

**Proposed 3.4+/- MW DC Photovoltaic Solar Energy System Development
Zone Change / Comprehensive Plan Amendment and Regulatory Compliance**

**'Comolli Gravel Quarry'
0 Chase Hill Road #2 - Assessor's Plat 2 , Lot 73**

Prepared for: Centrica Business Solutions

Prepared by: Pimentel Consulting, Inc.

18 September 2020

INTRODUCTORY STATEMENT

Centrica Business Solutions (“Applicant”) has retained my professional land use planning and zoning consulting services (“Client”), in order to evaluate the 3.4 MW+/- DC ‘Photovoltaic Solar Energy System - Comolli Solar Development’ (“PSES”) proposal. This Consultant does not proceed blindly when discussing the appropriateness of the proposed PSES. This Consultant is well aware of just how exhausted the Town of Hopkinton is with anything solar related, based on personal experience with several prior solar projects, inclusive of a by-right development. However, this clearly cannot mean that all solar projects are to be dismissed; especially those that expressly reflect very recently adopted goals and objectives. This Consultant is not going to engage in platitudes about how each individual project must stand on its own merits. The fact is that past less than positive experiences, cannot and should not pre-determine projects going forward. The likelihood of solar projects in general being by-right developments are few and far between; as evidenced by the limited quantity of land area otherwise zoned in a permissible manner, and the over-abundance of residentially zoned land resources. What this further implies is that those areas which have been expressly identified as being appropriate for solar development, are more likely than not to be residentially zoned; namely brown-field sites, former landfills, quarry areas, and/or land uses deemed to be pre-existing non-conforming. The subject property being one such site, occupied by a pre-existing, legal nonconforming quarry operation. The ability to redefine the property in perpetuity by extinguishing a rather intrusive quarry operation for a temporary passive solar facility, is not only in direct accord with the zoning regulations but also good planning practices in general.

The Town Council amended their solar ordinance as recently as 2019 (mere three-years after the initial ordinance), and it is the opinion of this Consultant that the proposed PSES development is right in-line with the spirit and intent of the referenced changes. It is perhaps the first zone change of its kind; converting residential to commercial for the express purpose of extinguishing a non-conforming industrial operation (quarry). Other than ‘voluntarily abandoning’ a non-conforming usage of property, the only other mechanism is conversion by some regulatory approval process. It is for this very reason why the Town Council in part amended their solar ordinance, only a mere three-years later. The Town Council had been inundated with proposals, none of which were encumbered with some non-residential usage of property, as was initially envisioned. The revised zoning regulations render it quite clear as to rezoning expectations; severely limiting solar facility scale, unless there is some worthy objective to be achieved. In those instances, such as placement within a gravel bank (especially if still active), scale is negotiable; corroborating this consultant’s conclusion regarding the Town’s future solar aspirations. The present proposal is truly unlike any prior

submission, and therefore deserves all of the consideration that should be afforded a development that furthers the intent and purposes of the Zoning Ordinance, as well as goals and objectives of the Comprehensive Plan. In order to properly introduce the proposed PSES development, the applicant is pursuing both a zone change and corresponding Future Land Use map land use classification amendment. The referenced development is not only to realize provision of clean efficient and affordable energy (both locally and regionally), in furtherance of the respective Comprehensive Plan and State Energy Plan / Statewide Planning Program goals and objectives, but also to foster economic development.

In light of the requested development proposal, this land use consultant has conducted a thorough analysis of the proposed PSES development and compared it to the goals and objectives of the following regulatory documents: Town of Hopkinton, RI, 2016 Comprehensive Plan - Town Council adopted 5 February 2018 ("Comprehensive Plan"); Town of Hopkinton Zoning Ordinance, inclusive of the recently amended (2019) Solar Ordinance ("Ordinance"); Town of Hopkinton Land Development and Subdivision Regulations ("LD Regulations"); State of Rhode Island Office of Energy Resources - Solar Siting Information - February 2019 ("Solar Siting"); State of Rhode Island - Renewable Energy Guidelines: Solar Energy Systems, Model Ordinance Templates, Zoning, and Taxation - February 2019 ("Renewable Guidelines"); State Guide Plan Element Report No. 120 - Energy 2035 - Rhode Island State Energy Plan - Approved 8 October 2015 ("State Energy Plan"); RI Comprehensive Planning Standards Guidance Handbook Series - Guidance Handbook No. 9 - Planning for Energy - Revised June, 2018 ("Energy Guidance Handbook"); RI Comprehensive Planning Standards Manual - Revised 14 June 2018 ("Standards Manual"); pertinent Rhode Island General Law ("RIGL"); as well as having conducted a thorough analysis of the general Chase Hill Road neighborhood. The purpose for the subject analysis is two-fold: evaluate the appropriateness of the proposed zone change and land use classification amendment, as well as consistency with the respective Ordinance 'PSES Regulations,' to include requisite DPR Regulations.

