

**TOWN OF HOPKINTON
PLANNING BOARD**

REGULAR MEETING

Wednesday, November 4, 2020

7:00 p.m.

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

CALL TO ORDER:

Chairman Alfred DiOrio called the November 4, 2020 Regular Meeting of the Hopkinton Planning Board to order at 7:04 p.m.

MEMBERS PRESENT:

Chairman Alfred DiOrio, Town Planner James Lamphere, and Senior Planning Clerk Talia Jalette were the only people present in Town Hall, as the meeting was conducted remotely. Planning Board members Ronald Prellwitz, Emily Shumchenia, Carolyn Light, and Keith Lindelow were in attendance via Zoom. Sharon Davis, Town Council Liaison, and Deb O’Leary, Conservation Commission Liaison also participated via Zoom, as did Planning Board Solicitor Sean Clough.

APPROVAL OF THE MINUTES:

MR. PRELLWITZ MADE A MOTION TO APPROVE THE MINUTES. THIS WAS SECONDED BY MS. LIGHT.

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

5-0, MOTION PASSED.

OLD BUSINESS:

Development Plan Review — Photovoltaic Solar Energy System – Revity Energy, LLC – Main Street at Route 95, Exit 1 and 46 Gray Lane – AP 7, Lots 62C, 64, and 65. Revity Energy, LLC., applicant.

Attorney Kerin Browning appeared before the Board with her client, Ralph Palumbo, of Revity Energy, and provided some basic information about the applicant’s proposal. She explained that they were presenting a “solar, uh, development at 0 Main Street and 46 Gray Lane”, which would be comprised of three lots – 62C, 64, and 65. She said that the

“combined acreage of those three lots [was] 29.04 acres”, and that the proposal was “for an 8.25 megawatt AC solar array”. She explained that there were a number of team members who would be presenting before the Board “the application materials that have been submitted.” She gave a brief introduction of each of the experts before returning to her general introduction of the project. Ms. Browning stated that the project would be “located in the Hopkinton Industrial Park”, which “is currently vacant.” She said that the property was zoned Commercial, “so the solar use is allowed by right”, and that the proposal before the Board met “all [of] the dimensional standards”, so the applicant was “not seeking any dimensional relief.”

She continued, stating that this particular application had last appeared before the Board on May 6, 2020 for a Pre-Application meeting. She said that in that time, the applicant “had confirmed with the Zoning Official at your Planner’s request” to determine the “frontages and the required setbacks for the property.” Ms. Browning said that the plans “abide[d] by, by those details”. She also noted that the plans had “also been submitted to the Fire Marshal for review”. State permit applications had been submitted “to both Rhode Island DEM and DOT and are currently pending”. Ms. Browning then asked that the reports provided by the applicant “be accepted and be made part of the record”, as they would “be referring to them at various times during the presentation”, and she thought it “might speed things up.” Mr. DiOrio said that her request was “noted.” Ms. Browning then turned the presentation over to David Russo, from DiPrete Engineering.

Mr. Russo, a professional engineer and project manager for the proposed project began by explaining that the site “has multiple frontages on Gray Lane”, and that it would be “located east of Gray Lane, southeast of Route 95, and west of, uh, Route 3.” He said that there were three wetlands on the site that had been flagged, and that the flagging had been done by Natural Resource Services. The one is located “in the southeast corner of the property”, while another “is located on the eastern edge of the property.” The third is situated on “the northeast section of the property”. He continued.

Mr. Russo: “When you look at the site, there’s a swath of land located between our property and Route 3. Uh, we met, or spoke to, the Zoning Official, and they issued a letter that, uh, this development as it’s shown meets the Zoning Code, and there were some questions about that, that piece of land, and that land, uh, that’s east of our property, between our property and Route 3 is actually part of a right-of-way, um, so there’s no, uh, additional area to the east, it’s just the way, it just gets really wide as you get to the, uh, um, that area.”

Mr. Russo stated that a Class 1 Survey had been completed by DiPrete Engineering, which had been “submitted as part of the plan set.” He said that “the existing ground conditions on the property, uh, on the west side of the property, uh, off of Gray Lane, uh, that area was historically, uh, looked like it was farmed in the past, so it’s mostly low-lying vegetation in that area.” He said that moving further west, “the topography starts to increase, or incline, up to a high point” in the eastern area of the site, which is “mostly wooded vegetation.” He said that “as it goes up to that high point, it drops back down, uh, to Route 3, towards those, uh, low-lying wetland areas.”

