

**TOWN OF HOPKINTON  
PLANNING BOARD**

**Wednesday, August 5, 2020  
7 p.m.**

**Hopkinton Town Hall  
1 Town House Road, Hopkinton, RI 02833**

**CALL TO ORDER:**

Chairman Alfred DiOrio called the August 5, 2020 Planning Board meeting to order at, roughly, 7 p.m.

**MEMBERS PRESENT:**

The meeting was conducted remotely, so only Chairman Alfred DiOrio, Town Planner James Lamphere, and Senior Planning Clerk Talia Jalette were present in the Council Chamber. Planning Board members Keith Lindelow, Emily Shumchenia, Carolyn Light, and Ron Prellwitz were present via Zoom. Deb O'Leary, the Conservation Commission Liaison, as well as Attorney Sean Clough, were also in attendance. Sharon Davis was unable to attend. She had experienced a power outage due to Tropical Storm Isaias which had not been resolved, so she wanted to conserve her cell phone minutes.

**APPROVAL OF MINUTES:**

A MOTION WAS MADE BY MR. PRELLWITZ, AND SECONDED BY MR. LINDELOW, TO APPROVE THE MINUTES FROM THE JULY 1<sup>ST</sup> REGULAR MEETING, AS WELL AS THE MINUTES FROM JULY 15<sup>TH</sup> SPECIAL MEETING.

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

5-0, MOTION PASSED.

**ADVISORY OPINION:**

**Advisory Opinion to Town Council – Zoning Ordinance Text Amendment to the District Use Table to allow a Compassion Center in the Manufacturing District by Special Use Permit – AP 14, Lot 47, 813 Main Street. Albert I. Hawkins, applicant.**

Mr. DiOrio stated that one of the applicants had requested a minor change to the agenda. While the Advisory Opinion had initially been scheduled after the New Business, he asked the Board to “give [him] some latitude here”, as the attorney for the applicant was “asking for a continuance in this matter.” He asked, so that the Board could “clear the deck a little bit”, for a motion to “amend the agenda, so as to move the Advisory Opinion

to the first order of business”, as well as to “entertain the applicant’s representative’s request for a continuance.”

A MOTION WAS MADE BY MS. LIGHT TO FORMALLY AMEND THE AGENDA AND HEAR THE REPRESENTATIVE FOR THE ZONING ORDINANCE AMENDMENT FIRST. IT WAS SECONDED BY MR. PRELLWITZ.

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

5-0, MOTION PASSED.

Mr. Joseph Brennan, the attorney of behalf of the applicant, appeared before the Board. He thanked the Board for moving his agenda item to the fore, as he had another meeting to attend, at the same time, for a different project in a different town.

Mr. Brennan: “The application you have before you is for a Compassion Center, that we’re looking to amend the Zoning Ordinance, um, to allow the Compassion Center use in a Manufacturing district. We put our application forward, and the Town Council actually scheduled us for mid-September, mid- to late September, so, um, seeing as how it gives us a little more of an ability to get everything together for our application, we’re asking that you please continue this until the September 2<sup>nd</sup> meeting, so that we can be closer in time, as we provide our applications, because that’s a very large gap – of almost forty-five days – if we were to do it otherwise, and when we present to the Planning Board, we want to have the most pertinent and up-to-date information available to us.”

MR. PRELLWITZ MADE A MOTION THAT THE BOARD CONTINUE THE DISCUSSION TO SEPTEMBER SECOND. IT WAS SECONDED BY MS. LIGHT.

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

5-0, MOTION PASSED.

#### **OLD BUSINESS:**

#### **Final Plan - 3-Lot Minor Subdivision – Sarah Land Company – Plat 25, Lot 54, Maple Court. Sarah Land Company, LLC, applicant.**

Mr. DiOrio provided a recusal form, as his firm had “prepared the survey and the mapping” for the project. Mr. Prellwitz served as Chair in his stead.

Attorney Tia Priolo called in with her client, Joe Morrone, to present the project. The application before the Board was for a Final Plan “to be accepted by the Town, on a

three-lot subdivision, located on Maple Court, which is off High Street in Ashaway.” Ms. Priolo stated that Mr. Morrone had been before the Board in 2007 for the Preliminary Plan, though “the project was put on hold for a while” before it was “resurrected last year.”

Ms. Priolo: “Since that time, my client has worked diligently, and hand-in-hand, with the Town, and have made modifications, and has presented to you tonight a plan for a three-lot subdivision, taking into consideration the, um, topography of the land, wells that neighbor the land, as well as drainage issues that were brought up. There were many meetings in Town, there were meetings with the peer review – an engineer from Crossman Engineering. I, I submit to you tonight that all the concerns of the Town have been met. The issues that were pertinent from the Preliminary Plan, such as a fence, by, by a neighbor – um, all neighbor issues have been, um, abated, and the neighbors are in um, in agreement with my client. The solicitor has approved, and the Town has accepted a drainage easement, that was recorded on this day, in Book 582, at Page 481. Crossman Engineering has approved the As-Built plan, which was submitted, uh, to the Board, on July 23<sup>rd</sup>, 2020, and, um, the, the Town’s Public Works Department has accepted the road as built by my client, and, uh, we, we, again, we seek a final approval of the sub[division] today, and I am here, and my client is here, if you have any questions.”

Mr. Prellwitz asked the Board members if they had any questions or comments. Ms. Light replied that she did not have any questions or comments, just that it “looks good”. Mr. Lindelow agreed, and he thanked the applicant for the work that they had done, and that the project had been “detailed pretty well.” Ms. Shumchenia did not have any questions either.

Mr. Prellwitz said that he could “see from the paperwork that has been submitted to the Board [that] everything has been done, everything is up, up to par here.” He said that he thinks that “we’re all in pretty good shape.” He then asked for a motion. Mr. Lamphere wanted to interject that there were findings that need to be made with the motion, and that the Board was going to “need to set a maintenance bond in the amount of \$17,500, as part of” the Board’s motion to approve. Ms. Priolo said that her client “was aware of that bond”, and that he “has already obtained” it.

**MR. LINDELOW MADE A MOTION TO APPROVE THE FINAL PLAN, CONDITIONAL TO THE APPLICANT POSTING A MAINTENANCE BOND IN THE AMOUNT OF \$17,500, UPON THE SEVEN POSITIVE FINDINGS THAT:**

**EACH SUBDIVISION SHALL BE CONSISTENT WITH THE REQUIREMENTS OF THE HOPKINTON COMPREHENSIVE COMMUNITY PLAN, OR SHALL SATISFACTORILY ADDRESS THE ISSUES WHERE THERE MAY BE INCONSISTENCES;**

**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 THE DEVELOPMENT THAT BUILDING ON THOSE LOTS, ACCORDING TO PERTINENT REGULATIONS AND BUILDING STANDARDS, WOULD BE IMPRACTICABLE;

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

EACH SUBDIVISION SHALL PROVIDE FOR SAFE CIRCULATION OF PEDESTRIAN AND VEHICULAR TRAFFIC, FOR SURFACE WATER RUN-OFF CONTROL, FOR 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, BUILDING LOTS, UTILITIES, DRAINAGE IMPROVEMENTS, AND OTHER IMPROVEMENTS IN EACH SUBDIVISION SHALL MINIMIZE FLOODING AND SOIL EROSION.

MS. LIGHT SECONDED THE MOTION.

IN FAVOR: PRELLWITZ, LIGHT, LINDELOW, SHUMCHENIA

ABSTAIN: NONE

OPPOSED: NONE

4-0, MOTION PASSED.

Robin Noury, of 23 Maple Court, called in in regards to the proposed project. She wanted to know more about the “draining easement” and “where it applied to.” Mr. Lamphere explained that, “at the end of the cul-de-sac, there is a detention basin, and the easement area is around that.” She asked if it was “strictly the property that is to be developed, as opposed to any abutting properties.” Mr. Lamphere responded that the detention pond would be in the “Open Space area surrounding the house lots.” Ms. Noury thanked Mr. Lamphere for his explanation.

Joe Moreau, of Old Depot Road, also called in.

Mr. Moreau: “I just have one comment. I thought about this for a while, and I want to say it tonight. I want to thank the Planning Board. I want to thank Jim Lamphere, and Talia, for all their difficult work, for these projects that they’ve heard, especially remote, during COVID. They’re outstanding people, and, sometimes, they just get criticized, but I

appreciate the work that everyone is doing on the remote calls, and thank you for your time.”

**Approval of Reforestation Plan and Setting of Reforestation Cash Escrow Bond – Major Land Development – Photovoltaic Solar Energy System – AP 4, Lot 25 – 310 Main Street – 310 Hopkinton Main Realty, LLC, (successor in interest to Maxson Hill, LLC) and GD Hopkinton Main I, LLC, (successor in interest to Rhode Island Solar Renewable Energy II, LLC, c/o Anthony DelVicario).**

Mr. DiOrio returned to his position as Chair for the Reforestation Plan discussion. Mr. Prellwitz returned to his position as the Vice Chair. Ms. Light recused herself. She commented before signing off for the duration of the discussion.

Ms. Light: “I’d also like to make a general comment to some of our listeners, and some of our active participants. I find it disappointing that information is constantly put in front of the Planning Board, the Town Council, the Clerks, our attorneys, etcetera. I find it disappointing that the taxpayers’ dollars are being used to vet information that has no value. I just want to point out, to a few people out there, and they know who they are, that when you intimidate or put false information, or weak information in front of the Officials of this community, you force us to put that information before our attorneys, and we all know that the taxpayers voted, that they don’t have an appetite to pay unnecessary attorney fees. With that said, I’m recusing, again, on the Maxson Hill project, but this is food for thought for everything that goes on in our community. Thank you.”

John Mancini, the attorney for the applicant, called in. He explained that they were “essentially continuing the hearing that we had at the last meeting.” He said that, at the last meeting, the Board and the applicant had discussed the “restoration plan”, as well as the comments from the applicant’s forester, Crossman Engineering, and “a third party that had been engaged to review the two reports that have been prepared.”

Mr. Mancini: “The comments and the questions were that, essentially, the Board wanted to see the restoration plan incorporate Crossman Engineering’s comments, specifically eleven items, and also incorporate the cost analysis prepared by Crossman Engineering, which was in the amount of \$224,113. Sage Environmental had prepared a report, submitted to the Town on July 18<sup>th</sup>, 2020. We’ve also submitted the report from, well, essentially, the reforestation plan, which incorporates the items requested. That was dated July 2<sup>nd</sup>, 2020, all of which has been submitted to the Town and should be readily available for the Board members. And, and, with that, Mr. Chairman, we, we hope, at this point, that this is fully complete. We are acceptable for submitting a cash bond, in the amount of \$224,113, and we request that the reforestation plan, as revised and submitted, will be acceptable.”

Mr. DiOrio thanked Mr. Mancini for the recap. He said that the Board had “seen this once before”, and that there was “at least one, perhaps more, Board members seeking, we’ll call it a ‘consolidation’ of the data.” He said that he thought “that’s been

accomplished”, but he wanted to “hear from those Board members, to ensure that their concerns have been satisfied.”

Ms. Shumchenia identified herself as “one of those Board members”, and was the first member to comment on the revised reforestation package. She said that she “appreciated this consolidation”, and that, “looking at page two of Sage [Environmental]’s summary of what was accomplished here, and I commend them on the compilation of the information in these tables in a comparative way.” She said that “it was very easy to see what they did”, and that it was “very transparent about how the revised budget was put together.” She said that she “concur[red] with what [the applicant] had put together”, and that what they had produced was “sufficient.” She thanked the applicant for addressing the concerns of the Board members.

Mr. Lindelow said that he agreed with Ms. Shumchenia’s comments, and he thanked her for putting her requests forward. Mr. Prellwitz said that he thought that Crossman Engineering had done an “excellent job”, and that Sage Environmental had done a “good job, compiling all of the information.” He said that he “found this quite acceptable.”

Mr. DiOrio asked if Mr. Lamphere or Mr. Clough had any comments, and neither did. He then opened it up to the public for comment.

Eric Bibler, of Woodville Road, called in to ask where the transformers for the project were being moved to. Mr. DiOrio replied that this was not related to the discussion, but that if they applicant wanted to briefly entertain it, he would allow it. Mr. Mancini said that he did not know “what has changed, if anything, or why it would have changed”, and that if something had been changed, it would be “addressed with the Planning Department or the Building Department.” Mr. Lamphere responded. He said that the “National Grid interconnection spot, that was next to the Reynolds’ property, or nearest to the Reynolds’ property, on Maxson Hill Road, was relocated to the, I want to say, the north, northwestern corner of the site, that’s nearest Maxson Hill Road. It’s quite a distance from Maxson Hill Road. You might be hard pressed to see the new location. I have not seen the As-Built conditions yet. I know that the applicant, the applicant themselves, went to National Grid, to seek this relocation. I think, with all the people I’ve talked to so far, everybody views it as a major improvement to the, to the overall plan. It’s not a major change. It would be a minor change, if anything, and, in my view, it’s certainly a betterment, and it should not – the relocation of this should not impact any of the neighbors who are on the northern side there on Maxson Hill Road. So, I think it’s a pretty harmless change.” Mr. DiOrio asked Mr. Bibler if that response addressed his question, and he replied that it did, and that he had “just wanted to know what the change was”, as he had “heard some informal discussions of it”, and he thought that “this was the appropriate time to get the story.”

As there were not any other members of the public who wanted to be heard, and there were not any additional comments from the applicant, staff, or the Board, Mr. DiOrio asked the Board to make a motion.

MR. PRELLWITZ MADE A MOTION TO APPROVE THE REFORESTATION PLAN AND BOND AMOUNT AT \$224,113. IT WAS SECONDED BY MR. LINDELOW.

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

4-0, MOTION PASSED.

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

As the applicant prepared, Mr. DiOrio asked Mr. Lamphere to provide an overview of the discussion thus far. He said that he did not want to “abbreviate the applicant’s privilege of providing additional information”, but that he was “reluctant to hear the same information over again.” He thought that having Mr. Lamphere bring us back to where the conversation had been cut off at the previous meeting would be the most effective practice. Mr. Lamphere began to explain the progress of the project.

He stated that there had been a Special Meeting on the 15<sup>th</sup> of July expressly for this project, and that “at that meeting, a number of issues came to the forefront.” One of the issues was decommissioning, another was the “adequacy of screening the project from Maxson Hill Road and Route 3”, as well as “the condition of the well and the necessity to keep a two-hundred-foot protective radius around that public well.” Another issue was “the screening of the fence, which is located on top of the berm, let’s say, parallel with Maxson Hill Road.” Those were the “four main topics” that Mr. Lamphere “felt as though we really didn’t come to the resolution of” at their previous meetings.

He explained that, in order to prepare for and facilitate the meeting, he had produced a memo that was provided to the Board in their packets with “twenty-six conditions of approval.” He said that one of the conditions that he “attempted to move forward a little bit was the decommissioning, and that was condition number one.” He said that there “was a whole host of other conditions”, and that most of the conditions that he had put in the memo “were basically a cut-and-paste from 310 Main Street.” He said that he felt that “some of those conditions would be applicable to this particular project, and it would certainly give the Planning Board the impression that a lot was thought about in regards to this project, and not just, not just give you one condition or two conditions, and let you figure it out for yourselves, which you would have done anyway.” He said that his “hope was that this memo would save” the Board some time at their present meeting.