'SOLAR ENERGY' NEED

This land use consultant has previously detailed on numerous occasions before both the Hopkinton Planning Board and Town Council alike, the importance of a well-balanced comprehensive energy program; realizing provision of energy from both fossilized and non-fossilized (renewable) sources. It is the state's objective, pursuant to RIGL 39-26, that a minimum 38.5% threshold of all electricity sold in the state, result from renewable energy resources [Renewable Guidelines - Page 5]. Furthermore, pursuant to the State Energy Plan,

there is an expectation that by 2035 the state could have upwards of **1,800 MW of solar energy**. An even more aggressive approach was established in March 2017, when the Governor issued an Executive Order, mandating provision of 1,000 megawatts of clean energy by the end of 2020. In order to accomplish these important, albeit difficult objectives, a series of studies / documents were executed with the assistance of statewide public outreach, inclusive of the Town of Hopkinton; all of which took place prior to the recent 2019 solar amendment. Interestingly enough, the resulting broad-based guidelines and model zoning ordinance, are reflected to some degree in the eventual 2019 solar amendment. Most notable is the consideration for locating solar facilities in already disturbed sites, such as gravel pits, even when residentially zoned. The following are recommendations from the various state documents, followed by the express language in the Town's 2019 solar amendment.

Advisory Working Group - Renewable Energy Siting Principles - March 2018

"Encourage renewable energy development on commercial and industrial zoned land, on already developed land, and in other locations with environmental alterations such as closed landfills, brownfields, parking lots, commercial and residential rooftops, sand and gravel pits." [Solar Siting - Page 14]

"Minimum lot sizes vary in residential districts. Some urban areas may have lot sizes which are too small for large, ground mounted systems and communities may want to prohibit large solar energy systems in these districts. Some preexisting uses in residential zones with difficult redevelopment potential may be appropriate and desirable areas for SES such as landfills, brownfields, scrap yards, and or defunct gravel banks and may warrant special consideration for streamlined review regardless of the district where they are located." [Renewable Guidelines - Page 16]

13. **"...If the parcel is zoned RFR-80, and the applicant is seeking to rezone the parcel, then the maximum requested coverage may be the lesser of 3% or 3 acres...RFR-80 rezone requests are not guaranteed approval. The Town of Hopkinton encourages PSES on former gravel banks, brownfield and landfills. Such locations shall be consistent with the Hopkinton Comprehensive Plan and shall strive to minimize the visual impacts of these systems from streets and neighboring properties..."** [Town 2019 Amended Solar Ordinance]

It is abundantly clear that the Town of Hopkinton amended their 2016 solar ordinance, a mere three-years later, to address very specific disconcerting issues; most notably being the repeated incursion of solar installations into undisturbed residential areas. This is evidenced by the limitation of 3% or 3-acres when seeking a zone change, unless within an encouraged site such as a 'gravel bank'. It is abundantly clear that there have been few, if any, development(s) of the scale and nature envisioned by the amended solar ordinance. That is why this Consultant implores the Town Council to grant every consideration in regard to the subject proposal.

GENERAL 'PSES' DEVELOPMENT PROPOSAL

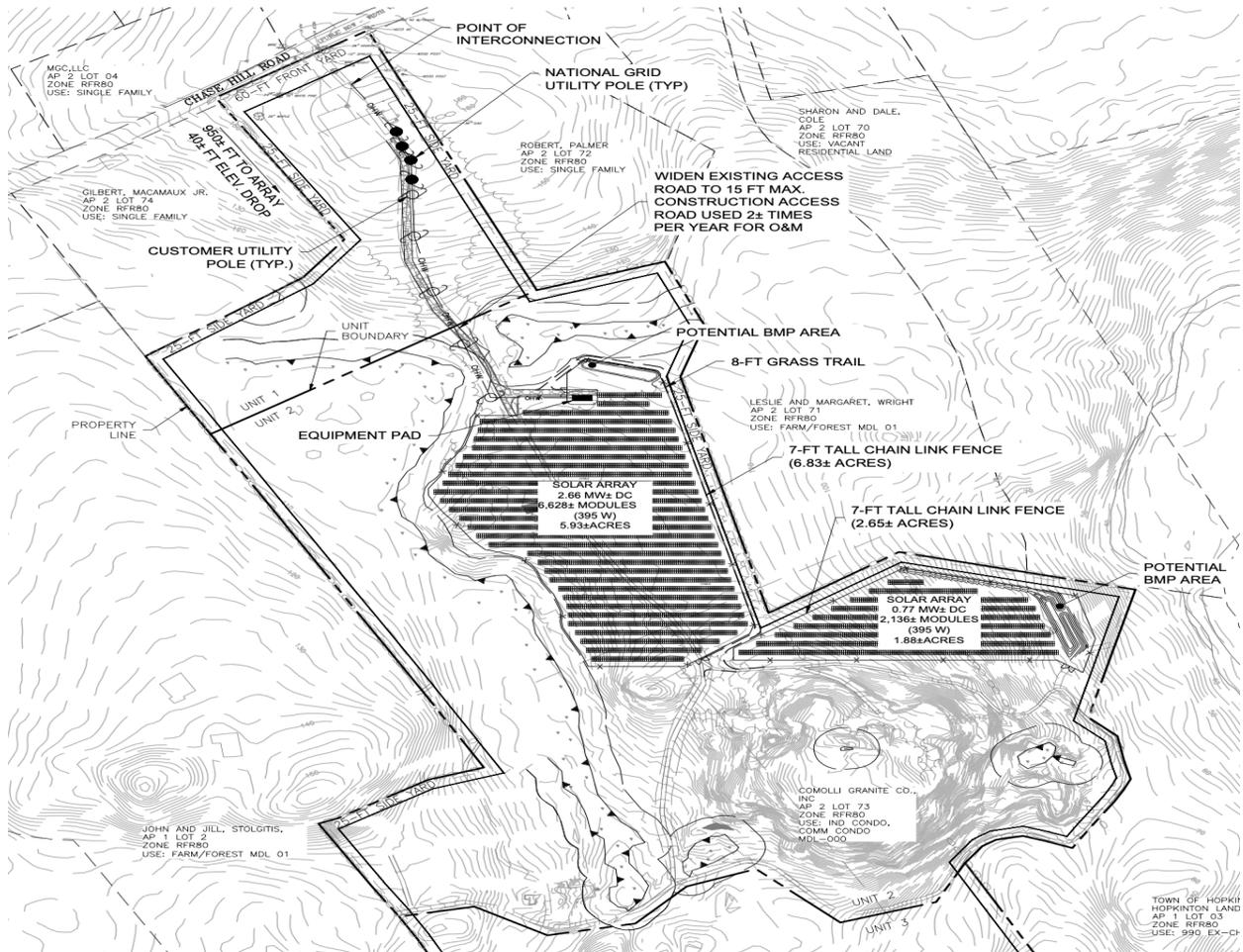
The applicant seeks permission to introduce an approximately 3.4 MW+/- DC PSES development in a fully dimensionally compliant manner. However, in order to accomplish this worthy endeavor, both a zone change and corresponding Comprehensive Plan land use classification amendment is required. Introduction of the PSES is in direct accordance with the Comprehensive Plan [Page 29], as evidenced by the following”