Mr. Russo continued, and explained that the proposed layout for the site had been presented to the Town's Zoning Official, and that "they've signed off on that, and issued a letter on that." He continued.

Mr. Russo: "We've, uh, completed the storm water design and analysis of this site, and the proposed grading on the site, um – we're proposing three, uh, ponds, pond areas on the site, two infiltration ponds and one detention pond, and then we have an access road that runs from Gray Lane, uh, across the site to close to the intersection of Main Street and Frontier Road. The majority of the grading on the site is within those areas – uh, the rest of the site, we've tried to maintain the existing grade as best as possible, uh, there's some small, uh, steep sections up at the top of the, the, um, the site in the east that we're proposing to kind of just smooth out, so the panels can go across those areas, but they're very, um, insignificant areas."

Mr. Russo then stated that the array would be "surrounded by a security fence, and that fence is 21.4 acres, which is below the seventy-five percent requirement in the Town Ordinance." He said that the storm water design application had been submitted to the Rhode Island Department of Environmental Management, and that it was pending before them. He explained that "part of that application, we were required to show no increase in storm water flow, uh, to the wetland areas or abutting properties." He said that the applicant had also been "required to submit an operation and maintenance manual for the maintenance of these systems long-term", as well as a "soil erosion and sediment control plan, uh, for during construction". He said that the access depicted on the plans located off of Main Street "is connecting to a State right-of-way and State roadway, so [the applicant was] required to submit a RIDOT physical alteration permit for that connection". He explained that that had been submitted, and was "pending review." He then detailed where the proposed interconnection would be, as well as the location of the proposed utility poles.

Mr. Russo: "The Main Street entrance to the property, uh, is where the, uh, proposed interconnection will be. Uh, the interconnection will go across the street to Frontier Road, and down Frontier Road, um, and it catches up with the Frontier Road, uh, solar development. Improvements also. The utility poles – there'll be a few above-ground utility poles, coming off the Main Street. Uh, National Grid's still working on that final design. And then, typical to other solar sites, after those first, uh, few above-ground poles, any electrical work after that, uh, would be underground, uh, through the site."

He then explained that the array would feature ground-mounted panels, "typical to other sites, with the ground-mounted tilt." He said that the "front lip [of the panel] sits about three feet off the ground, and the back can range anywhere from eight to twelve feet." He said that the applicant had submitted their plans to the Fire Department, and that they had also spoken with the directly. Mr. Russo stated that "at this moment, [the Fire Department] didn't have, uh, any concerns, but they would complete a full review after the, uh, assuming Town approval is granted."

Mr. Russo said that, “typical to any solar site, there will be construction traffic, but, following construction of the site, the only traffic is periodic maintenance of the site, of whether that’s electrical, or, uh, maintenance of the grass or the pond areas.” He said that the applicant was not proposing water or sewer service to the site, nor were they proposing any lighting for the site. He also mentioned that a decommissioning estimate had been provided to the Town, totaling “approximately two hundred and thirty-one thousand dollars”, which was “similar to the one that was submitted, um, for [the applicant’s] Frontier [Road project].” Mr. Russo concluded by touching on the Landscape Plan, prepared by John Carter and Associates. He explained that that would address the buffering to the site, and that Mr. Carter would “speak further to that tonight.” Mr. Russo then said that he would be available to answer and questions, but that he was not sure if the Board wanted to ask questions at the end of the applicant’s presentation, or if they wanted to ask questions of each expert after the conclusion of their testimony. Mr. DiOrio replied that, at least for Planning Board members, he wanted the question and answer period to be conducted after each expert presented. He asked if any Board members had any questions for Mr. Russo.

Ms. Shumchenia asked Mr. Russo if the proposed project would be “connected to the Frontier Road project”, and if he could describe that connection a little bit more. Mr. Russo responded that it would be “in terms of the utility”. He elaborated further.

Mr. Russo: “So, Frontier Road requires, um, utility upgrades on Frontier Road, pole, pole upgrades, and the poles from this site, off from Main – from this property, would end up going down Frontier and work into the, those upgrades of the poles. Because the Frontier Road interconnection’s right off that entrance to the, um, old Pavilion area.”

Ms. Shumchenia thanked Mr. Russo for his response. Mr. Prellwitz then asked “would this interconnection be separate from the existing pole line, or would it be incorporated into that as more of a visual concept than anything else.” Mr. Russo replied that, if he understood Mr. Prellwitz’s question, that “it’d be interconnected with the same – it wouldn’t be two separate, if that was the question.” Mr. Prellwitz said that it was, but that “what’s more in [his] mind if it’s not going to be two rows of poles – it’ll be along the same line, so there’ll be one [row of poles].” Mr. Russo replied that that was correct. Ms. Light said that she had a general question, and it was one that she “had will all of the solar projects that have come before us.”

Ms. Light: “You can give me the general answer. Um, you know, you’re telling us that ‘the Grid is working on the design’. Before that, the Grid has communicated to you that they are prepared to accept the electricity that you guys are offering. How do you get that acceptance? It comes in a formal communication, right? Do you have a letter from National Grid saying that they will accept your product?”

Mr. Palumbo responded. He replied that the applicant goes “through a process for National Grid”, and then explained what that process entailed.

Mr. Palumbo: “We do a Feasibility Study first. Uh, that Feasibility, uh, Study tells us what the upgrade requirements are to, uh, install a project of this size, and for National Grid to accept it, we’ve done that, and we have that back from National Grid, um, and we’ve submitted for our High Impact Study, that it, that Impact Study is on hold right now, because National Grid is doing what’s called an Area Cluster Study. They’re taking all the solar projects in this area of the State – Richmond, Hopkinton, and Westerly, and they’re looking at them together, to see how they impact the system in determining if, and to what extent, transmission upgrades are required, and when they finish that Study, they reconvene with the Impact Study, and then, eventually, they give us an Interconnection Services Agreement, which is the contractual agreement for them to interconnect us. So, it’s a process.”

Ms. Light: “It is!”

Mr. Palumbo: “Yes.”

Ms. Light then suggested that the applicant must have received a letter of acceptance for their project on Frontier Road. Mr. Palumbo replied that they had “a Feasibility Study that shows that we can interconnect, and they’re in the same processes as [he] just described.”

Mr. Palumbo: “The Area Cluster Study, Carolyn [Light], uh, is – has all projects in this area on the same time table. We are waiting for National Grid to finish that Area Cluster Study, and I expect to get that back in December, January of next year.”

Ms. Light replied that what brought her “to this point” was that, “in [her] mind – and this doesn’t come from anywhere else but [her] own warped thinking – how much solar energy can the National Grid actually accept from our community.”

Ms. Light: “So, I guess what I’m asking you for is verification and validation that if we go through this project, and I don’t think it would be as expensive as the Frontier Road program, but as we go through this project, we would like to get that guarantee in place that your program is actually going to be plugged in, and the Grid is going to accept it. So, that, that’s where I’m coming from, and I appreciate the explanation, and I think probably more of a concern for you than it would be for me, right?”

Mr. Palumbo replied that he thought that that was “a fair assessment.” Ms. Light did not have any additional questions at that time. Mr. DiOrio asked if there were any other Board members who had questions for Mr. Russo. When he did not hear from any other Board members, Mr. DiOrio made his own comment. He said that they were at the “overview stage”, so he would “get [his] comment out early in the game”, though he did not “know if [the applicant] want[ed] to deal with it now” or if they would “deal with it a little bit later.” He continued.

Mr. DiOrio: “I’m pretty sure that when this application came before us previously, I expressed some concerns about the proximity of the panels to the southerly boundary of 95. Uh, doesn’t look like that comment was embraced. Somebody care to explain what’s going on here?”

Ryan Palumbo, from Revity Energy, responded to Mr. DiOrio's query. He said that based on Mr. DiOrio's comments, a "supplemental buffering of trees in that area to further block the view that [he was] referring to" was proposed. He said it would be discussed in greater detail by Mr. Carter during his presentation of the Landscaping Plan. Mr. DiOrio replied that he was "not seeing that on the plan", but that they would "wait until Mr. Carter cares to address it." Finding that there were not any additional questions or comments for Mr. Russo, Mr. DiOrio asked Ms. Browning to provide the Board with her next expert. She asked Nicole Mulanaphy from Sage Environmental to speak to the Environmental Impact Statement that had been submitted as part of the application.

Ms. Mulanaphy explained that she is a registered professional engineer in the State of Rhode Island, and that she "conducted an Environmental Impact Statement for the development that has been submitted to the Board." She stated that the "objective of the Environmental Impact Statement was to understand the potential impacts on the environment due to the solar development". She said that when she used the word "environment" in the Environmental Impact Statement, "what [she was] referring to" are "the geology and the soils, hydrology and water quality, floodplains, wetlands, wildlife habitat and vegetation, visual resources, air quality, noise, transportation, cultural resources, and solid and hazardous waste, and how they would be impactful, um, to the environment." She said she was going to provide a "brief overview of the findings", but that "additional details are available in the Environmental Impact Statement." She then began her testimony.