He stated that he had provided the memo to the Town’s solicitors, as well as the applicant, and that the applicant “came back with what [he] gave you today, via e-mail”, “in an effort to expedite our discussion tonight.” He said that everything that was in red had been added by the applicant. He said that the applicant had a total of “twenty-four conditions”, as they had deleted two of the conditions that he had included in his memo. One of the conditions that had been deleted by the applicant had been “that no blasting

would be allowed as part of the project”, and the other condition was “the need to post a performance bond on the project, to ensure that the project is constructed according to the plans that the Board approves.”

Mr. Lamphere: “I think it’s appropriate – I discussed my memo, and the applicant’s memo, with our Solicitors. We went over each one of their conditions, and I would suggest to the Board tonight that it’s appropriate to start off with what we know is acceptable to the applicant in terms of conditions, and that should be the point of, of discussion going forth tonight. Um, you know, look at those conditions. See if you want to amend them further – just keep in mind, that it is the applicant’s, so, feel free to amend any of those twenty-four that they’ve put forth. And then also, too, let’s revisit the, uh, the screening of this project, to make sure that the fence is properly screened, and the project is properly screened, and then let’s talk about the well. So, if we focus on those, on those, on those items there, maybe we can get back and incorporate something else in, as far as conditions go, into a motion, and hopefully we can get this approved tonight and off our plate.”

Mr. DiOrio thanked Mr. Lamphere for his input, and then asked the Planning Board if they were in agreement with that “general strategy”, he said that he “might suggest that we tackle the four topics that Jim has identified right out of the gate – decommissioning, screening, the well and the protective radius, and the fence, which we might lump in with screening.” He said that “once we clear those significant items off the deck, we could then return to the proposed conditions Jim has set forth, and just finesse those, if you will.” Mr. Prellwitz agreed that that would be a “prudent course of action.” “Let’s get the tough ones out of the way first,” he said, “and then move on to the other ones.” Mr. Lindelow and Ms. Shumchenia both agreed. Ms. Light said that she was on board as well. Mr. DiOrio then asked the Planning Board members if they “had any other significant elements that they feel that should be in this list, before we get around to contemplating any conditions or a motion.” Mr. Lindelow said that a key issue for him was why the applicant had removed the prohibition on blasting. He wanted to know if that meant that they were planning on blasting on the site. Mr. DiOrio said that that was a good question, and that they would touch on that when they looked at the other conditions of approval, “because Jim is recommending that that to be reinserted into the list of conditions.” He asked Mr. Lindelow if they could take that opportunity then, to “query the applicant” in regards to that removal. Mr. Lindelow said that that was fine.

Ms. Light had a question about “one of the setbacks has been changed from the agreed seventy-five-feet.” She said that “at our last meeting, we agreed that the I-95 corridor would be seventy-five-feet, and now it has been reduced to fifty-feet”, which she thought was “significant.” “Why we can’t get any movement from the Fire Marshal” was another significant concern for Ms. Light. She said that she didn’t see “how we could move forward without that information.” Mr. DiOrio said that “that was a good observation”, but that he “did not see that [himself].” He said that his understanding was that “that setback was going to be a vegetated, seventy-five-foot strip, so why somebody thinks it would be reduced to fifty feet is beyond me.” Mr. Lamphere weighed in on the setback topic.

Mr. Lamphere: “Coming out of the last Special Meeting we had for this on July 15<sup>th</sup>, I went to the Building and Zoning Official, because I, I wasn’t – I, I wanted to get confirmation as to where the front yard is, the rear yard, and the side yards, and so I put in your packet a memo from the Building and Zoning Official, Tony Santilli, and, um, along with a little bit of a map there, that shows how he drew the rear yard. Um, what happened, Carolyn, on, on where you mention, they did have seventy-five feet there, but that, that is, in fact, a side yard, and side yards require fifty-foot setback. Now, the Planning Board can only increase them where they abut Residential zoned property, and because, you know, you have an Interstate there, they, they applied fifty feet on the map that they provided in your packet, there. So, fifty feet, fifty feet is all that’s required to give, uh, there. The hundred-foot that we had along the Residential zoned properties is in place, and the plan is labeled properly as well. So, we have the front yard setback along Frontier Road, seventy-five feet. The rear, the rear line for this, for this here, is up in the very, very northern part, and it’s not very long. It’s basically like the bottom leg of that triangle that’s up there. Everything else – our Zoning Ordinance says that anything that’s not a front yard or a rear yard is a side yard. So, all the other lines are side yards, and fifty feet applies to the side yards. Now, the Planning Board can ask to increase that to one hundred feet, where it abuts Residential zoned property, so they, on their map here, they did kick it back one hundred feet in those side yard areas. So, you know, the plan that you have now does conform to our Zoning Ordinance with respect to setbacks.”

Mr. DiOrio said that his position in regards to the “seventy-five [feet] versus one hundred [feet]” discussion that the dimension “that we come to at the end, whether it’s fifty, seventy-five, or one hundred, is less important to me than the density of the screening in that area.” He said that “if you find fifty feet a little bit disconcerting, and I certainly appreciate that, I would be suggesting that we request the applicant to bulk up the vegetative screening in that fifty-foot strip.” He wanted to know what his fellow Board members thought. Ms. Light said that she thought that “that’s acceptable, but doesn’t that also require more information on the reforestation part of this.” She said that “this change just puts everything out to another session.” Dave Russo, of DiPrete Engineering, responded on behalf of the applicant.

Mr. Russo: “The setback along I-95 was changed to fifty feet, as Jim spoke about, but in terms of the plan that you reviewed last meeting, we did not shift the panels to fifty feet, so the panels are still at a seventy-five-foot setback along that Interstate on-ramp. So, there’s a fifty-foot setback, but the panels are seventy-five feet away. Nothing’s changed over there, besides a setback note along that side of the property.”

Mr. DiOrio thanked Mr. Russo for his clarification, and said that he would like to suggest that “any future plans carry the dimension of seventy-five feet from the property line to the panels, so that there’s no misunderstanding that the panels are going to be maintained seventy-five feet from that property.” Mr. Russo said that the dimensions were shown on the landscape plan. Ms. Light said that “these types of changes just, you know, force everybody, in the environment, to do extra work and make sure that all of the bases are being covered again.” She said that “it’s kind of like a little surprise at the end of the day,

and it's not a bad surprise." She said that she was "not objecting, if the vegetation is the way that we would like it to be", but that this "breeds mistrust", which is "not a good thing" and "not where our community wants to be right now." Attorney Thomas V. Moses, of Moses and Ryan, Ltd., responded on behalf of the applicant. He said that he "wanted to be clear to the Planning Board" that the proposed change had not come from the applicant. Mr. Moses said that "this was a change imposed on us by the Town." He said that "the Building Official notified Jim Lamphere that that was a fifty-foot setback, and my client did not take advantage of that by moving the panels to expand – they stayed where they were." He said that there was "no intent to deceive anyone – this is compliance with the Town's requirements." Mr. DiOrio said that he understood, and then called on Mr. Russo in regards to identifying the "dimension of the seventy-five feet" on the landscape plan. Mr. Russo said that it was on "sheet one of four", and that there were two labels on the Interstate 95 on-ramp, and that, to the right of that, there was a "dimension from the property line to the closest panel, which is seventy-five feet – some of them are a little further, actually." Mr. DiOrio was then able to identify it. He then asked if the Board had "cleared this particular topic." Ms. Light responded that she thought that they had, unless there were other Planning Board members who had additional questions. Mr. DiOrio said that "it may surface again under 'Screening'", but that the Board was able to "understand why there was a change from the seventy-five feet that we discussed to the fifty feet", and that the Board "appreciate[d] the applicant holding the seventy-five" foot setback from the panels to the property line. He then said that he believed that they were ready to move onto the four key items. The first was decommissioning.

Mr. DiOrio asked if all of the Board members had the opportunity to "review Crossman Engineering's memo of August Third." Ms. Light said that she had. Mr. DiOrio continued.

Mr. DiOrio: "So, let's have some discussion about where we stand on the value that's now being put forth which is, boy, if I have these numbers right, \$278,064.26, but not exceeding \$343,254.85. Let's talk about it."

Ms. Shumchenia responded. She said that she thought it was "worth describing what we're talking about when we're talking about the August Third memo, and some of the back and forth that we had with the Solicitor this week, because I don't think that this information was included online, although maybe it's been posted since then, I'm not sure if the public has access to everything we have at this point." She wasn't sure who should be responsible for describing the memo – whether it was Crossman, or the Solicitor, but that it would be "helpful for everyone" to receive a little more guidance on the contents. Mr. DiOrio said that he was not sure if the document was a public document, but he asked if representatives from Crossman were on the line. Ms. Jalette said that they were, and directed Steve Cabral, of Crossman Engineering, that he weigh in. Mr. DiOrio asked Mr. Cabral to give a brief summary of the contents of their memo, including "why the document was created and the general outcome of [their] analysis." Mr. Cabral explained that the memo was created because "there was quite a bit of discussion as to the salvage value."

Mr. Cabral: “In our original estimate, we had allocated an estimated \$200,000 as a salvage value, as a separate line item, which we had subtracted from the estimated decommissioning cost of approximately \$478,000. And, at the last meeting, we mentioned that, well, well, basically – we kept the salvage value as a separate line item because the Ordinance, we believe, is silent, when it comes to whether or not we’re allowed to subtract out or credit the salvage value, so we did leave that, as a separate line item, for the Board’s discussion. And, because the \$200,000 was a very round number, it’s our understanding that the Board members requested a little more backup, so that everyone could understand how we came up with that, that value, and why, why we believe that it’s reasonable. So, what we did is, in the August Third memo, we went through, basically, we collected the data that we had previously reviewed, and compiled it in a manner with, with the hope that the Board members could follow how we came up with the \$200,000 value. And, again, I will state, now, what I said when we met a few weeks ago: I honestly believe that any estimated salvage value is speculative, in the sense that, the value of raw materials goes up and down like the stock market, but not always up continuously, and the reason for that is as new technologies arise, and new materials are, are manufactured, sometimes the value of raw materials can diminish in value. So, we selected a \$200,000 value as one that we thought would be reasonable. What we did, we reviewed the material, the materials, that are going to be used to actually construct the solar field, and, in Table 1, which is on page, page two, we identified about five of the main material numbers, so we have a quantity in pounds, and then we also provided the estimated current salvage value. So, based upon the weight of the raw materials, times the salvage value, we came up with the subtotal salvage value of approximately \$324,000. Then, we went on, on page three, is that we do recognize that, twenty-five years in the future, we estimate that it’s possible that up to fifty percent of the panels could be resold. The reason we say that is, even though it’s a twenty-five-year design period, solar panels can last thirty to forty years, with only about a twenty-five percent reduction in efficiency. So, there is some value in, in the panels. So, we estimated a sale price of only fifteen dollars per panel, and that’s based upon current data, which we found that used solar panels fell anywhere from ten to fifty dollars a panel. That came up with an additional \$175,000 of additional income. Now, as I said, a couple times so far tonight, the speculative nature. The value of solar panels in the future really depends upon the technology that’s going to exist twenty-five years from now. For example, if the new solar panels of year twenty-five is such that they produce a much higher wattage, then the value of the twenty-five-year-old panels will not be as high, and that’s one reason that we went with the lower sale price of only fifteen dollars. So, if we can sell fifty percent of the panels, we’re assuming that the other fifty percent will be recycled, as opposed to landfilled, the reason being that that is it is more expensive to recycle than it is to landfill. We talked to a few recycling companies, and I talked to one again today, and they confirmed that they could recycle solar panels for no more than fifteen dollars per panel, and, as you can see in our estimate on page three, we actually used a higher value, of twenty dollars per panel, and then we also added on an extra two dollars per panel for transportation costs, which came to a total of cost, of recycling, of about \$256,000. So, when we add up the scrap value, based on the actual materials, the potential sale price of fifty percent of the panels, and subtract out the recycling cost of

fifty percent of the panels, we came up with a net salvage value of \$242,776, and, as, I know I repeat myself often, as I've said a few times, knowing the speculative nature, we reduced that \$242 [thousand] down to \$200,000, which is what's reflected in the, in the estimate itself. Now, as we went through this process, one thought that came about is that, during the decommissioning, the community, or the company doing the decommissioning, will have to expend the \$438,000 to do the decommissioning and the transportation, and the net salvage benefit comes after the fact, and so, I'm concerned. We certainly want to make sure that the community has sufficient funds, but we should also recognize that any salvage value credit should go to the landowner or operator. And, one last thing is going through the Solar Ordinance. We did see that the Ordinance does state that the Town reserves the right to recoup any costs of decommissioning from the landowner or operator, so, when I read that, my, my impression is, that in addition to the insurance of having the decommissioning bond, I do believe that, the way the Ordinance is written, the community could also go back to the landowner or operator to recoup any additional decommissioning costs if, in the future, the bond value does not cover the actual cost, but I do know that that's subject to the Town Solicitor's opinion."

Mr. DiOrio thanked Mr. Cabral for his insight, and said that, "right out of the gate", he had a couple of questions.

Mr. DiOrio: "So, you've heard some mention at our last meeting, with regards to this salvage value, a couple of Board members were questioning was the salvage value – your testimony – is a, I think you're using the term 'speculative' – you have broke it out, it's a separate item. Several Board members stated the possibility of striking the salvage value, taking it right out of the equation. Now, this almost seems to be enforced by your comment, both, uh, verbally this evening, and in the fourth paragraph of your memo, that, in fact, the entire decommissioning cost has got to be handled, up front, by someone, before anybody gets salvage value back. So, my question to you is this: in your opinion, is it a reasonable position to strike salvage value, knowing that, whatever the salvage value is, it's gonna go back to the, I don't know, the applicant, the property owner, the developer - whoever it might be? What is your take on that?"

Mr. Cabral: "I, I agree with that statement."

Mr. DiOrio: "I'm sorry, you -"

Mr. Palumbo: "Mr. Chairman -"

Mr. DiOrio: "That's – hold on – let me get to the bottom – you agree with that statement, as in - I'm sorry -"

Mr. Cabral: "Oh, well, I agree that the, I agree that the Town has to have sufficient course to do the actual work of the decommissioning, and that the salvage value comes in after the fact. So, so it would be reasonable, not to subtract it all at this time, with the understanding that it would be credited to the landowner or operator at the time that the community receives that salvage value."

Mr. DiOrio: "Okay. Alright, I'll accept that. And, again, just as to your comment, about, uh, I know that you and the Solicitor have weighed in on the topic that, yes, at the appropriate time, the Town can pursue, uh - how shall I put this? – in the event that the decommissioning value is inadequate, the Town can pursue this through the current property owner. Well, I gotta tell you, as a Planning Board member, that is the last

position that I want to put the community in. Yes, I realized that we might be able to do that, but the hoopla that will ensue, I mean, I can't even envision. So, that would be the last position that I would be taking as a Board member."

Mr. DiOrio then asked the Board if they had any additional questions for Mr. Cabral in regards to his memo. Mr. Prellwitz said that he did not have any. Ms. Light said that based on Mr. DiOrio's comments, she needed the assistance of the Solicitor in understanding "how does that happen if the landowner is not part of the decommissioning agreement." She said that she "would expect that the landowner would have to sign off on it." Mr. DiOrio said that he would "certainly let the Solicitor weigh in on that", and then stated that he also wanted to hear about Mr. Clough's experience in "trying to bring someone, twenty-five years into the future, into decisions that are made today." He said that that was "really the crux of that issue."

Mr. Clough had Ms. Light repeat her question again, as he said that she was "kind of unclear". Ms. Light said that "we've heard that the Town has the leverage to pursue, uh, costs, from the landowner in the event that the Town becomes responsible for decommissioning." Her question was "how can we document an agreement today, if that landowner is not actively participating in the agreement." Mr. Clough responded.