Goals, Policies and Recommendations - Natural Resources Goals

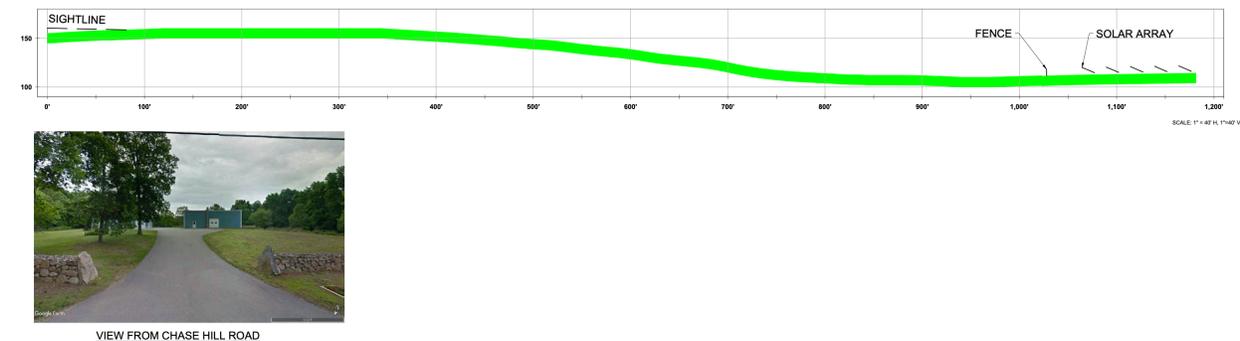
Policy NR-5: “Promote energy self-sufficiency using renewable energy and energy conservation.”

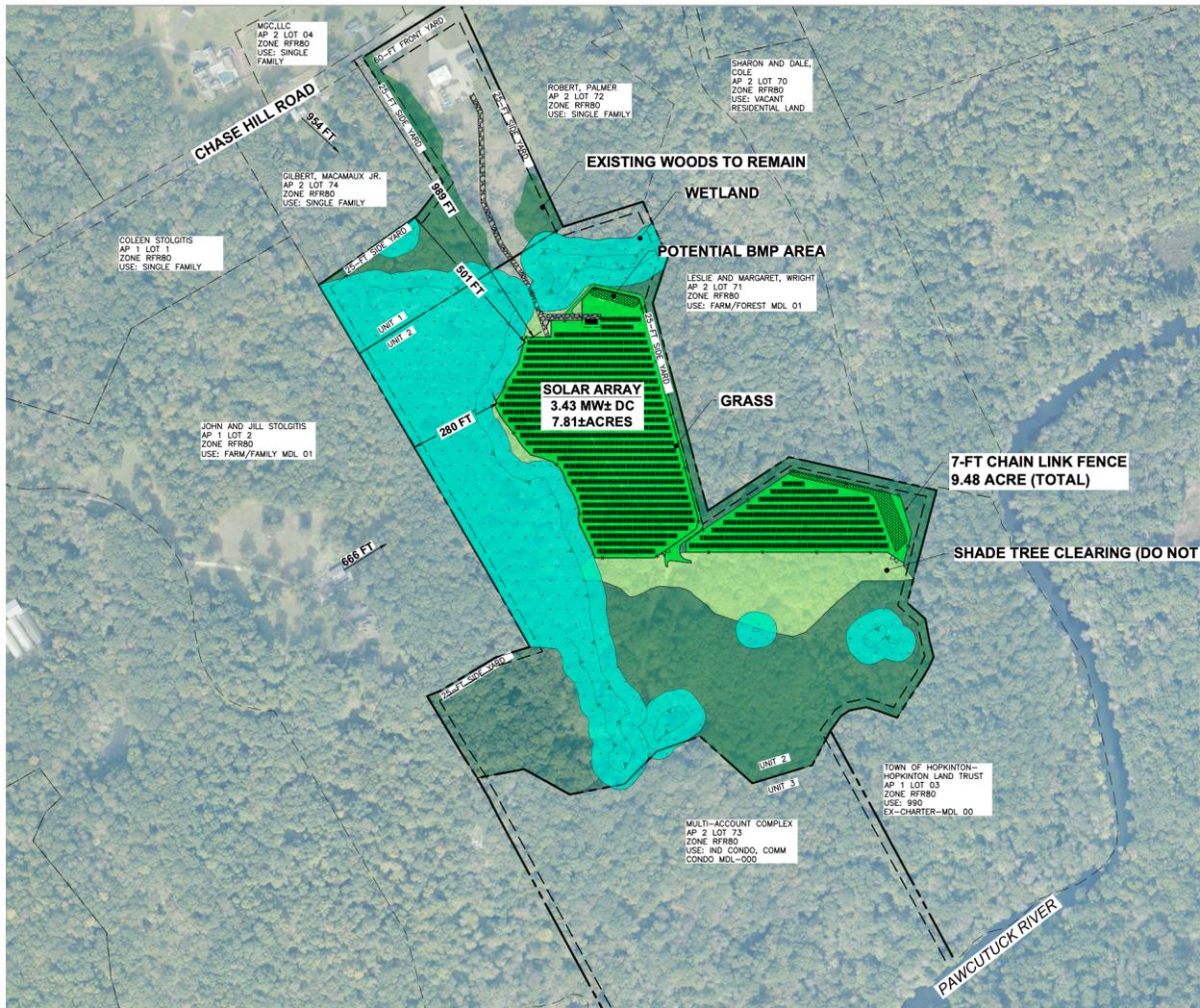
The overall property is in fact comprised of a three-unit land condominium, containing a total of approximately 73.8-acres. The proposed solar facility will be situated amidst Unit No. 2. The referenced unit contains approximately 38.94-acres, otherwise under the ownership of 'Comolli Granite Co. Inc,' and located mid-point of the overall property. The other two-units are jointly owned by an alternate entity, and yet similarly improved with a pre-existing non-residential (commercial) land use. The totality of area allocated to reuse for solar purposes is approximately 13.96-acres, which includes the fenced-in solar array area proper, exterior clearing to correct for array shading, and driveway improvements. This amounts to 35.8% of Land Condo Unit No. 2, or 18.9% of the overall property. However, the more pertinent consideration is actual vegetative disturbance. Approximately 5.08-acres is already cleared, resulting in only 8.19-acres being disturbed, or 21% of Land Condo Unit No. 2 (11.1% of the overall property).

Centering on the operation itself, the total acreage allocated to the solar facility operation proper is approximately 7.81-acres, or a mere 20% of Land Condo Unit No. 2 (mere 10.6% of the overall property). Furthermore, the fenced-in solar array area proper is approximately 9.48-acres, or approximately 24.3% of Land Condo Unit No. 2 (mere 12.8% of the overall property). The proposed PSES development is illustrated below, as excerpted from the Applicant's submission package [Credit: ESS Group].

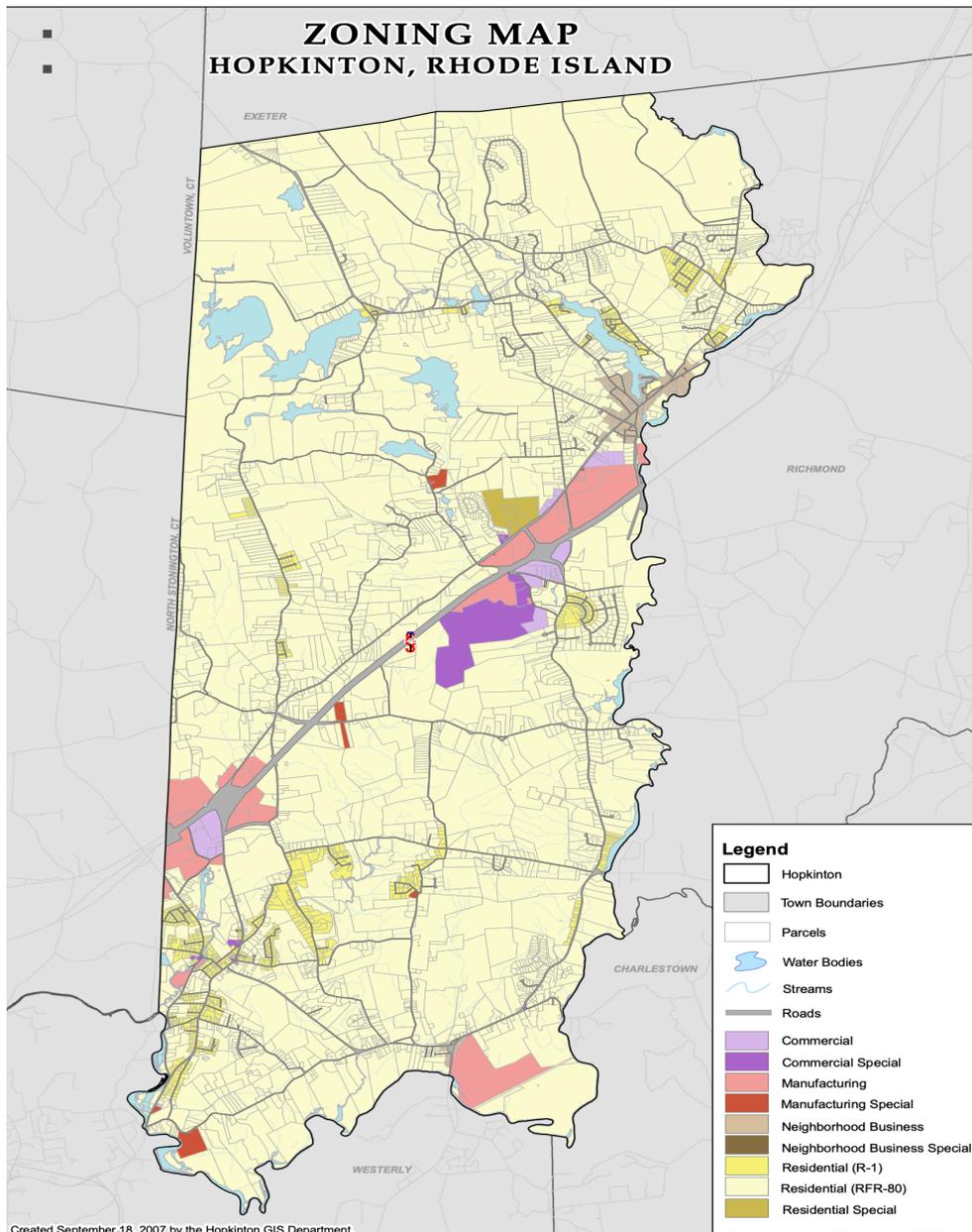


To reiterate, Unit No. 2 is improved with a non-conforming quarry operation; said quarry to be vacated upon successful approval of the requested PSES development. Several other pertinent points for the Town Council's consideration, include: minimal vegetative disturbance; limited residential presence; and imperceptible line-of-sight, due to the sloping topography. All of the referenced site and general neighborhood conditions, are illustrated below, as excerpted from the Applicant's submission package [Credit: ESS Group].





The property is presently zoned Rural Farming Residential-80 District (hereinafter 'RFR-80 District'), as is the entire surrounding neighborhood. The Town of Hopkinton is overwhelmingly zoned residential, and more specifically the RFR-80 District designation. 'Map 14 - Existing Zoning Map,' as excerpted from the Comprehensive Plan [Page 109], clearly corroborates this point. In fact, visually speaking, the RFR-80 District appears to be imposed on no less than 80% to 90% of all town-wide land resources. Furthermore, considering PSES developments are prohibited in all of the residential districts, inclusive of the neighborhood business district, it is quite apparent that concessions will be required to accommodate reasonably sized solar facilities.



COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

A thorough analysis of the Comprehensive Plan was personally completed, and it is the professional opinion of this land use consultant that other than the need for a zone change and land use classification amendment, the proposed PSES development is not only internally consistent with all goals and objectives, but also quite appropriate for the property in question. The following goals, objectives, policies, and general language, as excerpted from the Comprehensive Plan, corroborate this conclusion.

Consistency with State Guide Plans “This plan has been prepared to be consistent with the State Guide Plan, including:” [Page 2]

o **Energy 2035 (Report 120)**

Energy [Pages 40 - 41]

“Rhode Island’s Energy Plan, Energy 2035 (Report 120), aims to create sustainable and affordable energy infrastructure that can meet the State’s energy demands and stimulate economic growth. One of the primary strategies to achieve these goals is to increase fuel diversity by developing local renewable energy production facilities rather than relying on out-of-state energy sources.”

“Reduction of energy consumption through community involvement and strategic municipal planning can also make a significant impact in the State’s energy demand.”

Strategic Energy Planning [Page 41]

“Global energy consumption has increased substantially over the last century due to economic growth and a changing standard of living. Increased land use creates a need for growing transmission infrastructure to meet the energy needs of expanding development. Although Hopkinton has remained rural, its energy demand has increased significantly in the past several decades, making energy an essential component of The Town’s strategic planning process.”

“...Hopkinton’s Energy Plan will coincide with the state’s goals as well as The Town’s Land Use plan goals discussed in the Land Use Section of this Comprehensive Plan. Statewide Planning’s Land Use 2025, developed in 2006, promotes a “rural-urban plan” to be used by Rhode Island cities and towns as a guide for future development...”

Renewable Energy [Page 43]

“The majority of the energy consumed nationally is generated from nonrenewable foreign resources. Global competition for fuel sources creates unstable and unpredictable prices, with the potential for local supply shortages. **This indicates a need for locally generated renewable energy in order to ensure economic security. Renewable energy technology has evolved to allow rising global energy demands to be met in a more sustainable way, but it is crucial for this to be implemented on a community level.**”

“**The Town of Hopkinton can benefit from renewable energy generating technologies as a way to decrease long term energy costs, increase The Town’s energy independence, and reduce greenhouse gas emissions. Renewable energy projects also have the potential to create local jobs, particularly in the fields of construction and professional and technical services.**”

Challenges [Page 44]

o “**Public awareness and support** of climate change, energy efficiency, and **renewable energy alternatives.**”

ZONE CHANGE: 'RFR-80 DISTRICT' to 'COMMERCIAL DISTRICT'
and
FUTURE LAND USE MAP AMENDMENT - LAND USE RECLASSIFICATION:
'LOW DENSITY RESIDENTIAL' to 'COMMERCIAL'

The Comprehensive Plan does expressly reference alternative energy sources, and as such supports their development, as evidenced by the Ordinance statute regarding solar energy systems. However, they are regulated to such an extent that the only viable means of actually realizing their development is solely by means of appropriately imposed zone changes. The Town's land resources are predominantly zoned residential, and more specifically the RFR-80 designation. And yet, the Ordinance solely permits their placement within limited commercial and manufacturing zones. There simply is not enough acreage associated with the Town's commercial and manufacturing zones to permit appropriately sized PSES developments. Furthermore, it cannot be the desire of the community to have such limited resources consumed in this manner. Thoughtfully configured commercial and manufacturing zones are required to accommodate those services and places of employment necessary to ensure a community's fiscal well-being. Therefore, this land use consultant must conclude, given the Comprehensive Plan's textual consistency, that a zone change is the Town's preferred regulatory method of controlling their placement.

The subject proposal is to realize a zone change from the present non-supportive RFR-80 District to a Commercial District designation, thereby rendering appropriate usage of the property for PSES development purposes, and equally important extinguish a pre-existing legal non-conforming rather intrusive quarry operation. The act of rezoning the property is well supported by the Comprehensive Plan as evidenced by the following:

Public Services and Facilities - Goals, Policies and Recommendations [Page 55]

Policy PSF 17 - "Encourage renewable energy projects in the private sector."

Recommendation 18 - "Consider expanding the current zoning regulations to allow photovoltaic installations in residential districts."

Economic Development - Goals, Policies and Recommendations [Pages 66 - 68]

Goal ED 1: "To provide for the expansion of the town's tax base by encouraging development of new and existing light and/or heavy industrial & office/commercial business."

Recommendation 4: "Identify and zone new areas for manufacturing and commercial sites."

Although, the pursued zone change to a Commercial District is quite appropriate given the identified property and neighborhood characteristics, as well as detailed Comprehensive Plan goals and objectives, there still remains an inconsistency between the proposed zone change and present property land use classification. The applicant is required by law, when pursuing a zone change, to evidence consistency with the Comprehensive Plan, and more importantly the "Future Land Use" map. R.I.G.L. 45-24-50(a) – "Consistency with Comprehensive Plan", specifically grants local communities the authority to amend their Ordinances, when it is done so for the purpose of promoting the public health, safety, morals and general welfare. An Ordinance amendment, including change to the official zoning map, must first evidence consistency with the Comprehensive Plan, inclusive of the 'Future Land Use' map. The current 'Future Land Use' map mirrors the present zoning designation, which is not surprising considering that this is customary practice. Nevertheless, given the present inconsistency, an amendment from the present '**Low Density Residential**' to a '**Commercial**' land use classification will likewise be pursued, thereby assuring full internal Comprehensive Plan consistency - both textually and with the Future Land Use map. This amendment is likewise mandated by the Comprehensive Plan.

Land Use - Goals, Policies and Recommendations [Page 118]

Goal LU 7: *"Use the Future Land Use Plan to update and improve the Zoning Ordinance."*

Policy LU 20: ***"The Zoning Ordinance should be consistent with the Future Land Use Map."***

CONCLUSION

It is the professional opinion of this land use and planning consultant that the proposed Zone Change and Land Use Classification amendment to realize introduction of a PSES development amidst the subject property and general surrounding neighborhood, will be consistent with the goals and objectives of the Comprehensive Plan, State Energy Plan, and numerous other regulatory documents. My professional opinion is based upon the manner in which the proposed system can be well incorporated into the overall fabric of the surrounding neighborhood; a non-intrusive land use that will be practically invisible, while providing clean efficient and less costly energy, and realizing another much-needed revenue stream.

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on-line: edaicp@yahoo.com

SUMMARY of QUALIFICATIONS

Forward-thinking, pragmatic urban planning professional with twenty (20+) years of practical experience. Skilled in a variety of neighborhood and commercial planning and zoning activities, frequently in a supervisory or managerial capacity. Solid track records with proven effectiveness in, but not limited to, the following areas:

- ⇒ **Zoning Boards of Review**
- ⇒ **Community Planning and Consulting**
- ⇒ **Planning Boards / Commissions**
- ⇒ **Subdivision Review and Planning**
- ⇒ **City / Town Councils**
- ⇒ **Superior Court**
- ⇒ **Code Enforcement**
- ⇒ **Residential, Commercial and Industrial Development**

SELECTED EXAMPLES of ACCOMPLISHMENT

- Testified before numerous boards, commissions and councils on matters of residential, commercial, and industrial development, as well as changes / amendments to Zoning Ordinances and Comprehensive Plans.
- Testified before Municipal and Superior Court on matters of code enforcement and general land use planning.
- Authored various documents including Cost of Community Services Study, Revitalization Plans, Zoning Ordinances, Comprehensive Plan Amendments and the first Telecommunications Ordinance in the State of Rhode Island.
- Responsible for reviewing all development associated with the Quonset Point / Davisville Industrial Park, an approximately 3,500 acre industrial park, site of the former Sea Bee Navy Base, numerous mill rehabilitation projects, including Pocasset Mill, Johnston, RI (Comprehensive Plan Amendments).
- Responsible for reviewing numerous residential subdivisions, especially expert in the field of Comprehensive Permits (Affordable Housing). Work product cited by the Rhode Island Supreme Court.
- Represented clients before numerous Zoning Boards of Review throughout the State of Rhode Island, on a variety of variance and special use permit petitions, with a greater than 90% success rate.
- Extensive energy and renewable energy projects, including solar, wind and gas-fired eccentric generating assets.

EDUCATION

MASTERS OF COMMUNITY PLANNING AND DEVELOPMENT
University of Rhode Island - Masters Received 1994

University of Florida - Studied City Planning - 1991 / 1992

BACHELOR OF ARTS – URBAN AFFAIRS; MINORS IN MATHEMATICS AND PHILOSOPHY
University of Rhode Island - BA Received 1990

ACCREDITATION: AMERICAN INSTITUTE of CERTIFIED PLANNERS – May 1996

PROFESSIONAL EXPERIENCE

Land Use Consultant
East Providence, Rhode Island

PIMENTEL CONSULTING, INC.

Zoning Officer
East Providence, Rhode Island

CITY OF EAST PROVIDENCE

Consulting Town Planner
Barrington, Rhode Island

TOWN OF BARRINGTON

Town Planner
Wayland, Massachusetts

TOWN OF WAYLAND

Principal Planner
North Kingstown, Rhode Island

TOWN OF NORTH KINGSTOWN

Assistant Planner
East Providence, Rhode Island

CITY OF EAST PROVIDENCE

Planning Consultant
Newport, Rhode Island

NEWPORT COLLABORATIVE

Planning Intern
Orange City, Florida

CITY OF ORANGE CITY

RHODE ISLAND AIR NATIONAL GUARD

Plans and Implementation Communications Specialist
Rhode Island Air National Guard 1995 – Retired 2013

Security Police Officer
Rhode Island Air National Guard 1987 – 1990

CIVIC

WGBH – Community Advisory Board Member
Cambridge, Massachusetts 2000 - 2003

SPECIAL SKILLS AND TRAINING

- Fluent in Portuguese