Ms. Mulanaphy: "So, as already expressed, the area, the site, is zoned Commercial, and it is located in the Industrial Park in Hopkinton. It abuts an existing solar facility that's not developed by Revity – by another development – and it also abuts 95, and there's no Residential properties, um, that surround it. There is forty-two string inverters that are proposed to, to go in, with four Cooper Power series transformers. The transformers will use Envirotamp, which is the environmental-friendly transformer oil, and, located on the equipment pads, where the transformer, transformers will be located will include containment that is sufficient to contain at least one hundred and twenty-five percent of the fluid that's found in the transformers. Um, if you look in the Environmental Impact Statement, there is additional details on that containment system, as well as the safety data sheets for Envirotamp. The site will be surrounded by a fence, um, and that fence will be elevated approximately six inches, and that will allow for the passage of small animals to, to go through the development area. There's no planned use of chemicals, solvents, or herbicides, um, when – during – the operation and maintenance. And, so, um, the soils – there's, there's no expected impacts to the soils because, um, after construction, they're going to be stabilized and vegetated, so there's no impacts associated. There is some prime farmland that is denoted in the, that western, um, portion of the site that is wedged between 95 and the solar farm, um, but the installation of the solar panels will not have any permanent effects on the soil, and it would not necessarily inhibit the future use of the land for agricultural purposes. The installation is ground surface, so there's minimal excavation expected, so there would be no ground water impacts expected. Um, Natural Resource Services conducted a Wildlife Habitat

Assessment, and, um, from that, they, they looked at, um, wetlands, and marked the wetland areas as, um, Mr. Russo had discussed, and there's no expected impacts to the wetlands, because they're going to be protected, and there'll be a fifty-foot buffer around them, and when they were out there, they did not observe any vernal pools. Uh, they concluded that the most valuable habitat within the site exists along the rivering, river, riverine wetland area, um, that is in the southern portion of the site, and in that area, there's not going to be any development, so the forest canopy will be preserved in the current value of the travel corridor for the wildlife will be maintained, so there's no impacts associated, expected with that, um, and there's no impacts expected with threatened or endangered species, because there's none known on the site, but Mr. Rabideau from Natural Resource Services is here to answer any additional questions that you have on the Habitat, um, Assessment conducted for that. We also looked to see if there was any concerns from flooding, and it's not located within any flood plains, and we looked at the, the forest conditions. Land Management Services conducted a Forest Assessment, and, um, Marc Tremblay is available if you have any questions on the, the forest conditions, but the conclusion of the, the Assessment was that it is mostly comprised of abandoned upland fields, at various stages of reforestation through a successional process, and that the understory is comprised by the heavy presence of non-native, invasive plants, with shrubs and vine and honeysuckles, and multiflora rose shrubs, that are impacting the native plant conditions. A Noise, um, Assessment was also conducted, and that was evaluating to determine what the off-site noise at the property line – let me rephrase that – at the property line, and it was determined that noise would be, uh, less than forty decibels, with the addition of a sound barrier on the inverters. So, the Noise Assessment concluded that, um, a noise reduction coefficient of .27 or greater would be needed. So, what that means is a barrier would need to go around the inverter, such as a wooden fence. The specific location and design of those barriers, though, would be determined following the post-construction Environmental Noise Assessment. That would be conducted within ninety days of the solar, solar farm becoming operational, and the reason for that is that it's expected that the combination of the environmental conditions, the trees and the shrubs, and some other site-specific features, such as the fence, uh, will serve to dampen some of those additive noise levels, and it's possible that, um, because conservative assumptions were made with the noise assessment, such as not allowing, or allowing, the continual spread of, of noise, and not having any dampening effects, um, that there's the potential that there may not be a need for sound barriers. There's no need for lighting, so there's no impacts from light pollution, and then we looked at the cultural and historical side, and the Public Archaeological Laboratory, commonly referred to as PAL, conducted a Phase I Archaeological Survey to determine if there was any significant archaeological deposits in the solar development area, and it concluded that [if] there are any archaeological deposits that were within the development area [it] is unlikely to yield significant new information, and was not recommended for listing in the State or National Register, and no additional archaeological investigation was recommended. This was submitted to the Rhode Island Historical Preservation and Heritage Commission, and they concurred with PAL's assessment. They did, um, note that there are three historical cemeteries that are located on the site, but each cemetery is located further than twenty-five feet from the development activity, so it was concluded that there's no impact to historical or cultural,

um, items. Visual – the goal, the overall goal of the site design is to minimize any visual impacts of the property, uh, so, it was determined that the impacts would be negligible during operation and maintenance, so that the conclusion to that was that the construction activities that are associated with the installation of the solar project will produce some minimal adverse effects, however, that would be consistent with any Commercial or Residential development. It's not specific to just solar development, and there are minimal wildlife impacts expected, because the most valuable habitat area is not part of the project development area, and that during the thirty years that the site would be operated and maintained as a, as a solar development, there are no expected impacts. Um, the design of the solar development is being done to minimize the removal of vegetation, and will include buffering and screening to avoid adverse visual impacts to any of the adjacent product – properties, sorry. The use of the site as a solar farm would have no long-term permanent effects on the land, and would not necessarily inhibit the future use of the land for residential or commercial or agricultural purposes in the future.”

Ms. Mulanaphy concluded by stating that if any member of the Board had any questions, she would be happy to answer them. Mr. DiOrio asked the members if they had any questions for Ms. Mulanaphy. Mr. Prellwitz and Mr. Lindelow both replied that they did not have any questions for her. Ms. Shumchenia said that she had a question, before Ms. Light chimed in to say that she did not have any questions.

Ms. Shumchenia asked what the “total acreage of trees and vegetation to be removed on these parcels.” Ms. Mulanaphy replied that “the forested area that’s planned for clearing is approximately 22.75 acres, and of that 22.75 acres, seventeen acres is the solar panels, so that additional area is being cleared for the shade - to not impact from a shading perspective.” Ms. Shumchenia replied.

Ms. Shumchenia: “Okay, so 22.75 acres will be cleared, and that, in, in your Assessment amounts to ‘minimal adverse effects on the existing environment and ecology’?”

Ms. Mulanaphy: “Right, I mean, it’s zoned for Commercial, so if there was going to be another Commercial property put in there, there would be clearing associated with that as well. So, looking at it from after the system has been put into place, what would the impacts be, and from the anthropogenic activity, a solar farm would be less impactful than some other Commercial development.”

Ms. Shumchenia: “I will agree to disagree. Um, but, uh, basically, my assertion is that this actually constitutes quite a drastic change, um, to the existing environment and ecology, and I would ask that the Environmental Impact Statement be honest about that, um, and state the total acreage of trees to be removed, um, and this can all be in the Executive Summary, right up front, so that folks are aware, um, of the realistic impacts of this project and they’re all on the table.”

Ms. Mulanaphy: “The information is in the Environmental Impact Statement. It’s on Page ten, in Section 2.3.”

At this point, Ms. Browning interjected.

Ms. Browning: “This is Attorney, Attorney, uh, Kerin Browning, on behalf of the applicant. To be clear, um, and, and to, I agree with Nicole [Mulanaphy]’s assessment, and, and let’s be clear – this is a Commercial zoned property. Um, the property owner has rights, um, to develop that property. The Town of Hopkinton has a Zoning Ordinance, um, and, uh, Subdivision Reg[ulation]s in this case, a Development Plan, uh, Review set of Reg[ulation]s, all which, uh, guide and restrict a property owner when seeking to develop their property, and, in this case, in a Commercial way. Um, this project conforms to that, to the, to your Ordinance and to those Regulations. Um, I understand the concern, uh, but, um, this project has been purposely designed, uh, to conform with both of those things as well as, uh, a DEM permitting review, um, using best management practices, um, so, to say that it has, uh, you know, it’s not meeting one of – potentially not meeting one of the, uh, requirements – it is just simply not correct. Um, the, and, and, and, to piggyback on what Nicole [Mulanaphy] said, uh, we are clear in our materials about the number of acres to be cleared, so, that, that is in there. Um, I will also state, um, for the record, that, uh, Edward, uh, Pimental is our Land Use, Planning, uh, and Zoning expert. He is not able to be here tonight, um, but his report is in the record. His report has concluded that, uh, the proposed development is consistent with the Comprehensive Plan, your Zoning Ordinance, and, in addition, the State Energy Plan.”

Ms. Shumchenia responded.

Ms. Shumchenia: “My comment has, you know – there’s no argument from me on, you know, development rights and what the parcel is zoned. My, my point of clarification is simply that a tree clearing activity on the order of twenty-two to twenty-three acres is not ‘minimal adverse effects’ on the existing environment and ecology. That is all.”

Ms. Light then weighed in, and said that she “completely agree[d]” with Ms. Shumchenia. She mentioned that Ms. Browning had been “privy to [the Board’s] workshop” on reforestation, so Ms. Browning could “understand where these comments are coming from”. Ms. Light continued by stating that Ms. Browning “certainly can appreciate Emily [Shumchenia]’s desire to have [the applicant] be a little more sensitive to what clearing 22.75 acres of trees is.”

Ms. Light: “You don’t have to comment, and you don’t have to like it. Um, it’s, it’s just a pure fact. You heard what we were saying and you’re right – this is a Commercial property. You guys have the right to proceed. I don’t see any value when you’re disagreeing with, uh, Emily [Shumchenia]’s request that you be sensitive about what you’re doing there.”

Ms. Browning replied that her comments “were strictly, um, in the view of what this application has to demonstrate to this Board, to the Town of Hopkinton, in order, uh, to obtain a proper approval.” She said that she had listened to the reforestation discussion prior to the Regular Planning Board Meeting, and she “appreciate[d] the Town’s concerns.” She stated that she had a “degree in Environmental Policy”, and that she “spent a great deal of [her] career, um, in Environmental Science”, so she “[got] it”. She “also [had] to say that a property owner has the right to develop their property, and as

long as, as in this case, [the applicant is] following all of the guidelines that are set forth by the Town, um, that that project, that application should be able to move forward.” She stated that that was “the only point [she] was trying to make.”

Mr. DiOrion interjected to say that he “hear[d] both perspectives”, but the Board meeting wasn’t “a philosophy lesson”, and he wanted to move on. He said that he would comment that he did appreciate Ms. Shumchenia’s perspective, and that he “agree[d] with it completely.” Mr. Prellwitz then had a question for Ms. Mulanaphy. Mr. Prellwitz explained that he lives “just up the street from there, so [he’s] familiar with, with the property.” He continued.

Mr. Prellwitz: “Ten acres of my property is in the Forestation Program. The DEM, and Rhode Island, I think, Rhode Island Forestry Division. They come every two years to inspect my property. Their first question is what have I done to do away with the Russian olive, and the other invasive growth that’s in this neighborhood. Now, so that we’re all on the same page, now, I agree with everybody else about the deforestation and cutting down a lot of trees. If we can avoid that, that’s great. But, do you know the percentage of Russian olive and invasive shrubberies that are on that property?”

Ms. Mulanaphy: “I don’t know -”

Mr. Prellwitz: “So that everybody in the audience doesn’t think we’re cutting big trees down – there’s a lot of that property that’s just shrubs that have grown up, and, most of them, the State wants to get rid of anyway.”

Ms. Mulanaphy: “Right. So I would actually defer that question to Marc Tremblay. He’s on the phone as well. Um, he conducted – he’s from Land Management Service[s]. He’s a forester, and he conducted the Forest Assessment of that, and can provide you some more details. My understanding it – is that there is a heavy presence of invasive plants that are there that – it’s not old growth forest – that it’s all, um, areas that are being reforested, um, but he can provide some more detail.”

Ms. Mulanaphy asked if Mr. Tremblay could answer some of Mr. Prellwitz’s questions. Ms. Jalette directed Mr. Tremblay to press *9, and then *6. He said that he could answer Mr. Prellwitz’s “question about the, uh, non-native invasives.”

Mr. Tremblay: “About, I’d say, about ninety percent of that site is heavily infested. The, uh, the only site that’s not too bad with invasives is the south, southern end of the pro-, of the site, uh, on that slope, but, uh, the field, in the northwest corner with all the cedars, uh, there’s a lot of invasive, uh, autumn olive and, and, uh, multiflora rose growing up in there, and then you get up, I mean – it’s quite a battle, getting through the thickets to get up onto the hill from there. It’s, uh, very thick with invasives throughout the whole central and northern portion of the property, surrounding what used to be an old farm site, at the very northern end of the property, abutting 95, um, and that’s likely where a lot of these invasive plants, uh, came from – basically, spread out through these old fields along the old stone walls and, um, the, so, a lot of the vegetation is, and, and, and, I guess the term is the understory is ‘compromised’ with these, uh, invasive plants.”

Mr. Prellwitz thanked Mr. Tremblay for his response. Ms. Mulanaphy then stated that she wanted to “highlight” that the “southern end of the site that, um, Marc [Tremblay] was talking about is the same area that Natural Resources Services had identified as also, from a habitat perspective, and it is where development will not be occurring, so the area where there will not be tree clearing and any solar equipment is that area where the better forest is found, and, um, where there’s better habitat for wildlife.” Both Mr. DiOrio and Mr. Prellwitz thanked Ms. Mulanaphy for her comments. Mr. DiOrio then asked if any other Planning Board members had any further questions for her. When he did not hear anything in the affirmative, he asked Ms. Browning to bring forth her next expert.

The applicant’s next expert was John Carter, from John C. Carter and Company. He had some difficulty accessing the meeting, but was finally able to join after a brief delay. He explained that he is a registered landscape architect, and that he was hired “to assist [the applicant] in, uh, assessing the, uh, visual impacts of this proposed project.” Mr. Carter said that he knew that the Board was “quite familiar with [the site]”, but that he wanted to give a little background about it. He said that the “only one way” to access the site was through Gray Lane, “which travels through the Industrial Park.” He said one would “pass an existing solar farm that abuts this site on the southern border, and, um, a little bit on the western border”, and that the “northeast of the site is abutted by the Route 95 corridor.” He said that the existing conditions on the northeast portion of the site “consist of a pretty thick, vegetated cover of, primarily, red cedars, and, uh, there’s a few deciduous trees mixed in.” He said that “there is an opening of, uh, maybe six hundred feet where, along the highway, where there’s no, where there’s body vegetation, but as you continue, north and northeast of that, it’s quite thick.” He continued.

Mr. Carter: “To the northeast of the site is a couple of wetland complexes, and if you have my plan, uh, my landscape plan would be on sheet number one, all this would be, uh, described, and then, um, that area is, is part, part of it is wetland, and the rest of it is very, very heavily forested, and then, as we continue south, there’s an existing house, uh, about six hundred and fifteen feet south of where the nearest panel would be, and there’s about four hundred and fifty feet of existing vegetation, thick overstory and understory, between that house and this, uh, proposed project, uh, and, including in that is, included in that is a wetland complex, so that area would be, uh, off limits to any future clearing. There is an area, uh, along Route 3, which is the easterly side of this project, where the project and Route 3 get fairly close together. The closest panel is maybe a hundred and fifty feet, and that area is cleared a little bit. Uh, there’s a billboard, in there, and the, the, the State, I believe, or the Town, whoever owns it, has cleared back into that a little bit. Um, so that’s the first area we looked at, that there might be any potential visual impact, and the impact would be really from people coming down Frontier Road, uh, or possibly traveling onto the, um, north on Route 3, or south on Route 3, if they could see through. There is existing vegetation, but, uh, the panels are set back, the fence is set back, uh, sixty feet or, approximately, from the property line, and we’ll propose planting evergreens in that area, and we’ll do a specific planting plan.”

He said that the details would be fleshed out looking “forward, but that’s an area that there’s a possibility of seeing the solar farm.” Mr. Carter said that “obviously the main

issue”, as he had heard from Mr. DiOrio, was the “view from the highway.” He said that he and his staff “drew a couple of cross sections”, from the view of “the eye of a car traveling south”, as well as “the eye of a car traveling north on, uh, 95.”