Mr. Clough: "Right, well, so, it's governed by the, the Ordinance, it's not an agreement per se. You have the, the authority to – if it gets to the point where you are entering into a decommissioning phase, and the Town is required to perform the decommissioning, um, it can then attach, whether it's put a lien on the property or some- – somehow, collect the costs incorporated with decommissioning. There, there's no agreement, per se, this is, this is the Ordinance, governing this property. So, the landowner, as well as the PSE- the PSES owner and operator, um, could be held liable for the costs and expenses up, and to, including, reasonable attorney's fees, under the Ordinance. That would be governing this property."

Mr. DiOrio said that he "appreciate[d] that guidance", but that Mr. Clough was not understanding his question. Mr. DiOrio said that what he "really want[ed] to know is – I mean, do you accept a subsequent landowner to just sit back and accept all this stuff?" Mr. DiOrio said that the subsequent landowner's first call would be "to his attorney, and you guys are gonna be swinging at each other, at the Town's expense." He said that "this is [his] concern." Mr. Clough replied.

Mr. Clough: "Again, my answer to that would be that, under the Ordinance, it allows for collection of reasonable attorney's fees, so, yes, the upfront costs are certainly at the Town's expense, but then once, that, if there is any litigation, any collection costs, reasonable attorney's fees can be collected, so the cos- the Town would be made whole at the conclusion of the decommissioning process, if it were to get that far. But, again, you have the, the uh, the decommissioning escrow, that you're looking to set. That's gonna be protection, and this is, as you pointed out, Mr. Chairman, the 'worst case' or your backup plan, if things don't roll out as we would hope they would. But, this is twenty-five years into the future, so this is layers upon layers of protection."

Mr. DiOrio said that he “didn’t want to be a pessimist here”, but that he felt like he had the “obligation to take the most conservative value” in order to “put the Town in the best position.” He said that he hoped that the Town would not have to get involved in the decommissioning process, “but, in the eventuality that it does, that number that we’re targeting satisfies everything that’s required to get this job done.” He said that he was “anxious to hear other Board members” on the topic. Ms. Light said that she had another comment “on that note.” She said that the Board was “assuming that putting a lien on a piece of property, ten, twenty years down the road, we’re, we’re assuming that that property is gonna be valued at an amount that is going to cover the variables, and there’s a lot of variables, because we’re looking into the future.”

Mr. Lindelow said that he wasn’t “sure [he] [had] any questions, because aren’t we obligated to go along with Crossman’s findings?” He wanted to know if the Board was required to abide by the insight of their experts and representatives. Mr. DiOrio said that the “solicitor has cautioned us that we have an expert, the expert has put together a, his number, for decommissioning, but my position is, as it was last time around, is that he has identified - and Steve, this is not a criticism – he’s identified a salvage value number that we’re all admitting is a ‘speculative’, to use his word. So, we have an expert, who’s admitting a certain level of uncertainty. I feel that the Planning Board has some latitude here, to, uh, revise that. You don’t see me questioning any of his, uh, you know, ‘million pounds of aluminum’ or any of that. That’s his area of expertise. He, he’s brought that to the forefront, I’m prepared to admit to that, and accept it. But when you enter a, a value, that, admittedly, is uncertain, I think the Planning Board has some latitude.” He then said that he was “anxious” to hear Mr. Clough’s opinion. Mr. Clough responded.

Mr. Clough: “So, when the Planning Board is hearing issues, like, similar to this, or a decommissioning value is provided from an expert, the Planning Board must base its opinion off of that the, the expert information that is provided, and, indeed, you are correct, that this is as, has been testified to, speculative, in the sense that we’re talking about something twenty-five years out, however, the testimony also was that this was a reasonable estimate as to salvage value. So, I think unless there is expert testimony that there is a[n] other, reasonable salvage value number, ah, I don’t think you can simply pick another number to just input into the overall decommissioning value.”

Mr. DiOrio: “Okay, I’ll accept that. Carolyn [Light], does this answer our question?”

Ms. Light: “As much as it can be expected at this point – it - I still feel like I am missing pieces of information, but I don’t know what that is right now, so I’m, I’m good for now.”

Mr. DiOrio asked if any other Planning Board members had any further comments on decommissioning. Mr. Prellwitz asked a question.

Mr. Prellwitz: “Okay, as, as I’m trying to understand here, what’s going on, Mr. Cabral, in his opinion, thought that the \$434,603.88 is reasonable now, if we deduct the \$200,000 salvage price, because the \$200,000 salvage would come after it was actually decommissioned – excuse me – and work was done – excuse me. That being said, if we took the \$434,000, in an escrow account, what would that be worth in twenty-five years?”

That's something that we haven't really, really discussed. I mean, even if the \$293[,000], we're looking at over \$500,000 in twenty-five years, which is a sizeable amount of money. So, just to clarify some of this, you know - whether or not Mr. Cabral has the authority, and I don't mean any disrespect here - to say that we should pay the - or should request the \$434[,000], well, that's kind of a gray area for me. Does this have to go back to Revery for final approval, or where do we stand on that?"

Mr. DiOrio: "Well, great question. Uh, so, listen - let me cut right to the chase - my thinking would be as follows, in light of Sean's recommendation. I'll, I'll profess that I'm, I hear the words, I want to try and embrace my Solicitor's comments, uh, I'm not all warm and fuzzy about it, uh, my suggestion, at this point, would be: we should be taking the \$434[,000], taking off the salvage value, and adding the twenty-five percent contingency that we're allowed to add in, which, if I'm not mistake, if I'm not mistaken, brings us to the \$343[,000] number. Jim, am I on the right track?"

Mr. Lamphere: "Well, um, the way, the way it was calculated, the, um, ten percent, or the twenty-five percent contingency, was calculated on the base decommissioning estimate, and the \$200,000, in either case, was subtracted as a last operation. So, if you're suggesting to take the \$200,000 off the base, the base decommissioning estimate, which would, which, you know, that would bring it to \$234,603, and then throw the contingency on there of - you can go as much as twenty-five percent, if you wanted to. It's whatever the Board wants, I mean, keep one thing in mind - that the applicant has already agreed, if you look at their proposal, that they put, issued, they've already agreed to accept \$343,254.85, so, so, I, I guess it would be up to the Planning Board to try to justify a number that's, uh, greater than that. I don't know how you do it."

Mr. DiOrio: "Exactly. So, in light of Sean's recommendation, uh, again, while I'm not warm and fuzzy about it, that's, that's the direction that I'm headed in, personally. I'd like to hear what the other Planning Board members think about that approach."

Ms. Light had a question about the "whole decommissioning umbrella". She wanted to know if the Board was "including the forestation in that number." Mr. DiOrio replied that Mr. Cabral's report indicated that that total would be "excluding reforestation" costs. Ms. Light asked if the Board had been "directed, by our Solicitor, that this number has to include the forestation." Mr. DiOrio said that he was "not aware" if "reforestation is on the table for this particular project." Mr. Lindelow said that "it's not." Ms. Light said that she "didn't think so", but that "maybe Sean [Clough] [could] answer that." Mr. Clough said that he concurred with the Chairman. Ms. Light thanked Mr. Clough. Mr. DiOrio then asked if any other Planning Board members had any additional comments in regards to decommissioning, as he was "trying to get to closure" on the topic. Mr. Lindelow said that he was "still not clear that there's any leeway for us to question that any further, unless we have another expert testimony, but we, we have to go along with our expert." He said that we would have to hire another engineer to receive different testimony. Mr. DiOrio said that he agreed with Mr. Lindelow's analysis - that they would have to abide by the expert opinion, though he admitted he was "not terribly fond of the idea, but that's where we're going." Ms. Shumchenia said that she was "inclined to agree" with both Mr. Lindelow and Mr. DiOrio, as she was "hoping that the testimony from the engineer about the salvage value would allow us to remove that from this equation." She said that "if that's not something we're allowed to do, then, uh, I think you, you two both have

identified the next best thing, which is going with the 343 number.” Mr. Lindelow replied that “that’s a good as it gets, I guess.” Mr. DiOrio asked if the Board was “closing in on a consensus that the 343 and change is the number that we’re going to start talking about for decommissioning.” Mr. Prellwitz said he was agreeable to that. Mr. Lindelow said that, because the Board “didn’t think [they] had any choice, so [he was] agreeable.” Mr. DiOrio said he was not looking for a vote, but a consensus, as the language in the motion could be determined later, as it “would get recited again in the condition” for approval. He wanted to make sure that they were “moving in the right direction on the topic before I go to the applicant and ensure that they’re in concurrence.” He said that if the “Planning Board is okay, and you don’t think I’m out of line, I’d like to request the applicant’s, uh, okay, if you will, for the 343 and change number.” Mr. Palumbo replied that they were “okay.” He wanted to bring up “one thing that could maybe be helpful, to the Town, for clarity purposes.” He said that “when [he] hire[s] a decommissioning contractor, the decommissioning and the scrap value are all-in-one contract.”

Mr. Palumbo: “It was projected, earlier, that you decommission, and pay for the decommissioning, and then you get the scrap value. They’re net contracts. They’re similar to when you hire a, uh, tree company, to clear a Residential lot. They take the lumber value, net, off their price, is the way it works, and I just finished a, a power plant I bought, we have a project, up in Maine, and there was a stack power plant, and we took it down, but I hired a contractor. The contractor took it down, net of the scrap value. That’s how the whole industry works. Certainly, if one chose to separate those two pieces, they could, but it’s incredibly inefficient, to have that go on in the middle of that, but that was just for clarity, nothing to change, Mr. Chairman, but just to be helpful. Thank you.”

Mr. DiOrio replied that Mr. Palumbo’s comments had been “very insightful” and that he appreciated them. He said that he was “certainly not an expert in taking one of these projects apart”, and that it sounded like Mr. Palumbo had “some insights, and we appreciate that.” Mr. Lindelow said that he “agree[d] with the theory”, but that these estimates had a present value, and that he wasn’t sure what the price would be twenty-five years down the road. He said that he was “not trying to belabor the issue”, but that he was “struggling with the concepts of it all”, though he was going to abide by them, per the recommendation of the Solicitor. He said that he wasn’t sure of the context of Mr. Palumbo’s comments. Mr. Palumbo replied that “the context of [his] comment was not to challenge or advocate for the scrap value, it was just, practically, how a decommissioning and salvage value contract would work.” Mr. Lindelow said that he “appreciate[d] that.” At this interval, Mr. DiOrio said that he thought that the Board could “leave this one behind” and go onto the other items.

Mr. DiOrio then moved on to the discussion of the well and the protective radius. He said that his “understanding from the last discussion was...the panels should be removed from the two hundred-foot radius surrounding the public well, with the understanding that, if the Department of Health were to judge that the panels could be within that radius, if the applicant would be entitled to do that, and I am prepared to accept that as an administrative detail.” He said that he believed that the applicant “was putting forth the position that ‘We’re gonna put the panels in the protective radius, and if the Department

of Health tells us to take them out, we will.” He said that he “did not particularly agree with that, especially because we have expert testimony that states that, in his opinion, in his experience, that, in all likelihood, DOH is going to call for the panels to be removed.” He said that was his “recollection of that discussion”, before asking the Planning Board members for their “input on how [they] will direct the applicant to handle this, let me call it, ‘conflict’.”

Ms. Shumchenia said that there was an item in the draft motion that could make it “conditional, on the applicant, obtaining approval from the Rhode Island Department of Health to implement the site development plan, as we will likely approve, whether they are allowed to put panels within the area of that well or not, so I think it would be a condition of DOH approving it.” Mr. DiOrio said that he was in agreement with Ms. Shumchenia, but that “what [he] was suggesting is that, on the approved plans, the panels do not appear in the protective radius area.” Ms. Light said that she was “opposed to the panels overlapping in that protective radius” around the well. She continued, stating that she doesn’t “think it should end up being somebody’s maintenance project, to connect those dots after the fact, and, from a construction perspective, why waste the money, if your intention is to have a fifty-fifty chance to take them out.” She said that she would “prefer that, if the Department of Health made the approval, that, they put the panels there after that is done.”

Mr. Moses tried to interject, but Mr. DiOrio said that he was “interested in a couple of more Planning Board opinions”, but that he would “certainly give [him] an opportunity to chime in.” Mr. Moses said that he thought that the Board was finished, and apologized.

Mr. Prellwitz weighed in. He said that he “[didn’t] mean to suggest how these people should run their project, but it seems to me that if the well was just abandoned, and another well was drilled down near the restaurant, at sixteen dollars a foot, if you go down a hundred feet, that’s only \$16,000. They’re gonna get more revenue than that out of the panels being in that two hundred-foot area, but, you know, that’s the old Swamp Yankee in me, just figuring, the least path of resistance, or the path with the least resistance, I should say.” Mr. DiOrio said that he “hear[d] that suggestion”, but that, “again, I’m perfectly okay – if the applicant decides to put another well, in another location, with panels that don’t encroach into the protective radius, I’m perfectly okay with that. That should be a, a, the subject of their DOH application.”

Mr. DiOrio: “But, for the plans in front of us this evening, that we may approve, it would be my recommendation that when those plans return to us for revisions, they do not show panels within the protective radius of this existing well. That’s my, that’s my personal position.”

Mr. Prellwitz: “Yeah, that’s, that’s pretty much what I’m saying, that, you know, just forget about that area. Don’t put any panels there, and if the DOH says you can, then you can, but, you know, it seems to me the path of least resistance is to just move the well.”

Mr. Lindelow: “I agree – Keith Lindelow.”

Mr. DiOrio: “Okay, sounds like this has been resolved. Now, you know, I’ve got a couple of site plans in front of me. One of them shows – they both show – a pump house. One of

them shows a radius, with no panels in it, and the other does not. So, here, I would love to go to the applicant to tell me that you've already dealt with this."

Ms. Jalette: "Deb would like to weigh in."

Mr. DiOrio: "Sorry, Tom, just before I get to you, Deb, I understand that you have a comment for us? Hello?"

Ms. Jalette: "Deb, go ahead."

Mr. DiOrio: "Deb, are you out there?"

Ms. Jalette: "Her hand is raised, and she's unmuted, but..."

Mr. DiOrio: "If you are speaking, we do not hear you."

Ms. O'Leary: "There we go – can you hear me now?"

Mr. DiOrio: "There we go!"

Ms. Jalette: "Yes."

Ms. O'Leary: "Okay."

Ms. Jalette: "Please state your-"

Ms. O'Leary: "Everybody: this is Deb O'Leary, Conservation Commission Liaison."

Ms. Jalette: "Thank you."

Ms. O'Leary: "It's really that the well is an issue. If that, if the other building is going to be occupied, and it's going to be in use, then they can't put panels within the two hundred-foot radius. I doubt that the Department of Health would approve that. So, now, they have to make a decision – are they gonna accept that, or are they going to move the well to a better location for the, uh, building that's behind them."

Mr. DiOrio said then asked Mr. Moses to weigh in in regards to "if there's been some clarification on the issue of the well and the protective radius." Mr. Moses said that Mr. DiOrio had "discovered the second plan, that shows no panels within the radius." He said that the applicant's "intention was that both plans be approved", and they would only put panels there "subject to the approval of the Department of Health." He said that if "the Department of Health doesn't give us the authority to put them there, there won't be panels there." He said that that was "why [the applicant] provided [the Board] both plans – so you could see it without – that's why that was done, Mr. Chairman." Mr. DiOrio thanked Mr. Moses for the clarification, and then communicated that he wanted to be "absolutely clear", as he was "looking at two plans – they are both entitled 'Overall Site Layout Plan'. They both carry the same revision date. One – I'm sorry – and they both identify a pump house in approximately the middle of the site, east and west, and somewhat north of the wetland feature, which is north of Frontier Road. One of the plans has, what I believe, is a radius that shows no panels within that area, I – am I on the right track so far?" Mr. Moses replied that he was. Mr. DiOrio continued.

