 21, 2020 as the date to render a decision.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO ADJOURN IN MEMORY OF HAL EDWIN BATON, JOHN N. BERGERON, M.D.; DOREEN L BRANCATO AND MARILYN M. JOHNSON.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk