

**TOWN OF HOPKINTON, RI  
CHAPTER 266**

**AN ORDINANCE IN AMENDMENT OF MAP 13 OF THE FUTURE LAND USE MAP OF  
THE COMPREHENSIVE PLAN OF THE TOWN OF HOPKINTON, AS AMENDED**

**It is ordained by the Town Council of the Town of Hopkinton as follows:**

**SECTION I: FURTHER AMENDMENT TO MAP 13 OF THE FUTURE LAND USE MAP OF  
THE COMPREHENSIVE PLAN OF THE TOWN OF HOPKINTON, AS AMENDED**

**This Ordinance shall take effect upon passage subject to the fulfillment of all of the conditions set forth in the decision identified as Exhibit A attached hereto and incorporated herein.**

**EXHIBIT A**

**TOWN OF HOPKINTON, RHODE ISLAND**

**TOWN COUNCIL**

**DECISION**

A public hearing was held on March 25, 2019, April 22, 2019, and May 13, 2019 on the consolidated Petitions for Comprehensive Plan Future Land Use Map Amendments to Map 13 and on the consolidated Petitions for Zoning Ordinance Amendments filed by Atlantic Solar LLC, 260 West Exchange Street- Ste. 102A, Providence, RI 02903, Gordon Excavating, Inc., 15 Cold Spring St., Providence, RI 02906, and Donald G. Gordon, 11 Anderson Rd., Pomfret Ctr., CT, 06259, the land owner, for property located at 0 Arcadia Rd. & 0 Lisa Ln. identified as Plat 18, Lots 8 & 13, an RFR-80 Zone, and filed by Atlantic Solar LLC, 260 West Exchange Street- Ste. 102A, Providence, RI 02903 and Hopkinton Land 1, LLC, 260 West Exchange Street- Ste. 102A, Providence, RI 02903, the land owner, for property located at 145 Skunk Hill Rd. identified as Plat 18, Lot 14, also an RFR-80

Zone; all filed in accordance with Chapter 16 of the Zoning Ordinances of the Town of Hopkinton , as amended. The referenced consolidated Petitions proposed to install ground-mounted photovoltaic solar arrays on the properties in question, and such use would necessarily require approval of the proposed consolidated Comprehensive Plan Future Land Use Map Amendments from Low-Density Residential to Commercial, and Zoning Map Amendments from RFR-80 to Commercial.

Following deliberations by the Hopkinton Town Council on June 10, 2019 for the Petitioners' proposal to install solar arrays involving the erection and installation of solar panels on the parcels which combined consist of approximately 168.6 acres in order to generate approximately twenty (20) megawatts AC of energy requiring a Zone changes for the parcels from RFR-80 to Commercial in accordance with Section 16[A] – [E] of the Zoning Ordinances of the Town of Hopkinton as amended, an (amended) motion to approve the consolidated Petitions was made by Councilor Thompson and seconded by Councilor Capalbo. The Town Council voted to approve said consolidated motion allowing the consolidated Petitions by a 3-2 vote, incorporating the below-listed Findings, and subject to twenty (20) Conditions, which are set forth below in their final form.

### **Findings**

Subject to the Conditions which follow, and based upon the evidence and testimony of record presented and submitted at the March 19, 2018 hearing, the proposed consolidated Zoning Ordinance Amendments and the Proposed Comprehensive Plan Future Land Use Map Amendments to Map 13 are all consistent with the authority reserved to the Council under the Comprehensive Plan to identify those areas in Town where such uses are appropriate, and to identify the conditions under which such uses may exist; that the changes proposed will provide benefits to the Town in terms of enhanced tax revenues to be received from the property as result of the development of the solar arrays; that the changes proposed will promote an important local, state and national objective seeking alternative

energy sources that are safe for the environment and the citizens of Hopkinton; that the proposed changes will not adversely affect the health, safety or welfare of the Town and are in the best interests of the community; that the proposed changes are suitable to the character of the location in question and constitute a non-noxious use; and that the proposed use is in conformance with the provisions of the Comprehensive Plan, including but not limited to Conservation goal #1, to promote conservation of Hopkinton's natural resources, particularly the protection of ground and surface waters, with Natural Resources Goal #1, to preserve, conserve and protect the significant natural resources of Hopkinton as an endowment for the future of the Town, with Public Services and Facilities Goal #3, to provide a safe, high quality and sufficient drinking water supply to the town along with effective wastewater management and solid waste disposal reduction which is sensitive to environmental concerns and growth management, and with Public Services and Facilities Goal #5, to reduce Hopkinton's energy consumption and help implement Recommendation 14, which is to evaluate the feasibility and costs of installing photovoltaic and/or wind -powered electricity generating technologies, and recommendation 18, which is to expand the current zoning regulations' allowance of photovoltaic installations in residential districts. The adoption of these consolidated amendments to the Comprehensive Plan Future Land Use Map and Zoning Map are consistent with the Town of Hopkinton's Comprehensive Plan's objective LU-1 restricting potential polluting land uses from an aquifer protection zone or area, and with the Plan's goal ED-3 targeting development that is consistent with eliminating anything that is adverse to the quality of life including establishing business interests that will have limited to no adverse impact to the environment.

### **Conditions**

As conditions for the approval of the proposed changes, the Petitioners and/or their successors- in-interest, must adhere to the following:

1. The zoning district classifications for these parcels are changed from Residential RFR-80 to Commercial with the restrictions that the property's use hereafter shall be limited to use code 486 "Photovoltaic Solar Energy Systems" with no other commercial use of the property authorized hereunder, along with the restrictions further placed upon the use stated in Chapter 134, Section 5.3, along with the expectation that the Commercial zoning designation for the properties in question should revert back to RFR-80, subject to further public hearing and action of the Hopkinton Town Council, once the proposed use and/or actual use of the property as an operating Photovoltaic Solar Energy System is abandoned or terminated. This change is subject of the condition that the applicants have received assurances from National Grid that the use of the properties as an operating Photovoltaic Solar Energy System as proposed that such an interconnection approval will be given final approval by National Grid at the appropriate time, which is at the completion of the combined project.
2. All decommissioning and other provisions in place for Photovoltaic Solar Energy Systems as set forth in Chapter 134 as amended, as well as under Hopkinton Planning Board requirements, shall be complied with, including but not limited to the posting of a decommissioning cash escrow bond in the amount to be determined by the Planning Board.
3. In conjunction with the decommissioning and other provisions referred to above, and in addition to the decommissioning cash escrow bond described above, the Petitioners shall prepare a re-forestation plan to be approved by the Planning Board and post an additional cash escrow bond in a reasonable amount to be determined by the Planning Board designed to ensure implementation and completion of the re-forestation plan so approved.
4. The bottom of the perimeter fencing required by Section 5.3 of Chapter 134 shall be raised six inches (6") above the ground so as to allow migratory passage of small species through the site;

5. The Petitions shall prepare and submit to the Planning Board for approval a reasonable plan designed to sustain the native animal species in and around the solar array facility during its construction and its operation until the facility's closure.

6. To the extent applicable, the applicants shall prepare and submit to the Planning Board any and all applications and supporting documentation necessary to obtain from said Planning Board through its normal subdivision approval process any and all subdivision approvals as may be required to create any new parcels of land that are part of the application process; and further, should said applications for subdivision approval be approved, the applicants thereafter shall conform with any and all conditions of said approvals.

7. While operating, the noise levels from the inverters within the solar array shall not exceed the World Health Organization's standard of 40 decibels measured at the properties' boundary lines where the solar arrays are situated. The applicants shall pay for an independent qualified company selected by the Town to conduct appropriate sound testing before logging an construction have commenced and again after the project is completed and operational.

8. During the site preparation and installation stages of the construction of the solar arrays, such work shall be performed only during the Monday through Friday workweek, and only between the hours of 8:00 a.m. and 5:00 p.m.

9. Requested waivers that were requested by the applicants, including septic systems and evidence off water supply, are hereby approved.

10. Prior to construction, applicants will sign Appendix B to RIDEM's sample Storm Water Facility Maintenance Agreement between the Town and landowners.

11. During construction, no blasting is allowed and no chemicals or herbicides shall be allowed during or after construction, or thereafter for maintenance purposes. All topsoil will remain onsite and the Town's designated engineer or representative shall be allowed to do periodic inspections, and the applicants shall reimburse the Town for this cost, and the applicants and/or their respective successors in interest shall be required to submit any and all inspection reports to the Town Manager or his representative every month during construction of the project.

12. After the completion of the project, the applicant and/or successors will allow the Town to conduct an inspection in April of every year for the life of the project and will reimburse the Town for this cost.

13. The applicants will construct a 175-foot setback from Skunk Hill Road with 12-foot berms along the approximately 800-foot frontage along Skunk Hill Road. Also, the applicants will construct 12-foot berms along the eastern border with 120-foot wetlands and shading setback from the tree line. Evergreen trees will be planted along the top of the berm with shrubbery along the sides in order to shield the panels from being seen during any season from Skunk Hill Road.

14. The applicants will protect the view scape so that no installed solar panel is visible from the first floor of any abutting neighbors' homes following construction of the arrays.

15. On the applicants' approximately 98 acre parcel designated as Plat 18, Lot 14, after the completion of the clearing of trees necessary for that parcel's arrays, there shall remain approximately 42.5 acres of forested land. On the approximately 70.6 acre parcel designated as Plat 18, Lots 13 and 8, after the completion of the clearing of trees necessary for that parcel's arrays, there shall remain approximately 46.1 acres of forested land.

16. Logging and debris removal will be done primarily onto Skunk Hill Road. No offloading of machinery is allowed in the public roadways.

17. The area known as Goat Rocks will be preserved and protected.

18. Other than water and seed, no chemicals, fertilizers, weed killer or any other lawn care products will be allowed on the site. The applicant will create a pollinator habitat plan and submit it to the Planning Board for review and approval.

19. The applicants, with RIDEM approval, will interconnect to the grid via underground cables to the maximum extent possible and allowable by National Grid and exit onto Arcadia Road. The Applicants further agree to relocate the transformers and/or electrical switching station depicted on the original plans designs onto a more central location within the parcel known as Plat 18, Lot 8. The setbacks from the solar panels to abutter property lines near Lisa Lane, Frances Barber Drive, Beverly Ann Drive and Grancera Drive shall not be less than 300 feet.

20. The Lisa Lane access road to the parcel formerly known as the Gordon property, Plan 18, Lots 13 and 8, will be eliminated. The applicants shall provide fire and emergency training to local fire and ambulance services of a nature related to the types of fires and injuries reasonably connected with fires involving solar arrays used for the commercial generation of electricity. The applicants and their successors shall obtain and maintain personal property and liability insurance for the site, as well as related business interruption insurance and available secondary insurance with or through the manufacturers of the solar panels to be used in the arrays.

**Adopted: June 10, 2019**

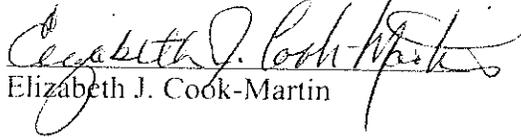
Approved as to Form:



Frank Landolfi, Council President

Dated: July 15, 2019

ATTEST:



Elizabeth J. Cook-Martin

Dated: July 17, 2019

Received for [unclear] July 18, 2019  
9:00 A [unclear] 0570 page 541  
[unclear] - Witness Town Clerk

**TOWN OF HOPKINTON, RI  
CHAPTER 267**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 134 OF THE TOWN ORDINANCES OF  
THE TOWN OF HOPKINTON, AS AMENDED**

**It is ordained by the Town Council of the Town of Hopkinton as follows:**

**SECTION I: AMENDMENT TO CHAPTER 134 OF THE TOWN OF HOPKINTON  
ZONING ORDINANCE, AS AMENDED; THE TOWN OF HOPKINTON ZONING MAP  
OCTOBER, 1994 IS HEREBY AMENDED AS FOLLOWS:**

**This Ordinance shall take effect upon passage subject to the fulfillment of all of the conditions set forth in the decision identified as Exhibit A attached hereto and incorporated herein.**

**EXHIBIT A**

**TOWN OF HOPKINTON, RHODE ISLAND**

**TOWN COUNCIL**

**DECISION**

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energy sources that are safe for the environment and the citizens of Hopkinton; that the proposed changes will not adversely affect the health, safety or welfare of the Town and are in the best interests of the community; that the proposed changes are suitable to the character of the location in question and constitute a non-noxious use; and that the proposed use is in conformance with the provisions of the Comprehensive Plan, including but not limited to Conservation goal #1, to promote conservation of Hopkinton's natural resources, particularly the protection of ground and surface waters, with Natural Resources Goal #1, to preserve, conserve and protect the significant natural resources of Hopkinton as an endowment for the future of the Town, with Public Services and Facilities Goal #3, to provide a safe, high quality and sufficient drinking water supply to the town along with effective wastewater management and solid waste disposal reduction which is sensitive to environmental concerns and growth management, and with Public Services and Facilities Goal #5, to reduce Hopkinton's energy consumption and help implement Recommendation 14, which is to evaluate the feasibility and costs of installing photovoltaic and/or wind -powered electricity generating technologies, and recommendation 18, which is to expand the current zoning regulations' allowance of photovoltaic installations in residential districts. The adoption of these consolidated amendments to the Comprehensive Plan Future Land Use Map and Zoning Map are consistent with the Town of Hopkinton's Comprehensive Plan's objective LU-1 restricting potential polluting land uses from an aquifer protection zone or area, and with the Plan's goal ED-3 targeting development that is consistent with eliminating anything that is adverse to the quality of life including establishing business interests that will have limited to no adverse impact to the environment.

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**Adopted: June 10, 2019**

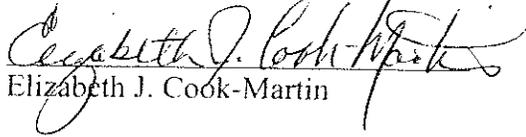
Approved as to Form:



Frank Landolfi, Council President

Dated: July 15, 2019

ATTEST:



Elizabeth J. Cook-Martin

Dated: July 17, 2019

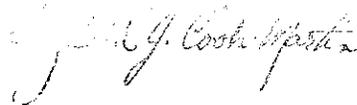
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Witness Town Clerk