Mr. DiOrio: "So, what's going on with the well that's currently servicing the restaurant facility on either of these plans?"

Mr. Moses: "It's there, Mr. Chairman."

Mr. DiOrio: "And yet, and yet there are panels shown on both plans in the two hundred-foot protective radius of that well. Is that correct?"

Mr. Moses: "One of the plans has a radius of two hundred feet, showing no panels."

Mr. DiOrio: "I'm referring now to the, to the well-"

Mr. Moses: "Do you have the plans-"

Mr. DiOrio: “- that currently services the restaurant facility.”

Mr. Russo: “This is Dave Russo with DiPrete Engineering. The well is located next to where that pump house arrow’s pointed, and it has the two hundred-foot radius on it, in that plan, we removed all the panels from that radius-”

Mr. DiOrio: “I’m sorry, David, so I mis-, I misunderstood – so that pump house identification on both plans is where the existing well is that services the restaurant facility?”

Mr. Russo: “That is correct.”

Mr. DiOrio: “Okay. So then, in fact, you have done what some Board members suggested last time around, which is to remove the panels within the two hundred-foot protective area of the existing well. Is that correct?”

Mr. Russo: “That is correct. It was, it was never the applicant’s intention to actually construct those and then remove them after DOH – we just have them shown there, and if DOH was opposed, and we would have to remove ‘em, and at the meeting last month, there was a concern with that, so we’re just takin’ the opposite approach, not showing them there, subject to DOH approval – they’ll either be there, or not, or the well may be relocated.

Mr. DiOrio: “So, that’s great, and I appreciate your taking our concerns to heart. So, the only change that I would be personally recommending, uh, as opposed to Tom’s recommendation, is, is not approving both plans, but approving the plan that shows the panels removed from the protective radius area, with the understanding that, should DOH issue you an approval to put those panels there, that is entirely their jurisdiction, and I would be prepared to accept their direction.”

Mr. DiOrio said that that would be his “personal approach”, but that he wanted to hear the Planning Board’s opinions. Mr. Prellwitz said that found Mr. DiOrio’s recommendation “acceptable.” Mr. Lindelow said the same. Ms. Light also “agree[d] with that”, and added that she wanted to know “how many feet would the panels be put, should [the applicant] get that approval” to put panels within the radius. She wanted to know how that would “change the output of the site.” Mr. Palumbo replied. He said that he couldn’t “tell you how many panels it will increase the output of the site, but, marginally, maybe by five percent.”

Mr. Palumbo: “When I say that, I’m looking at the total panel layout, and looking at the differential between the two, the two layouts that Dave Russo did.”

Ms. Light: “So, so how many feet are we talkin’ about? Are we talking about a hundred feet? Close to -”

Mr. Palumbo: “It’s a two hundred-foot, it’s a two hundred-foot radius. We’ll be working – if we get the approval from DOH, we’ll be working within that, uh, sparse circle that David put together. We’ll be putting panels there, subject to, you know, the road and the setback requirements that would be imposed on us.”

Ms. Light: “Okay. So, I, I guess I’m asking you, make an assumption, like, how close to the well would you get? And maybe you can’t do that right now. That, that was my inquiry. Thank you.”

Mr. Palumbo: “No, but let me try and help. If we got the approval from DOH, they would tell us it’s not two hundred feet, it’s one hundred feet, or maybe, it’s what the other

commissioner suggested – that the, the well is moved from that location to the parking lot, and I, I have met with the property owner, and had a number of discussions with them, just about that, so, that, that is an option that we’re pursuing, and I think the, the, the budget estimate that was used earlier – of fifteen to sixteen thousand, you know, is what is at stake, and it seems to be, from the developer’s standpoint, it seems to be a good investment, uh, economic investment, and a collaborative investment between the two property owners.”

Mr. DiOrio then asked, again, if there were any other Planning Board members who wanted to weigh in on this topic. Mr. Lindelow said that he didn’t want to “slow down the process”, but that “maybe [the Board] should just involve the Department of Health now, and get a final ruling before we make a decision.”

Mr. Lindelow: “It’s an ‘if’, ‘then’, ‘this’, ‘that’ – why don’t we just – have we applied to the Department of Health and asked them their opinion?”

Mr. DiOrio: “Well, respectfully, that’s not what’s on the table.”

Mr. Lindelow: “Okay.”

Mr. DiOrio: “You could, you could certainly take that position, when it, it comes time to conditions.”

Mr. Lindelow: “Yup.”

Mr. DiOrio: “Listen: if you want to put something like that on the table, then you’re certainly welcome to do that.”

Mr. Lindelow: “Sure.”

Mr. Lindelow then said that he didn’t have any other questions. Ms. Shumchenia weighed in after him. She wanted to know if “after getting the DOH information, if the well is going to be moved, and/or if panels will be built in some new radius, will this be considered a major or a minor plan change, kind of relative to what we were talking about earlier, with a different project, where Jim received notification from the developer that something had changed on the ground, and they need to make an adjustment.”

Ms. Shumchenia: “Is this something we’d be notified of, or how would that work?”

Mr. Lamphere: “I would view something like that as a minor change. The addition of a few panels, extra panels, is, uh, you know, in my mind, consistent with the overall development plan for the site – it, it’s just a question of – I think the prudent way to go here is to approve a plan, with a protective, two hundred-foot radius around the well, not showing any panels. If, if, down the line, depending upon how things work out, um, there, there is no longer a well there, or if the Department of Health approves panels with the well there, however it works out, they get approval to put the panels there, I would say they could put the panels there. It’s a minor change, in my mind.”

Then, Ms. Light said she had some additional comments – “a food for thought type of thing.” She asked “how do we [the Board] know that the well can be moved closer to the restaurant or that facility.”

Ms. Light: “I would think that there’s a chance – my, my question is – why was it [the well] put so far away in the first place? And I would think, it would have been more economical, out of the gate, to put it closer to the building. Is there some underlying reason why that wasn’t done, or an underlying reason why that wouldn’t be able to happen? Because that would be, that would be a tragedy, if we’re going through all of this and the well isn’t going to be able for, to be relocated for, all of the reasons that it would need approval.”

Mr. DiOrio: “Carolyn, quite honestly, Carolyn – listen – if the well – first of all, all of these things happened before the current players were in place. There were – there was an altogether different strategy for this property, and the development of this property, so why things got placed where they are today is, while interesting historical discussion, but not incredibly relevant. What’s more important is: the well is there. It services a facility. It has for, well, since the inception of the facility. There’s, there’s no reason to believe that the well is going to stop functioning, so the worst possible case is that the well stays where it is. The protective radius is honored. Uh, I see no reason why that could change. Now, if the applicant decides to start playing around with a new well, well, that’s the subject of an entirely new Department of Health application, and there are whole bunch of separation distances that have to be honored for a new well, and if they gain that approval, well, then they’re certainly entitled to go forward, and set that well. Does that answer your question?”

Ms. Light: “Uh, yeah, that’s fine. I, I agree with the direction that we’re going in with the pump house.”

Mr. DiOrio: “Okay, so I’m pretty sure that everyone’s weighed in on the well issue. We’ll put this one behind us.”

The next topic Mr. DiOrio wanted the Board to discuss was “screening and the fence”. He opened by “recapping [his] recollection” of the past meeting.

Mr. DiOrio: “So, as we step back and we look at the overall objective of the screening, one of my initial comments – again, these are my personal thoughts – one of my initial comments was ‘This is not a project that I want to see from any of the roadways or the abutting properties.’ So, the applicant has taken that comment, and come up with a strategy. I, I took exception to the strategy, specifically, the idea of a stockade fence, and, uh, what appears to be a single row of trees behind the stockade fence. So, I kind of thought that there’s a little bit of a consensus on the fact that stockade fences aren’t really what we’re trying to accomplish in our Town. We, we have made exceptions, under extenuating circumstances, to employ them, uh, but there – it wouldn’t seem to be that this is how we’re going to screen our project, with stockade fences. So, I was thinking that the applicant was going to return with a different type of fence, maybe some more elaborate screening, some layering of vegetation, etcetera. That does not appear to be the case on the plans that I’m looking at. So, Planning Board members first, let’s weigh in on what we envision here for screening, and I want to just draw your attention, before we get all wired up on this, to condition thirteen – I don’t want to make the condition premature, but I want to draw attention to it, in that it’s important because, in my opinion, uh, in the event that whatever we approve here as a landscaping strategy, if it does not work out, the Town has the authority to, essentially, come in and say ‘Your plan didn’t work – it needs

to be powered up, and with the assistance of a licensed RLA [Registered Landscape Architect], we're gonna know how to do it, and you will implement it.' So, that condition is really important to me, but it would be very nice if we had a landscaping plan that we were all happy with, and did not have to rely upon this condition. So, Planning Board members, give me some feedback on how you see this project being screened."

The first Planning Board member to comment was Mr. Prellwitz. He said that when looking at "page four, in the planting area B", there appeared "like the things that are planted are, basically, two rows, and it provides pretty good screening." He said that "that's what they're doing over here on Maxson Hill, near my house, and it looks like a nice job." He said that he "would say that [he's] happy with what they've got listed here." He said that it looks like "several species of trees" were going to be used, and that "they're close together", where "one row fills in the gap of the other row to hide it, so when they fill out a little bit, they're good." Mr. DiOrio replied.

Mr. DiOrio: "I don't know, Ron. I'm looking at that sheet, and yes, I see one detail that has some, let me call it 'layering' of vegetation, but the other two details just have a single row of trees, one after the other. Am I missing something?"

Mr. Prellwitz: "The way that I'm seeing it – I may be wrong – the planting area C I believe is what you're talking about. That is well back from Maxson Hill Road, and there's a natural vegetation that's in the way there. We've got plants along the road line. I could be mistaken."

John Carter, the landscape architect for the applicant, asked Mr. DiOrio if he could comment. Mr. DiOrio told him to go ahead. Mr. Carter explained that "what is proposed, and what Ron just described, is correct."

Mr. Carter: "Basically, just to go, go back a little bit, to understand – 'cause I don't, don't want you to get the sense that, um, you know, we're being obstinate. We, we definitely listen to what you say, and would like to accomplish, uh, what it is, and make it satisfactory. I have said, several times, and I'll say it again, uh, if the understanding is you will not see this from anywhere, uh, I'm not gonna make that statement, but we'll do the best we can to screen it, to minimize it, to buffer it. Now, go-, going back to the original proposal, back in January, my first proposal was along the, uh, access road onto 95. There's significant existing vegetation, both on this property, and out on the State right-of-way. It's primarily deciduous, there's a few evergreens in there, uh, there's an understory, there's an overstory, and a fence, and we came in with some photographs that showed it, and I actually showed, uh, some eye-level views, using a rod that showed six feet and eight feet and so forth, and, we then proposed additional planting, with a variety of evergreens, and reference the fact that, on the site, there's – because the sort of successional field that's occurring out there – there's numerous – I haven't counted them, I'd say at least close to a hundred, uh, white pines, red cedars, which are evergreens, which are native, which clearly like growing on this location 'cause they seeded themselves in. They're very transplantable, and they're eight feet to ten feet tall in general. And we had proposed using them as in-fill, and the feedback we got was that that wouldn't be significant enough, it wouldn't be immediate, and that we didn't want to be

able to see this thing immediately. So, those types of planting, I think, and to be used as a screening are, um, you know, it's kind of a commitment on the part of the, of the developer, it's on part of the, uh, the Town, and the community, to, to start with something that is actually doable, in terms of planting, and establishing plants, because a, that's not, you know, that's not a fixed thing. They're plants, and they're alive, some grow fast, some grow slow, some die, some get eaten, so it's a bit of a commitment, and, in my opinion, over a long period of time, it's a better solution, but it's, it's a period of time, and the feedback we got was that that was not the way that you envisioned it. So, we came back with the solution, or with a proposed – excuse me – proposed solution, that we would use something that was immediate, and, uh, a berm, a vegetated, earthen berm which would be, you know, it - over time, the grasses and, and natural, uh, the weeds and things that would come in over the seeding of the berm would just naturalize this thing, and make the berm and make it go away, with a fence on top of it, and planting, in addition to the fence in some areas, and that was to create – that was the solution to – our mandate that we wanted, that you wanted an immediate solution. Now, over on the Maxson Hill Road side, there's a couple of things going on there. One of them is the intersection with, uh, Frontier Road, and, as you're coming into the site, uh, you can see into the entrance road currently. So, we did some planting to screen that. The road was reconfigured slightly, so that it takes a right angle, so you can't see into the site down the road, and there'll be fairly significant vegetation – a lot of it's evergreen – right at that entrance road, coming off of Frontier Road. We then propose a berm to run down along Maxson Hill Road. This, the, the vegetation between the edge of the pavement and the fence on the project is proposed to be selectively cleared, understanding, and I know, by now, everybody understands, that, that shade is an issue. Obviously, the north – it's not a big issue, the south – it's the main issue, so this is sort of the south and the southeast. So, selective removal of trees, over a certain height, this, the existing vegetation out there, is primarily tall, deciduous oaks, with a very thick understory. I went back out there last week with, uh, the engineer, and one of the, uh, Revity members, and we walked it, and we looked at it. There's a, there's white pines coming in, which are evergreen, and there's a thick – in this season – there's a fairly thick understory that's hard to see through. The intent is to leave that understory there, and take the larger trees that will cast shade. So, then we have a berm, and a fence, and we try to demonstrate, using cross-sections, how that would be effective, and how it would work from different vantage points. Not suggesting it's going to be one hundred percent effective, but while it's being put in, uh, our intent would be to pay attention to that, and if it needs to be – if the berm needs to be a foot or two higher to be very effective, then that's what would be done. Then, the last thing is the fence is unsightly, so we proposed putting plantings of evergreens in front of the fence. So, on the Maxson Hill side, the road side, you would have the edge of the pavement, you would have the thick understory, and then you would have, uh, the berm, with an evergreen screen planted on it, a solid fence, and then behind that would be, uh, the project. So, I, I just want – so everybody understands what we're proposing and why, so, you know, you know we're not – we're trying to listen to what you're saying, but, uh, and thinking that, you know, this is a solution that meets the requirements that you, you've asked us to do. The Ordinance doesn't say in it 'Make this so you can't see it', but it uses words like 'screen' and 'buffer' and so forth, and I understand what that means, and understand it. We want to try to do what we can to

soften the view of this, and, over time, maybe block it completely, but that'd take a little bit of commitment on, in terms of planting."

Mr. DiOrio thanked Mr. Carter for his comments, then asked his Board members if they had any further comments. Ms. Light added her comments next. She said that they "still need[ed] to address the wooden fence versus the chain link." She said that a "wooden fence doesn't have a long shelf life", and that "it's not going to last the life of the project." She wanted to know "who's going to be around to repair it when these plantings are pushing it over, or when it starts to disintegrate." She said that they were "not really interested in seeing wooden fencing." She also said that, "considering the industrial nature of this project, [she] would think that the wooden fencing [is] inappropriate." Mr. DiOrio asked Mr. Carter another question.

Mr. DiOrio: "I get the whole idea behind the fence, and, believe me, I truly appreciate your trying to grapple with a solution that affords us, uh, a certain immediacy in terms of screening the project. But, may I inquire, can't we consider – so, these projects typically are surrounded by chain link fence -"

Mr. Carter: "Yes."

Mr. DiOrio: "Can't we consider a chain link fence that has vegetation – I don't want to say embedded in it, I'm, I'm right on the cusp of my knowledge base here, but I, I think you know what I'm alluding to. I've seen them in certain places. Essentially, the vegetation is clinging to the fence, using it as – so, so can you, can you give me some guidance? Is this a viable option?"

Mr. Carter: "I, I can, Al, and, actually, that's a preferable option, so, if it would give some satisfaction to the Board, uh, and you, and the Board, I think that it would make me, actually, uh, feel better about this solution, you know, if the Fire Department prefers a chain link fence, it's permanent, as Carolyn pointed out. The wood has a life to it, you know, a panel falls down, another panel falls down. They look really terrible. I – what I would like to see is this same proposal, only continue the chain link plants, put the evergreens, which, in this case, we're going to try to use the white pines that are out in the field, some of the red cedar, and plant them in front of the fence, and they will grow through the fence, so, when you said embedded, that's a good word. They actually – the branches flow through the fence, and if you put them in young, white pines get big, they get thick and they get big, they get very big, they get, ultimately, fifty or sixty feet. I don't know if I'll be around for that, but they're a fast grower, and they'll grow right through the fence, and then the fence kind of disappears too, so it's kind of a win-win, where you're blocking the view, and you're softening up of the panels, and you're softening the fence at the same time, and I think that's a great way to go, and I think that the Revity team would be happy to stick with the chain link fence."

Mr. DiOrio: "And, just to flesh out that idea a little bit more – if the Planning Board members are, uh, feel that we're moving in the right direction, John, would it be appropriate to introduce, uh, a different, well, not a different, but an additional type of planting that's going to, uh, you know, creep into the fence, or are we stuck waiting for the white pine to do the job. Can, can you help me out with an idea there?"

Mr. Carter: "Yes. So, the white pines – if we planted them on top of the berm next to the fence, they literally grow through the fence in a year or so, um, so that's not a problem,

and they grow fast. We've got some red cedars out in the field, they would do the same thing. So, um, it would really be a – it would be – I, I, what you're saying, I think, is what I'm saying, and the plants would be, you know, they would basically be touching the fence when they were installed, so, uh, yeah, they would, I think, I, I, so I like mixing up the species for a different reason, um, kind of a monoculture approach, where you put all the same plant in, and if an insect or disease gets them, you lose them all. So, I think the idea here is to use white pines, to use, uh, red cedars, and then possibly use some of the arborvitae, the green giant arborvitae, that have some deer resistance. We're a little bit into the wall when it comes to evergreens these days, uh, because of the deer impact, and if they eat the, you know, bottom six feet, it kind of doesn't do you much good up above that, so, uh, I think the white pines, they don't eat the, um, uh, red cedars, they eat a little bit, but they're not their favorite, and so, I, I think the idea of mixing up the evergreens, tucking them tight up against the fence, I think they'd growth through within a year."

Mr. DiOrio: "Okay, let's -"

Mr. Carter: "On the front, by the way -"

Mr. DiOrio: "Go ahead."

Mr. Carter: "So, you wouldn't – that the plants would be on the front side, the road side of the fence."

Mr. DiOrio: "Correct."

Mr. Carter: "So, maybe screening it and you kind of don't care what it looks like from the inside, so much."

Mr. DiOrio: "Got it. Alright, well, personally, I, I like this direction a lot more than the, the concept of a stockade fence. I'd like to hear from the Planning Board members so to whether they think we're moving in the right direction."

Mr. Prellwitz said that he "tend[ed] to agree" that "the plants, the planted trees near the chain link fence does sound like a better idea." Mr. Lindelow thanked Mr. DiOrio for "leading the way on that", and said that he agreed with him, that he "like[d] the chain link [fence]." Ms. Shumchenia said that she agreed, though she had "one further comment", which was "about maintaining these setbacks in a vegetated condition, as required by the Ordinance."

Ms. Shumchenia: "I think we're there, but I just wanted to emphasize that, so, this plan, combined with that, I think we would be in great shape."

Ms. Light said that she was "thrilled that we're moving in this direction", and that she would "like to send some compliments out there to the Revity team." She said that she "love[d] the idea of repurposing the trees", and that moving those plants is a "win-win in a lot of different areas."

Mr. DiOrio asked Ms. Shumchenia if he would "return to [her] comment" in regards to "maintaining these setbacks in a vegetated condition." He said that, "in reviewing the [plan set]", on the Maxson Hill side, "the one hundred-foot area", he "thought we had agreed that the one hundred feet was going to be, was going to remain vegetated." He didn't "think that's what the detail" of Mr. Carter's plans "disclose[d]." He said that his "understanding", "his recollection", was that they were "fully cognizant of the fact that

certain specimen trees need to be removed.” He said that the Board “[got] that”, and that, “personally, [he was] okay with that”, but he “thought we had agreed that the one hundred-foot area, from the boundary, inward, toward the property, was going to be maintained in a vegetative state. Am I incorrect?” Mr. Carter replied, as did Mr. Russo.

Mr. Carter: “Hi, Mr. Chairman, I’d like to, uh, let, uh, I’m, I’m not actually adjusting the setbacks, uh, if Dave Russo, if you’re there, can you maybe bring Al up to actually-”

Mr. Russo: “Yeah, on that side of Maxson Hill, the, the panels are located one hundred feet off the property line. Between the panels and the property line, there’s vegetation in the form of grass, uh, the planted trees that John just spoke of, the existing understory between the berm and Maxson Hill, that’s to remain, so, within the hundred-foot setbacks, there will be forms of vegetation in, in grass, trees, uh, existing understories, so it’ll all be in a vegetated state.”

Mr. DiOrio: “That’s not exactly what I said. So, unless you want me to make this a condition, what I thought we had agreed to was that the panels can certainly stay a hundred feet from the boundary, but that fence line, in your vegetation, need to be pulled back to the panels.”

Mr. Russo: “Why, why, why would that – it’s, it’s vegetation, I mean, the, it’s vegetation within the hundred feet. Grass is vegetation.”

Mr. DiOrio: “Grass doesn’t cut it.”

Mr. Russo: “Vegetation is not specific - Grass is not vegetation?”

Mr. DiOrio: “Grass doesn’t do the job.”

Mr. Russo: “But, but grass is vegetation, though, so it’s a form of vegetation, and they, and the intent of that, and the intent of that, in the Ordinance, is to prevent having, uh, pavement abutting, uh, property lines, and it’s, it’s specific to a commercial and manufacturing zones a lot of time, so you don’t have parking lots up against the property lines. So, a lot of times, what happens is when the setbacks, they have grass areas with the landscape area, so if a Walmart or a Target came up to this property, they wouldn’t be able, uh, to put the parking right up to the property line. They would have to maintain vegetation within the setback. That vegetation can be grass. It could be landscaping. It could be existing vegetation, but it, it’s vegetation.”

Mr. DiOrio: “Well, that’s a very interesting interpretation, but I seriously doubt that the other Planning Board members would concur that that’s been the gist of our discussions throughout this application. So, listen -”

Mr. Russo: “That’s part of it.”

Mr. DiOrio: “Don’t let me drive the bus on this, other Planning Board members chime in. I’m simply giving you what I, I remember from our discussion.”

Ms. Light said that she “concur[red] with Al.”

Ms. Light: “Grass does not constitute screening. Thank you.”

Mr. Russo: “Wait, it’s vegetate – the wording is vegetation, though, not screening.”

Mr. John Carter: “And it’s not – this is John Carter – it’s, it’s not the width of the buffer vegetation that makes it effective. It’s the quality. And, it’s, it’s, you know, you can see – we all know you can see through one hundred feet of vegetation, if you’ve got tall trees, and no understory, you can see three hundred, four hundred feet through the vegetation.

So, the width isn't the issue. The issue is, you know, what are you going to put there, and how dense it's gonna be, and how opaque it's going to be, and I think what we're proposing, particularly on the Maxson Hill Road side, is going to accomplish an opaque screen. So, I think that, that again, it's not so much the, the width, it's the, it's the quality of the buffer planting that would make it effective or not effective, and we know we can't put it up against the panels."

Mr. DiOrio: "John, thank you. I think Jim might have something to -"

Mr. Lamphere: "Yeah, Jim Lamphere, Town Planner, um, I'd like to direct your attention, all of your attention, to the landscape plan. And, if you look at the landscape plan legend, there is a light shade of green, and it says 'vegetation to be cleared.' So, uh, that goes right up to the panels, along Maxson Hill Road. Now, I just want to read to you from the Ordinance, and the Ordinance is pretty clear. It says that 'clearing of any existing vegetation, within the front, rear, and side yard setback areas is prohibited, unless explicitly approved by the Planning Board.' Now, as one who goes out, and enforces and monitors the construction of these, of these projects, okay, uh, the only thing that I can enforce out there with the applicants is the approved plan. So, I would just, uh, advise the Planning Board members to take a look at this landscape plan, and once you approve the landscape plan, I'm gonna assume that your explicit, um, permission, to, to do, to implement that plan – including clearing – including vegetation – everything that's specified in there – that's the only thing I'm going to be able to hold the applicant to, so, you've got to decide now whether you're against the clearing, as shown on that landscape plan or what, how you want to modify it. So that's, you know, it's pretty crystal clear that no clearing is allowed unless the Planning Board approves it, so, all I gotta say."

Mr. DiOrio: "Very good, Jim. Thank you. So, listen, I'll just weigh, weigh in on this personally. My recollection is the last time we talked about this, there was a one hundred-foot distance, from Maxson Hill Road, that was going to be retained, in its current state, in addition to the proposed plantings, with the understanding that select, specimen vegetation was going to be cleared – these are the 'large trees' I'm referring to, simply because they were inconsistent with the objective of the project. That was my recollection. That's what I'm prepared to stick with. Planning Board members, feel free to agree, or disagree, with me."

Mr. Moses asked if he could comment, and Mr. DiOrio replied that "if [he] could just get the Planning Board members' time, then I'm more than happy to hear you." Mr. Moses said that that was okay. Mr. Lindelow said that he agreed with Mr. DiOrio "one hundred percent." Ms. Shumchenia wanted to "elaborate on [her] concerns, because this is the most sensitive area of the project, to abutters, right?"

Ms. Shumchenia: "And there's a bunch of people that live right across the street, and this is also the only part of the plan where it talks about 'area of selective clearing' in that legend, and the landscape plan, and, it's, it's true there's also a strip that says 'existing vegetation to be removed', so I, uh, am supportive of the wording in the Ordinance, that vegeta-, vegetation clearing should be prohibited, and I'll – my personal opinion is even to go further than Al. I don't think that large, specimen trees from this one hundred-foot buffer need to be removed to allow the sun to get in from the east side of the panels. I have a strip of land just like this in my yard, and no shade is cast. This is the driest,

hottest part of my yard, is, you know, to the west of this eastern tree line. There is absolutely no shade cast by trees in the east. So, I, I just – I want to protect the residents across that street, and I think absolutely no clearing of vegetation in that one hundred-foot span can occur.”

Mr. DiOrio thanked Ms. Shumchenia, then asked if any other Planning Board members had any comments on this topic. Ms. Light said that she agreed with Ms. Shumchenia and Mr. DiOrio. Mr. Prellwitz said that he “agree[d] that we should leave all the trees that we can, however, a lot of those trees in that area are dead or dying. There’s a lot of stuff that could really be cleaned up.” He continued, by saying “that being said, there’s already a berm proposed along Maxson Hill there, and if we go to the chain link fence, and put the planted shrubs right next to it, to my eye, that would be a more attractive thing to have, but, as I said, in the beginning, the more that’s already there that we can save, the better.” Mr. DiOrio said that he was “kind of liking Emily [Shumchenia]’s idea.” He asked her if she would be “agreeable to some middle ground, where the dead or dying large specimen trees could be removed? And I’m thinking more just about the aesthetics of the project, uh, and maybe not so much the large specimen trees that are healthy.” Ms. Shumchenia replied.

Ms. Shumchenia: “Sure. Sure, I think that makes sense.”

Mr. DiOrio: “And we could structure a condition such that, uh, the Town works in concert with a landscape architect for the project, to decide whether a tree is a go or no-go, based on, based on that criteria.”

Ms. Shumchenia: “Sure.”

Mr. DiOrio said that he thought that concluded the Planning Board’s comments on this particular topic, and invited Mr. Moses to speak if there was “something [he] wanted, uh, to add to the mix.” Mr. Moses said that “there’s been a lot of discussion on this issue over these meetings”, and that “it’s been very clear that we have been very honest and open saying that there’s a need to remove large trees from this area”, and that “what [the Board is] doing by saying that everything stays, no matter what, you’re essentially reducing the size of this project.” He continued, stating that “that doesn’t work for [his] client”, and that he “thought we had an agreement on how we were going to handle this, and that trees that created shadow, that we were going to be able to take out.” He said that he “[thought] it was very important that we stay on track, and where we were.” Mr. Moses said that he thought “the plan that Mr. Carter has come forward with meets all your requirements, so I would respectfully request that we stay on that plan.” Mr. DiOrio said that that was “duly noted.” Mr. Palumbo then asked Mr. DiOrio if he could “ask Jim Lamphere a question on what he just read”, and if he was “reading from, uh, C-1, of the, uh, PSES Design Guidelines.” Mr. Lamphere replied that he was referring to the “second paragraph in C-1”. Mr. Palumbo then provided his reading of the Ordinance. Mr. Lamphere responded.

Mr. Palumbo: “Okay, so it starts off, and says ‘instances where a parcel is zoned’ – rezoned – ‘from RFR-80 to Commercial or Manufacturing use, for the purposes of accommodating a PSES’, so I read that as not applicable to this particular property,

because we are not in for a rezone from RFR-80 to Commercial. We are Commercially zoned, so why does this apply to us?”

Mr. Lamphere: “I had a discussion with our Solicitor on that, and he, um, if you read, if you read that paragraph, and also the one that precedes it, you can see that, from sentence to sentence, it varies from the specific to the general. The, the sentence that I read is not limited to instances where a parcel is rezoned from RFR-80. That, that sentence that I read applies to every single project, so that, that is the ruling from my Solicitor when I discussed it with him. I was anticipating this, this to come up, and so I wanted a ruling, and I think Sean’s here. He can, he can attest – he was a party to the conversation, I believe, and, so, that’s how we interpret it. No clearing in the setback areas, unless approved by the Planning Board.”

Mr. Palumbo: “I would like to hear the Solicitor’s explanation on that, because it’s not logical to me, Mr. Chairman. Same paragraph, opposite meanings – just, it’s just not logical.”

Mr. Lamphere: “Yep, well, can I just go a little bit further before our Solicitor chimes in? The last sentence of that second paragraph. It says ‘the PSES, and equipment, shall not have a significant adverse impact upon the soils, water resources’, etcetera. So, are you saying that that sentence only applies in instances where a parcel is rezoned? No. It doesn’t even make sense to, to, to have that interpretation.”

Mr. Palumbo: “I totally agree that it doesn’t make sense, okay? But you’re interpreting it to your favor, and it’s confusing, and it’s not clear. I can take the same position as you in my favor, uh, so, to me, you’re, you’re taking a position that just favors you, and I’m reading it on its face, in its plain language, and to me, it’s clear that this is talking about the opening sentence, which dictates the meaning of the paragraph. It talks about a rezone from RFR-80, and we are not doing that, and you’re telling me that the first sentence means one thing in the paragraph, and the other sentence means totally different. That’s not how paragraphs are written.”

Mr. Lamphere: “Well, I can explain it further. Look at the heading it’s under. It’s under, it’s under the heading of ‘Land Clearing’ – land clearing, in general, okay, that applies to all projects, okay? And, the first sentence that you read, it just calls out that in instances where a parcel is rezoned from RFR-80 to Commercial or Manufacturing use, for the purpose of accommodating a PSES, clearing of any existing vegetation on the subject parcel for the purpose of constructing, operating, maintaining a PSES, shall be limited to a maximum of forty percent of the total area of the parcel. So, basically, basically, they’re saying that, in instances of a rezone, you can only clear forty percent of the parcel. That was, that was put in, in the amended Ordinance that just got passed. I was there, throughout all these things. I know how it was constructed. And, the next sentence applies to all, all solar projects, as that whole section does. That whole section, that whole section is devoted to land clearing for all projects. Taking your logic, you would take that sentence out and say, okay, the previous paragraph, everything, oh, that we’re only applying this now to parcels of rezone, and, respectfully, I would say that you’re interpreting this, or you’re reading this, to your favor. Well, you know, Town staff and Solicitors take our Ordinances, and we interpret them, the way we think it should be interpreted, so, if you have an issue with our interpretation, I would say that there’s a forum for you to take it to.”

Mr. DiOrio then interjected, and said that he didn't think "it needs to escalate to that point." He said that "if this ends up being a condition of the Planning Board, then, that's the way it's going to go." Mr. Clough then asked Mr. DiOrio if he wanted him to add anything to Mr. Lamphere's explanation, though there was "not really much else that needs to be said", as Mr. Lamphere "did a fair, um, recitation of our, our discussion regarding, uh, the Solicitor's interpretation of that particular paragraph, and our recommendation to the Board after 'clearing of any existing vegetation within the front, rear, and side yard setback area is prohibited' to apply to this project." Mr. DiOrio said that he didn't mean to "skip over that", and that he appreciated Mr. Clough's input.

Mr. Moses replied that he wanted to bring the Solicitor's attention to a recent court case in Richmond, where it was "very clear in that case that Boards are required to follow their Ordinance by the letter of the language." He said that "you're not allowed to interpret - that language that Mr. Palumbo referred to is absolutely clear that this is referring to rezone." He continued, saying it was "not an issue of interpretation", but "an issue of fact." He said that he thought the Solicitor should "look at that case before you make your determination." Mr. DiOrio said that that was "duly noted." He then said that that "concludes the four bullet items that [he] had laid out before us", and that it "sounds like, in most cases, we have a consensus on the four items." He asked if anyone had "anything to add to the mix." He said that he wanted public comment, and that they also had to "decide whether we're going to construct a motion." Ms. Light had two comments. She said that "on another project, we required the developer and project owner to secure a fixed amount of money to satisfy the screening and buffering requirements according to what the abutters wanted, and that was agreeable to that developer." She said she thought that was "a solution that could be available. One year after the project has gone online, the abutters have the opportunity to revisit the view and make recommendations. They're either satisfied, or they're not, but the developer, the project owner, put money aside to secure that their concerns would be addressed." Her other comment was in regards to "where the recommendations from the Fire Marshal are." She said that they had not "addressed that, and [she's] deeply concerned that that hasn't been made available." She said that this approval was an "important part of the discussion we're having."

After Ms. Light's comments were heard, Mr. DiOrio opened the discussion to the public. Joe Moreau, of Old Depot Road, was the first person to call in to comment. He first asked if questions had to be limited to the scope of the "four bullets" touched upon by the Board. Mr. DiOrio replied that they did not. Mr. Moreau asked for the "date of the application of this project." Mr. DiOrio replied that "that might take just a minute to get to, Joe, uh, while we're doing that, do you want, do you have other things that we can address for you?" Mr. Moreau replied that he had not had internet access for a day and a half, so he could not look at the old Ordinance, though he did have access to the newest iteration. He said that if the project was "classified under" the new Ordinance, the document "states that the applicant shall consult with the Fire Marshal prior to the submission of any material to the Planning Board for review." His second comment was that, as Mr. Lindelow had touched upon, the Ordinance says that "no blasting will be conducted on the parcel in conjunction with any activity related to the construction of a PSES, including land preparation." He said that his point was "it clearly states there has

to be a conversation with the Fire Marshal, and there is no blasting.” He said that “if we allow this to happen – as far as blasting – then we open up a can of worms for any other project that may be before us.” He said that he had “listened to the last presentation on this particular project, and [he] heard it a few times tonight, and [he couldn’t] tell you how many times [he] heard it at the last meeting, where the attorney was constantly referring to ‘Your Ordinance’, ‘Your PSES Ordinance’, so we can’t pick and choose what we want to follow here. It clearly states Fire Marshal’s position, and it clearly states about blasting.” He also said that he hadn’t heard about a work schedule, and he “hope[d] it’s part of the listing”. He said that “typically the Town Council and the Planning Board will say, for an example, Monday through Friday, eight to five, no Saturdays or Sundays.” He said that he had not heard “any conversation, uh, about that”, and he was concerned - partially because “if a restaurant is gonna be going in there”, but even more so “for the residents”, so they “would not have construction, or any work Saturday or Sunday”, even if it’s “planting grass.” He then made his final point.

Mr. Moreau: “I’ve been involved for the last two and a half years. Whether it’s a planting or a buffer - we’re using semantics here – grass is nowhere near what we’re looking for. We’re looking for, you know, as much as possible to prevent – and I understand the way the property’s laid out, that you are going to see it – but, wherever we can control a planting, a buffering, that’s what we need to do for our residents – especially the residents on Maxson Hill and Frontier Road. And that’s, basically, what I have to say. The only thing I don’t know is, is what the date of this application was.”

Mr. Lamphere said that he couldn’t give Mr. Moreau an exact date “without looking through a box of stuff I have here”, but that he knew that the “pre-application meeting was held, for this project, on, uh, in November of 2019, so there’s no question that this project is subject to the current, uh, amended Solar Ordinance as of January the 22<sup>nd</sup> in 2019.” Mr. Moreau said that he appreciated the clarification, and that that knowledge “strengthen[ed his] point, that we need to follow this PSES, as the attorney eloquently, uh, told us, at the last meeting, ‘You need to follow your PSES’, so, again, on those two points, uh, I don’t know if there was a discussion with the Fire Marshal prior to any paperwork submitted.” He said that “that’s something that [he’s] sure [the] Planning Board or Jim could answer, but it is clear about no blasting.” He said he had a “serious problem with blasting in that area because of, again, allowing other developers to do the same thing.”

The next person to call in was Eric Bibler, of Woodville Road. He said that the Planning Board “has repeatedly referred to a document that has twenty-four proposed conditions”, as well as “a memo dated August 3<sup>rd</sup>” that he wasn’t sure “whether it’s from Crossman or someone else”, but that he found it “extremely hard to follow your deliberations in an intelligent way if these documents are not provided.” He said that, as it was a phone call, “we don’t even have a video, um, capability here.” He said that he would “like to respectfully request that, in the future, any of these materials that are provided to the Planning Board, that are going to be the basis of the Planning Board’s deliberations, um, please be put on the website and made available to the public, otherwise we can’t really make much sense of what you’re doing.” He said he thought that was a “reasonable

request.” Mr. DiOrio replied that Mr. Bibler’s comments were “noted.” Mr. Bibler continued. He said that he wanted “to note, for the record, that, um, on July, let’s see, on July 26<sup>th</sup> 2020, I sent the letter to the Planning Board, uh, and the Town Planner, and I enumerated, uh, several specific concerns relating to decommissioning.” He said that he “specifically referred to, and provided access to, um, a list of exhibits that I provided to the Planning Board on September 9, 2019”, which included a link to digital copies. He said that there were “approximately forty exhibits”, and that he had also provided “hard copies to the Planning Board on that date.” He said that on October 1, 2019, he said he “gave the Planning Board an additional twenty exhibits, and, uh, again, on July 26<sup>th</sup>, I provided a link to all of those exhibits.” He said that the Planning Board had the information “in hard copies and binders”, and that the Town Planner also had a copy. He asked that his “letter, with those references, be incorporated into the record of these proceedings.” He asked for confirmation that his letter was “included as an item.” Mr. DiOrio replied, and Mr. Lamphere also weighed in.

Mr. DiOrio: “Hold on, while I look across the table of my colleague here.”

Mr. Lamphere: “Well, again, that material was presented for, um, reviewing other matters, uh, as I just mentioned this particular case here came first, came before the Planning Board in November at the November 2019 Planning Board meeting, so, you know, unless you specifically presented it to the, to the Planning Board, and asked to have it be made an exhibit, um, then it hasn’t been, so -”

Mr. Bibler: “Well, that’s exactly, with all due respect, that’s exactly what I did on July 26<sup>th</sup>. I gave a letter to the Town Planner and the Planning Board. I provided a link to the digital copies, and I reminded the Planning Board, and the Town Planner, that I had already delivered hard copies and digital copies of the exact same exhibits, and I, um, wanted those exhibits to inform the deliberations on decommissioning.”

Mr. Lamphere: “Okay, well, we certainly can, if, if that’s the case, we certainly can make them a part of the record of this proceeding, uh, but just keep in mind, it’s not expert testimony, I mean, it’s, it’s not – we have our expert testimony that we rely upon.

Mr. Bibler: “That’s fine, that’s understood. I’m not being sworn as an expert.”

Mr. Bibler continued, stating that that information was important because “in those exhibits that I gave to the Planning Board last year” and had referred to at the previous meeting, “there were a number of, uh, studies about end of life management, and management of environmental waste from solar panels.” He said that one was a “hundred-page study that was done in 2016”, by the International Renewable Energy Agency, which, according to Mr. Bibler, is “an international agency of the OECD countries – the Organisation for Economic Cooperation and Development, which is a group of Western countries, of which the United States is a member.” This document was a “review of projecting what the future holds in the way of solar panels.” He said that the first exhibit that he had given the Planning Board in September was “very relevant to” the Board’s discussion. It was “a graph” from an “exhaustive study” conducted by IRENA [the International Renewable Energy Agency] “showed that, currently, as of 2020, the projected, installed capacity of ground mounted solar is, um, about five hundred gigawatts.” According to the aforementioned study, it is project that “by 2050, 30 years from now, when these panels are retired, the installed capacity of solar panels around the

world will be four thousand, five hundred gigawatts”, or “nine times as much”. Mr. Bibler said that in 2020, the “amount of waste from solar panels is so small on this graph you can’t read it – the reason is because solar panels are relatively new, and relatively few of them have been retired.” He said that by “2050, there will be seventy-eight million tons of solar panel waste.” He said that we would be “going to go from zero to seventy-eight million metric tons.” He said that the study suggests that “it’s not going to be so easy to sell seventy-eight million metric tons of used solar panels at a profit thirty years from now.” He then referenced Mr. Cabral’s speculative estimate for the recycled value, and said that he “believe[d Mr. Cabral] made an assumption that half of the retired panels could be sold, and half of them might need to be recycled”. He also believed that one of the documents provided by the developer – or “from Crossman, I’m not sure, because it wasn’t clear” – was a “nine-page document on salvage and reuse value analysis” by We Recycle Solar. According to Mr. Bibler, this document is an “attempt to derive a valuation of the decommissioning costs” for the estimated twenty-three thousand, three hundred and thirty-six panels that would be used in the project – or “one million and three hundred and thirty-seven pounds of panels”. Mr. Bibler said that this document delineated that “the recycling cost per pound is seventy-seven cents, so, if all of the panels had to be recycled, and none of them were sold, according to this document that you do have in your possession, the recycling cost would be one million, twenty-nine thousand, six hundred and eight dollars.” He said that that information was not from him, nor was it from Crossman – but, “actually, I believe, from the developer.” Mr. Bibler then began to estimate shipping costs for disposal. He said that, based on what “had been estimated to me from different recyclers, that would add another hundred and sixteen thousand dollars in freight to the cost of recycling.” He said that the costs are “completely a function of your assumptions”, though “we don’t have a crystal ball”, and “we don’t know how many will need to be recycled and how many can be sold.” He claimed that We Recycle Solar “assumes, arbitrarily, that, uh, two thirds, approximately, of the panels might be sold, and that one third might be recycled – but with seventy-eight million metric tons in the pipeline, no one really knows.” He said that the “purpose of our Ordinance”, “under the provision that provides for financial security, it empowers the Planning Board” to “determine the appropriate form and amount of a financial security to ensure that the taxpayers don’t have to bear this cost.” He said that “that exercise should be a conservative one”, and that “we are not obligated as a Town to bear or share in any of the business risks of the developer of this project.” His question to Mr. Cabral was “isn’t it possible that none of these panel, panels can be sold, uh, to be reused thirty years from now – it’s that completely possible, with seventy-eight million metric tons in the pipeline?” He said that “if that’s possible, isn’t it true that the Planning Board - it would be entirely reasonable for the Planning Board to entertain a scenario where none of them could be sold and all of them have to be recycled?” He said that if that’s a “possible” or “plausible scenario”, and “can’t be ruled out, then the document provided by the developer would suggest that that recycling cost is over a million dollars.” He said that it would be “worth having the Planning Board ask Mr. Cabral, ask Crossman Engineering, if he believes it is possible that none of these can be resold thirty years from now.” His last comment was that when he “used to lend money in [his] wayward youth, um, for a New York City Money Center Bank – not for very long – but, you know, for a certain part of my career, and I’ve very familiar with lending risks, and one thing that needs to be

said, on all of these solar projects, including this one, the typical arrangement, and it seems, certainly seems to be the arrangement on this one, from what I can see from the filings with the State, typically two, stand-alone LLCs – special purpose, limited liability corporations involved, at a minimum, one of them owns the property, the real estate, and one of them is the operator.” He said it was “also typical”, and he thought it was “true of Mr. Palumbo’s other projects, that oftentimes, the real estate, the property, is mortgaged, um, so, there may be a lender that has a first lien on this property.” He said that the Solicitor had “talked about layers and layers of security”, but that he doesn’t think “that’s probably a layer at all.” He said that he believes “that it’s entirely possible the property will be mortgaged to raise money to help finance the project”, and that “the Town, at best, would be a second lien, running after whatever’s left.” He said that the assets of the operator thirty years from now will be “thirty-year-old solar panels, and thirty-year-old transformers.” He said it was a “stand-alone LLC”, which “has no other corporate existence, and it has no other assets, so good luck with that, chasing after the LLC that has no assets to pay you back on, on anything you can’t make up from your decommissioning reserve.” He said that he thought that the “risk in this is huge” when multiplied by the “dozens of projects around Town”, and everything he had given to the Board in the past “suggests that regulators around the world are saying ‘absolutely not’ to putting these things in landfills” due to the conditions on such sites. He said that he hoped his questions would be “put to the engineer”, and that he wanted the engineer to “certify that he believes that there’s, that, at the very least, that it’s improbable that, um, that recycling will be required, or something like, something stronger, because, um, if these things have to be recycled, this document, provided to you by the developer says, based on his own numbers, that cost is going to be over a million dollars, and you’re all ready to approve a reserve for a fraction of that, and, as a taxpayer, I think that’s a very, very dangerous road to go down, especially if we’re going to do that for every project in the future.”

Mr. DiOrio thanked Mr. Bibler for his comments, and asked if Mr. Cabral was still on the line. When Mr. Cabral replied in the affirmative, Mr. DiOrio asked Mr. Cabral if he had heard Mr. Bibler’s questions in regards to decommissioning. He said that the “one document [Mr. Bibler] referred to, I am familiar with.” He said that “there’s no doubt that the life of a panel is, realistically, thirty, if not forty years, so we’re, we’re talking about a twenty-five-year timeframe, so, there’s no doubt that at the end of twenty-five years, these panels – and we assumed only half of them – will have a life ahead of them.” Mr. Cabral said that the “unknown that I’ve stated is that the value of the panels, twenty-five years from now, is going to depend upon the increased technology and efficiency that occurs over the next twenty-five years.” He said that “what I mean[t] by that is, if, twenty-five years from now, solar panels can be manufactured to produce a much higher energy for a lower cost, then the value of these panels will be reduced, and the, the research, that we found, and this is from talking to, you know, different recycling companies, is that the, the range of, of value, of a used panel, varies from – let’s see – ten to, ten to fifty dollars each.”

Mr. Cabral: “We, again, we are looking out for the Town, in which our goal is to be fair, we utilized the value of only fifteen dollars, for the future value of the panels, and, again,

we assumed only fifty percent will be resold. Will that occur? I believe the statement that I actually underlined, on page two of my memo – and, as an engineer, we usually don't use the word 'speculative', as an engineer, we tend to certify a design, we certify a statement - but I did have to state, in writing, that determining salvage value for materials twenty-five years in the future is speculative, and cannot be certified, so, I can certify to that statement, but the value of aluminum, glass, copper, and cable and steel, twenty-five years from now? No one can really, really do that, because I've researched, we've researched, the value of each of those items over the past, you know, ten to twenty-five years, and the ranges vary significantly. Some of the products have decreased in value, others have gone up, as you would normally expect. So, he did ask, do I believe that it's possible that none of the panels will be resold in the future. Knowing that used panels have a value, I, I do not believe that none of the panels can be resold, and I believe Mr. Bibler was correct, that the applicant, and their analysis, assumed that two-thirds would be resold. I thought, I did feel, that two thirds was optimistic. We reduced it down to fifty percent. Will the actual be twenty-five percent? You know, we can't say, but, again, we tried to offset any unknowns by using a lower value per, per panel, and when it comes to say that 'recycling doesn't pay for itself', it's really going to depend upon the value for raw materials in the future. We do believe that, in the future, there will be a much larger quantity and volume of panels to be recycled, so, the benefit is that they'll probably – we anticipate there'll be more competition. There'll be more recyclers. There'll be more, more demand to recycle in the instance that, they could, theoretically, everyone would be more efficient recycling, there'll be more competition, and there is a potential that recycling may actually begin generating a profit. So, so, Chairman, I'm [laughs] I cannot certify what twenty-five years in the future holds – I wish I could, but there is an uncertainty. But, we do believe that the assumptions we made are reasonable based upon the history.”

Mr. DiOrio thanked Mr. Cabral for his input. He said that he knew it was “a tough issue to address, but [he] did a great job.” The next member of the public to call in was Tammy Joslin. She said she wanted to say thank you to the Planning Board members “for trying to keep the existing vegetation along Maxson Hill Road.” She said that she attended the meeting that had been held in person, and that she remembered it being “suggested that the, uh, the people reach out to the abutters to see if they would like a walk along the property to, uh, to take a look at the, you know, what their plans were, to talk to them.” She said that she “never received a letter or any kind of notification” in regards to such an event, and wanted to know “if that was still going to happen.” Mr. DiOrio repeated Ms. Joslin's question, and she said that she thought it was actually Mr. DiOrio who “said that was a good idea”, but she didn't know “who it was that should reach out to the abutters.” Mr. DiOrio responded that that is always a “wonderful idea”, and that he was “thinking that if [Ms. Joslin] didn't get notice, it probably didn't happen.” He said that “given the unusual, uh, circumstances that we find ourselves in, the opportunity to view the site was extended to the Planning Board members only, and, as a result, none of the – there was no subsequent contact with abutting property owners.” Mr. DiOrio said that “that's probably more a function of the fact that we couldn't really hold a site meeting the way we have typically in the past, only because of the, the circumstances that we find ourselves in”. He extended his apologies to Ms. Joslin “if [she] thought it was going to

happen and it didn't happen", but "that's not to say that it can't happen in the future." He said he would "point that to the applicant" – that "this sounds like an opportunity for you to reach out to the abutting property owners, should you be so inclined, to, uh, share the details of your project with them." Mr. Palumbo said "that that would be fine", and that they had "sen[t] out certified letters to abutters", and that they had "a number of abutters call us and ask us questions for clarification." He said that they had answered them, and that of the abutters they had spoken with, "no one requested to have a site walk, but, certainly, uh, for this abutter, uh, if I can have the name and phone number, I can have someone from Reivity call, make an appropriate visit - and I say appropriate, you know, with COVID, uh, I think we can have an appropriate visit". He asked Ms. Joslin for her name and phone number. She gave Mr. Palumbo this information, and elaborated on her previous statements – that she had received the certified mailings, but that she expected a separate mailing about the meetings, as she "didn't realize we could call and request information." Mr. Palumbo replied that that was fine, and that they had "plenty of time to do that, and so I will have Lindssy McGovern from my office – she'll contact you, and, uh, we'll set something up, okay." She replied that she was the abutter that was situated "above the property, so, you know, I, I can look out over, uh, I can see the restaurant facility, and I can see across 95, and down into Connecticut, so, any consideration for keeping the existing vegetation, or building the berm and making the, any kind of plantings higher" would be "great". Mr. Palumbo said that they would get Mr. Carter, the landscape architect for the applicant, involved as well. Ms. Joslin said that that would be "perfect." Mr. DiOrio thanked both parties for "taking care of that."

The next person to call in was Carol Desrosiers, of Pleasant View Drive. She said that "reading the Solar Ordinance, it mentions that if the project is going to require six or more months of construction, that the applicant would be providing formal, written notice by mail to all abutters and residents within five hundred feet of the project, and I'm wondering if that's what was adhered to here, versus the typical two hundred and fifty feet." Mr. DiOrio said that he knew, but that it appeared as though the applicant wanted to respond. Mr. Moses spoke on behalf of the applicant to explain that the "notice was sent at five hundred feet", and that they had done it "multiple times."

When it was clear that there were not any additional comments from the public, Mr. DiOrio said that it was "time to step back, take a deep breath" and look at the time – "9:50 [p.m.]". He said that the Board had "heard from the applicant", as well as the public, and that they've "had an opportunity to ask [their] own questions". He wanted to know "what [was their] pleasure moving forward." Mr. Lindelow was the first person to weigh in. He said that it was late, but that Mr. Moreau "gave [him] a good reminded of [the] question [he] had earlier" in regards to blasting on-site. He wanted to know if the applicant was asking to have it removed because "they are planning on blasting" – if so, he "want[ed] some more information about what that might entail." Mr. Lamphere replied that Mr. Moreau was correct, in that "whether it's, uh, explicitly stated as a condition or not, the Ordinance would apply, and they're not to blast out there, period." Mr. Lindelow thanked Mr. Lamphere for his explanation. Mr. DiOrio added that he would "be taking the position" that aligned with Mr. Lamphere's advice about adding

that language “back into the – any kind of motion that we construct as a condition.” Mr. Lindelow said he supported that.

At this interval, Mr. DiOrio had to ask the Board members what they would “like to do at this point”, as the meeting was about to exceed its 10 p.m. adjournment time, with another item remaining on the agenda. He wanted to know if they were interested in “enter[ing] into constructing a motion” or if they wanted to “do something else.” Ms. Light said that she did not “believe there’s enough time this evening to construct the agreement with the comments that I know I have on it, let alone what other people might be interested in discussing.” Mr. Prellwitz weighed in as well.

Mr. Prellwitz: “This being a blue-collar community, members of the Planning Board, members of the, the public that are listening in, and anyone else involved – most of these people have jobs that they have to get to, and it doesn’t look like we can resolve this in any sort of a time frame that’s going to be equitable to get this all done this evening, so, I would say that should probably be winding up tonight.”

Mr. DiOrio: “I’m sorry, that was a comment to...? Let’s have that again, Ron. What was your idea?”

Mr. Prellwitz: “That it looks like we’re not going to be able to bring this to a conclusion tonight. That we should move on.”

Mr. DiOrio: “Okay, got it, thank you.”

Mr. Lamphere interjected here, and said that “in an effort to, you know, expedite something, for next time we come back with this application, is there any guidance or advice that the Planning Board would have to the applicant as to what they’re expected to come back with at the next meeting?” He said that he’d just “like to know where we’re going to pick up at the next meeting”, like if they were “just going to start going into conditions or, or what.” Mr. DiOrio said that that was a “great question”, and that the “very next thing” he would have done, “if our timing was a little bit different, is I would have concluded that we’ve heard all the testimony, we have a set of plans in front of us, uh, that, you know, might need some tweaking or not, but I’m ready to get into the specific conditions of a motion, so that’s where I would be coming from”. He said that he wasn’t “really sure [he] need[ed] the applicant to come back with a set of revised plans next time.” He said that, “instead, there’s going to be, in [his] mind, there’s going to be a series of conditions, and those conditions are the things that are going to drive any subsequent revision to the plan.” He said that he was thinking that “when the applicant comes in for their final plan, and Jim’s approval, then they would need to incorporate the language of the conditions – that would be my thinking.” Mr. Lamphere said that the Board would need an extension from the applicant “to some date certain”, and he also offered the option of a Special Meeting, though he admitted that he was not crazy about doing so. He said that if they were to go on the next meeting’s agenda, it would be with “probably a good number of other applications as well.” He said that he “guess[ed the Board’ll] be starting off with this at the, uh, September meeting anyway”, so all could “rest assured that we can probably finish this up in a regular meeting.”

Ms. Light said that the “outlier” for her was that the Board didn’t “have any contributions from the Fire Marshal, so, if we can get a commitment from the Fire Marshal, for a Special Meeting in two weeks, or if they can have that commitment for September, I’d feel comfortable with that.” Mr. Russo responded to Ms. Light’s comments, and explained that the applicant “did meet with the Fire Marshal”, and that the Marshal also “talked to Jim Lamphere, um, so we did consult with the Fire Marshal.” Mr. Russo said that he “gave an early look at the plans.” He said that they were “required by the Ordinance to go back to them prior to the final approval, so we have coordinated with them.”

Mr. Russo: “The Fire Department doesn’t want to review the plans until the Planning Board signs off on them – for good reason – because of things such as the fence change, so, if we did have the Fire Department review it a few weeks ago, the fence being changed would have had to get re-reviewed, so, I think the Fire Department likes to wait until it’s approved for that final approval, and we’re required to get an approval from Fire before final, before the project is built, um, from them.”

Mr. DiOrio thanked Mr. Russo for his clarification of the issue, and said that he was sure that Mr. Russo could “appreciate that that puts us like, you know, with the, uh, chicken or the egg scenario”, as the Board was “looking for some kind of, uh, favorable wave from the Fire Marshal before we offer our final opinion.” He said that “that sounds like that’s not going to be forthcoming until we issue the approval for, for him”. He asked Mr. Russo how he would suggest that they “resolve this”. Mr. Russo responded.

Mr. Russo: “I mean, the Fire Marshal will talk to the Town Planner – I mean, we’re just going in, it’s also based on the Ordinance. We can see if we’ll, it they’ll give us a preliminary letter, but, I mean, we’re not – this is going off your Ordinance.”

Mr. DiOrio: “I understand -”

Mr. Russo: “And the Fire Marshal, in the Fire Marshal’s process.”

Mr. Palumbo then weighed in. He said that he had spoken with the Fire Marshal, and he said that the Fire Marshall “didn’t have any sweeping objections, so he did look at some preliminary plans, and, and, you know he commented on the fence, you know, the stockade fence, and he says it’s okay with him as long as we repair it.” He said that “obviously, we’re moving in a different direction, so, you know, I’ll call him this week, and, uh, see what I can do to advance a more solid, uh, uh, reaction, and for the Board to consider.” Mr. Palumbo said that he “fully [understood] where [the Board] is coming from, and [he’ll] do [his] best with the Fire Marshal.” Mr. DiOrio said that he appreciated Mr. Palumbo’s “follow-up on that”, and that he was “not looking to pin the Fire Marshal down to, uh, an approval of a preliminary document” but even a “preliminary assessment”, which would explain that the Marshal did not have any “dramatic objections to what’s being proposed” would “go a long way in [his] mind.” Mr. Palumbo said that he “got it”, and that from his “past experience in, in your Town and others is that, you know, our approval with the Planning Board will be conditioned on the Fire Marshal’s approval.” Mr. Palumbo said that he would “manage” the issue and “come back with something that [he’s] sure will be logical before the next meeting.” He said that, in

regards to having a Special Meeting, he “[took] heart to the comment that ‘Everyone’s blue-collar’”, as “we all work, we’ve got to get up early in the morning”. He said that “it’s not necessary – we have the patience to wait until the next meeting.” He said that he “[felt] like this Board has really put earnest effort and work in working with us”, so he did not see a reason “to push” the Board, as “there’s a lot of good faith going on here, so the next scheduled meeting is, we’re first on the agenda.” He said that he “assume[d] that the public comment is closed, so we can get right down to the conditions” as he heard it. He said that that “would all work well for us.” Mr. DiOrio said that the Board “certainly appreciate[d] that kind of latitude”, and that he was “delighted that we don’t have to perform another Special Meeting, given our schedules.” He said that if they could “agree to continue this to the next regular meeting, [he] would be asking for a verbal from the applicant or their representative to get us an extension”. He offered up a word of caution, as the applicant had been “forthcoming with extensions”, but “doling them out like plasma”. He wanted them to “do a little bit better than that, because the applicant has to realize that, in the event that something happens where we cannot attend, or we can’t make the next meeting – there’s a tropical storm brewing, there’s a hurricane, there’s who-knows-what, uh, this project is not going to get approved by default – not on my watch.” He said that he “would respectfully request an extension that exceeds the date of the next regular meeting”, even if the applicant wanted to “make it exceed by a couple of days”, but he did not want “an extension to the next regular meeting”. He “hope[d] we’re on the same page”. Mr. Palumbo said that they were, and that “that’s perfectly reasonable”. Mr. DiOrio asked Mr. Palumbo to pick a date that was “comfortable for [him]”. Ms. Jalette interjected that the next regular meeting was scheduled for September 2<sup>nd</sup>. Mr. Moses suggested September 9<sup>th</sup>, and Mr. Palumbo said that that “seem[ed] like a good, flexible accommodation”. Mr. DiOrio said that he was “on board”, and asked his fellow members for their opinions. Mr. Prellwitz and Mr. Lindelow both said yes.

Mr. Palumbo then asked if public comment was closed. Mr. DiOrio responded that, “technically, this is a Development Plan Review application – it’s not technically a public hearing”, but that his “personal philosophy” is that he “entertain[s] public comment on all applications, whether it’s allowed by the Ordinance or not” as “simple [his] personal take on it.” He said that, “that said, the public has had their opportunity”, and that the Board has “come to the point where there were no more hands raised, so, in my opinion, public comment has run its course.” Mr. Palumbo’s second question was whether or not they would be “first on the agenda”. Mr. DiOrio said that he would leave that “in Mr. Lamphere’s hands.” Mr. Lamphere said that he would have to see, as there could be public hearings, which are normally held first. He said that, in the event there was a public hearing, that discussion would precede this project, but that he would get the applicant’s project “as far as upfront as I can, so we can get rid of this.” Mr. Palumbo said that he would take Mr. Lamphere at his word. Mr. Palumbo’s final comment was that he wanted to take blasting “off the table”, so the applicant could “agree to not blast”.

Mr. DiOrio said that it had been a “very productive meeting in [his] opinion”, and that he would entertain a motion to continue the “Development Plan Review for this project to the – our next – scheduled meeting, which is September 2<sup>nd</sup>.” Ms. Jalette interjected that

the motion should be to continue it until the 9<sup>th</sup>, which was the agreed upon date provided by Mr. Moses.

MR. PRELLWITZ MADE A MOTION TO EXTEND THIS TO SEPTEMBER SECOND, WITH THE POSSIBILITY TO GO TO SEPTEMBER NINTH, PROVIDED THERE'S EXTENUATING CIRCUMSTANCES OF WEATHER OR WHATEVER. MR. LINDELOW SECONDED THE MOTION.

MR. DIORIO ASKED IF THERE WAS ANY DISCUSSION. MS. LIGHT HAD AN ADDITIONAL COMMENT.

She said that she wanted to "elaborate on" her comments in regards to the Fire Marshal approval. She said that what she's "really more concerned about is knowing that there's going to be access for maintenance and emergency vehicles, so, if we can't get the Fire Marshal to wave at us, that's actually the concern that [she'd] like to look at." She said that she would "stop there and say my, uh, vote is yes on continuing on September 2<sup>nd</sup> with the extension to September 9<sup>th</sup>."

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

5-0, MOTION PASSED.

#### **NEW BUSINESS:**

#### **Pre-Application – 4-Lot Minor Subdivision - Rocky Hill Compound – Plat 17, Lot 10, 0 Spring Street. Christine Austin/Triple C, LLC., applicant.**

Before getting to this application, Ms. Jalette explained that the Board had to decide whether they wanted to extend the meeting past the scheduled adjournment time in an "attempt to get to the final item on the agenda." Mr. DiOrio asked the Board to look at their agenda, and explained that it was a "Pre-application for a four-lot, minor subdivision". He wanted to know if the Board was "prepared to extend the, uh, meeting, for a period of time", and asked to make it a "period of time certain" if the Board was "so inclined", or if it should "roll to the next agenda". He said that he wanted to "caution that [the Board had] heard Jim's concerns about the next agenda already", so he was, personally, "okay with a minor revision to our deadline this evening, uh, provided that this application can be heard succinctly." Ms. Light asked if the Board needed thirty, or twenty minutes for discussion. She said that she was "on board, but [she] want[ed] to lock in that time". Mr. DiOrio said that he was going to "recommend thirty minutes" for discussion – "not that the applicant can take thirty minutes, but we have one other agenda item to clear". Mr. Lindelow and Mr. Prellwitz both agreed.

MR. PRELLWITZ MADE A MOTION TO EXTEND THE MEETING UNTIL 10:37 P.M. IT WAS SECONDED BY MS. LIGHT

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

5-0, MOTION PASSED.

Mr. DiOrio said that he appreciated that the applicant had waited for their turn to speak, and then gave a very brief description of the project by reading the heading from the agenda. The application was presented by Christine Austin, the owner of the property, and Jamie Sardelli, of Sardelli Survey.

Mr. Sardelli explained that the property in question is “roughly thirty acres”, and that the applicant would like to break it up into four residential lots. He said that there would be a “fairly minimal private road” leading to the properties, made from gravel. He said that it was going to be a “residential compound, with, uh, about ten acres of open space that the four lots will actually have joint ownership in.” He said that they had gone “a little far beyond what you’d typically see for a concept” at this stage, but the applicant wanted to have the Town weigh in. He said that they “have an engineer on board” who would make “minor revisions”, but that this was their “general concept.” Mr. DiOrio thanked Mr. Sardelli for presenting before the Board, and said that it seemed like a “fairly simplistic project, but, nonetheless, it’s always nice to have an opportunity to review the project at an early stage”. Mr. DiOrio said that the most “poignant” point was the “issue of [their] road terminus. He said that they had a “rather unusual end to [their] proposed road”, and though the Compound Ordinance is “by its very nature, a little bit relaxed”, he said that “[the Board] need[s] to ensure that you can turn an emergency vehicle around at the end of this roadway.” Mr. DiOrio said that he would “only ask that, prior to [their] finalization of [their] design” that they provide it to the Fire Marshal “and all the other emergency folks in Town, to make sure that they’re comfortable with this layout.” He said that his experience was that “typically, pulling into a driveway, or backing into a turnaround is not what we do with emergency vehicles.” Ms. Austin said that she could speak to that. She said that she had “just met with Chief Lee” the day before, and that the “engineer did design it as a hammerhead for emergency vehicles”, and that the letter she had received the previous day indicated that they “were fine with it.” She said that they had “reviewed all the plans”, and that “for a Preliminary plan, they’d accept that hammerhead for emergency turnarounds”, but that “obviously, they’d have to do a final approval”. Mr. DiOrio asked if when Ms. Austin referred to a hammerhead, she was talking about the one currently featured on the plan. She replied that she was. Mr. DiOrio said that it seemed “pretty quirky” to him. Mr. Sardelli said that it had been shown to the Chief, and that he said that they looked good, but that there “were a couple of different things they were will to accept.”

Mr. DiOrio’s only other issue was in regards to the open space for the project. He referred to the proposed thirty-foot access to the open space as “wonderful”, but that the area did not look “incredibly useable” to him. He said that the “Ordinance gives the Planning Board authority, if you will, of the use of the open space”, and that, “given the fact that the open space only seems accessible by crossing some steep terrain and a

wetland, what do you plan to do with that open space?" Ms. Austin said that when you are on the property and you "get up there, it actually levels off really nicely up there, and it's really pretty clear". She said that she's had a few people up there to assess where one would cross the wetlands, and explained that there was already a "pre-existing, old, culvert-type thing", and an "old logging road that goes up there, so that thirty-foot access that goes up there" has been in use. She said that she knew Thompson's Lumber had been up there, as well as other logging entity that she could not remember, who logged the property "two or three times before [she] purchased it", so there is an "old, culvert-type thing over that wetland", which she characterized as a "very small stream". She said that that is something they'd have to look at in terms of "excavation, to kind of flatten those hills a little bit, so it's more accessible." She said that they have been working on that aspect already. She said that they would be getting someone "involved in wetlands to see what exactly we need to do to cross over that wetlands safely and securely", and that that would be in their plan "moving forward". Mr. Sardelli said that the intention was to make that "recreational open space", for the property owners to use "freely" as a "beautiful, natural area on the landscape." He said that no one wants to "mow it down or do anything crazy with it." The access, according to Mr. Sardelli, would be the old logging road, and that there's really "no intentions to develop it further than that", really "other than to enjoy the property for all homeowners". Mr. DiOrio said that he did not see a logging road on Mr. Sardelli's plan. Mr. Sardelli said that the "black, bold line", identified as the "approximate path" was what he was referring to, but that he would show it in more detail if necessary. He said that he wanted to "keep that easement on that space because it's already there." Mr. DiOrio asked if he could "elaborate on that in subsequent plans", and noted that it is "important to the Planning Board" to know the location. He said that establishing a new crossing could create a burden to the applicant, so if they already "have a mechanism, that'll make it a lot easier."

Mr. DiOrio then asked the Planning Board members if they had any comments. Mr. Lindelow said that it seemed "pretty straightforward", and that he would be "in favor" of it. Ms. Light wanted clarification on if there would be future development on the site, particularly in the open space. She wanted to know if it would be "retained for the people in the compound." Ms. Austin replied that it would be, and that there are some "hiking trails, some water", and that it would just be "a nature area for families to go", so there would be "no development, no deforestation, nothing", with the exception of "cleaning up that path a little bit." Ms. Light said that that was "lovely." Mr. Lamphere mentioned that in his memo, he had noticed that the right-of-way was a dead end, not a cul-de-sac, and "where it dead ends, you have the thirty-foot-wide access path." He said that it looked like two of the homes had their driveways connect to the access path, "kind of merge together, almost like a shared driveway", and he thought that that end "of the private drive could be designed a little bit more, um, efficiently." Mr. Sardelli said that they had "an engineer, who's actually reviewing this whole thing", and that this was "a kind of down-and-dirty, I wanted to get something in front of you guys" plan. He said that he would have something "more official" at the next meeting. Mr. Lamphere also said that while it was "all well and good to have the Fire Marshal take a look at a plan, but, um, they're not subdivision designers either, okay, so, we have to come up with something here that the Planning Board is pleased with, and something that, something

that fits our Residential Compound Ordinance in terms of private drives”. There was then some discussion of subdivision standards, and the necessity for access to the homes by residents and emergency personnel alike. Mr. DiOrio said that it’s “not all about the Fire Marshal backing trucks down.” Ms. Austin said that she had someone come down, and that according to the person she spoke to, when it comes to fighting a fire, “they’re not backing up, they’re coming forward, and they’re pulling right up to the home to put out the fire, so the major concern is when the fire is over that they can” exit the site. She said that there seemed to be enough room, with the driveways and roadways, to support emergency vehicle traffic. She said that they wanted to avoid a cul-de-sac because it would require more excavation, it would take up more room than a hammerhead, and it would result in a “lot more trees being cut down”, when they wanted to “keep it as natural as possible”. Mr. DiOrio replied that, “in summary, [he] would be suggesting that [the applicant] work with the Planner to make sure that you’ve got a piece of geometry here that satisfies our regulation, and hopefully satisfies your objectives as well.” Ms. Austin said that that “sounds good.” Mr. DiOrio then asked if there were any other Planning Board members who wanted to weigh in on the project. Hearing none, he said that he was looking forward to seeing the applicant at the next stage of their application. Ms. Austin thanked the Board for getting to them and “keeping [them] moving forward.”

**Discuss possible scheduling of an agenda item at either a future Special Planning Board meeting or future Regular Planning Board meeting regarding discussion of reforestation issues, requested by Planning Board member Carolyn Light.**

Ms. Light explained that she had been working on a “draft forestation agreement” that would not be limited to solar projects, but was “designed to protect and enhance our rural community.” She said that she wanted to be able to put the document before the Board “before we move forward to actually have the discussion.” Mr. DiOrio asked Ms. Light to tell him “how [her] idea would actually be implemented”, and that he was “not looking for details”. He wanted her to “keep it high altitude.” He wanted to know how she envisioned it working in practice. She said that she thought it “had to be addressed at the Town Council level”, and that she would like “direction” from her fellow Board members, in an effort to ultimately craft a “Reforestation Ordinance for our community.” She said that, “in the short term”, she thought that it could have an impact on some of the work before the Board. Mr. DiOrio brought up that there were projects that elected to do reforestation work, like the 310 Main Street solar project.

Mr. DiOrio: “So, here’s a project – it doesn’t really matter that it’s a solar project – it could be anything at all, and the project has a certain life span, and, after this lifespan, the applicant is suggesting that they are going to dismantle their project, and replant it with a certain vegetation program. Now, I think I have maintained, right from the very beginning, that I think that that is the most ludicrous idea that I have ever heard, because we have here a piece of Commercial property – we don’t have a lot of that in Town to begin with – a piece of Commercial property – near one of our Interstate exits, that someone thinks we’re gonna replant with vegetation, twenty-five years from now. Well, listen, I’m not gonna be around in twenty-five years in all likelihood, but I would be really surprised if Hopkinton was planting its Commercial property. I would be really

surprised at that. So, I guess what I'm getting at is, how do you see reforestation on Commercial projects being an idea that we should be thinking about. I don't, I'm not – I don't get it. Explain it to me.”

Ms. Light: “Okay, so we've had some projects actually, uh, be approved, under conditions that they revert back to Residential land. I, I agree with you on a Commercial piece of property, and everything that has been converted to Commercial, uh, there's no financial incentive to do anything else but leave it Commercial land, but twenty-five or thirty years from now, we don't know what the shape of the community is going to be in either, so assuming that there have been conditions set that properties would convert back to the Residential, um, RFR-80, and the reforestation is going to proceed, according to the agreement that we have in place, the forestation agreement gives the Town some leverage to actually make sure it's done properly, and, for instance, um, we talked earlier about the plantings and the success of the growth rate, and how long it's going to take, etcetera, and I think some of what's missing in what we're doing is how that's gonna be managed, and the forestation agreement that I am hoping we can get to discuss actually talks about what happens in one year, what happens in two years, when that forestation is done. For instance, I'd like to see some of the concepts in this agreement apply to the Frontier Road project that we're managing right now. For instance, yeah, we agreed that we're gonna put up the berm, we agree that we're gonna put trees on top of the berm, a year from now or two years from now, when those trees don't survive, what mechanism do we have? We have none right now, except to knock on a door and I think there's an awareness, in the Planning Department, that the responsible parties don't always pick up the phone when there's an issue that needs to be tended to on an existing, operating site. You know, we're short on resources – this also gives us financial resources to actually work the program, because right now, there are, there are no penalties, there's, uh, no incentive for a developer to follow through, um, from an LLC perspective. There really is no incentive for them to follow through, such that the project goes live in November, and in December, the project is sold – how do we follow that? And, how do we enforce our concerns regarding the buffering, the views of the residents, etcetera? So, yeah, assuming twenty-five years from now, a Commercial piece of property is gonna be reverted back to its RFR-80, um, I'd like to see some kind of security in place that's going to favor the community.”

Mr. DiOrio: “Okay. Uh, I'm, I'm certainly okay with pursuing any idea that a Planning Board member brings forth, so, if you want to give this the light of day, I will do everything that I can to facilitate it. I will be, I will admit that I am somewhat skeptical of how the whole thing works, but, I guess you're going to elaborate on that for me.”

He then asked other Planning Board members for their thoughts. Mr. Lamphere said that he thought that he heard Ms. Light say that she wanted the draft before the Board before the next meeting, so he asked her what she would like him to do in regards to that aspect of the process. Ms. Jalette said that maybe asking Mr. Clough how to proceed may be useful. Mr. Clough replied that it could be provided to the Board as a whole prior to a meeting, or it could be given to Board members individually and they could digest it and then a meeting could be set after the draft had been received by the Board. Mr. DiOrio said that he would leave it up to Ms. Light. Ms. Light said that she wanted to see this issue on the agenda, and that she would like the draft to go to the Board members, but

before that, for it to be “food for thought” that the Board could “ponder”, so “when we eventually do get to have a formal discussion about this, we’ll be able to be a little more productive, because there’s obviously going to be some skepticism about the approach”. She said that this approach is being “taken in a lot of other communities around the country”. She wanted the Board to think about it, and decide if they want to pursue it further, but she “want[ed] that thought process there”. Mr. DiOrio asked if he could distribute the information to the Board in advance, and then put this on an agenda for some type of initial discussion. He said that Mr. Lamphere indicated that to give this “adequate time”, a workshop environment may be required, instead of a regular meeting. Ms. Light said that she liked the idea of a “workshop environment”, and that that would “be the more appropriate avenue to take”. She agreed that the document should be sent out beforehand, and, at the next meeting, a date for a future workshop could be discussed. Ms. O’Leary said that if a workshop was going to take place, that the Conservation Commission would also be interested.

**SOLICITOR’S REPORT:**

None.

**PLANNER’S REPORT:**

None.

**CORRESPONDENCE AND UPDATES:**

None.

**PUBLIC FORUM:**

None

**DATE OF NEXT REGULAR PLANNING BOARD MEETING:** September 2, 2020

MR. PRELLWITZ MADE A MOTION TO ADJOURN THE MEETING. IT WAS SECONDED BY MR. LINDELOW.

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

ABSTAIN: NONE

OPPOSED: NONE

5-0, THE MOTION PASSED.

Talia Jalette, Senior Planning Clerk