Mr. Carter: “The purpose of those, really, is just to demonstrate to you, and to us, as we address this, uh, what exactly we’re looking at in terms of topography, vegetation, and so forth. So, you can see on the, um, on the cross section one, that the topography rises in, basically, a, uh, easterly direction, and it goes from around fifty or sixty feet elevation, up to a high of maybe one hundred and thirty to one hundred and forty feet elevation. So, there’s quite a, quite a rise in that direction, but then, uh, we took the transect all the way through to Route 3, and you can see that there’s, uh, sig-, where we drew the transect is significant vegetation. We said one hundred and sixty feet at that point, um, [Clerk’s Note: Mr. Carter’s remarks were momentarily unintelligible here] most of which is wetlands, so it won’t be altered, uh, and then the road, Main Street is actually down below the height of this, uh, hill. So, I don’t think – in my opinion – that you’re gonna be able to see in and see anything from that location. Cross Section Two, we just wanted to demonstrate the relationship between the highway and the topography of this, uh, proposed solar development, and you can see on Section Two, on Sheet Two, reading from the right to the left, the right is, uh, Route 95 southbound, and you can see the topography, uh, rises slightly, and then it begins to, uh, drop down, so the only potential impact would be on the, uh, slope that is rising from the highway up to the peak, and then, as it drops down, it would be out of sight. So, that pretty much leaves this area of six hundred feet, approximately, along the highway that’s open, uh, presently, where you can see into the site, and, uh, I know Marc Tremblay, uh, explained the forest cover and the tree cover. I know that there was talk about the invasives, Russian olive out there and so forth. I walked the site, I walked, uh, most of it, uh, and there’s probably, approximately six or ten acres in what would be the kind of, uh, westerly corner, where the abuts Gray Lane, it’s a field and it’s a successional field, and it’s typical of them, in addition to all the Russian olive and honeysuckle and other invasives coming in. There’s a lot of, of, uh, the red cedar, the *juniperus virginiana*, which is the native red cedar, and that’s a, uh, one of the first plants to come into these fields. There’s probably, and I’m going to give up an educated guess – there’s probably close to, uh, seventy-five or one hundred of those out there. They vary in sizes. It’s a plant that’s easily transplantable, you know, I’m speaking from both, you know, literature, but I also speak from personal experience. I worked on a project in South Kingstown that abuts Route 1, the South County Commons, and we transplanted, I believe the number was one hundred and eighty of those out of the field, and lined them up along the, uh, property line, and you can go by there and look at it now. It’s a very effective buffer. It’s twenty years, probably, in the ground, uh, the plants are healthy and continuing to grow. You can see underneath them, but that’s because the Shopping Center, uh, the development owners pruned them all up, but if they weren’t pruned up, you could see they are a dense plant, so, our proposal is to do the same thing along this Route 95 corridor, and you can see the area that we labeled as, on my plan, on Sheet One, ‘area supplemental planting’, uh, ‘A’, and it’s green and it’s, uh, extensive [unintelligible] highway where it’s open and you can see through it, and the intent is to do, in addition to the cedar, you do kind of a layered planting, and if you go to Sheet Three, you’ll see that we have, uh, a drawing that’s called

'Buffer Plantings A'. It's a, basically, a plan view and an elevation view, and it demonstrates, approximately, because this is an organic, uh, system that we're gonna develop for putting in a buffer, because the eye is towards this thing maturing and becoming effective – more effective – and, uh, as time goes on, but it would be a mixture of the red cedar, understory shrubs, and we've listed, uh, a plant schedule where we've explained what we were proposing – the viburnum, uh, bayberry, and the inkberry, uh, understory shrubs, the red cedar, and then, um, proposing a green giant cultivar of arborvitae, because it's a deer resistant variety, and because, in case we can't do this entirely with the cedar trees, we want to have other evergreens that would fit the bill. They would grow, they would grow to, uh, significant enough height and width to block the view. So, the proposal is to screen that over there with, uh, planting, such as I've described. We did do, on the left side of Sheet Three, uh, there's three photographs. In the top photograph, I took these three photographs - the top one is looking at the site, and you'll see the vegetation, primarily cedar trees, mixed with some deciduous. The middle photograph is standing on the edge of the highway looking at the site, and that's where the gap is, and you can see the trees in the background, but they're gonna be removed, so those are the trees we're proposing to move to the foreground, and plant along the, uh, along the property line, and that's what the third photograph, which is a, um, photo rendering of what that exact same spot would look like when we, uh, plug these trees and shrubs into it. So, that's the proposal, uh, for landscape screening, and, um, I'm available to answer any questions that I'm sure you'll have."

Mr. DiOrio asked the Planning Board if they had any questions for Mr. Carter. Neither Mr. Lindelow nor Mr. Prellwitz had any questions. Ms. Light asked about one of the images, which featured an open space in the vegetation along the highway. Mr. Carter responded that that image was taken "standing on the edge of the highway", and "looking into the site", where one "can see into the site", where the "low-lying grass, and things you see – that's all in the area of the proposed panels, and it'll be removed." He said that the "bottom one, bottom photo, rendered photograph, just shows that same opening, filled in with, uh, the red cedars." Ms. Light responded that she was "probably not understanding" Mr. Carter's concept, "but, from the way [she was] looking at this", she wanted to know if the applicant had "to remove all of those trees, to have what we're having in the bottom, after the screening? And how much of that land is State land?" Mr. Carter replied that the applicant "can only remove the trees, uh, on the private property, so, not, nothing in the street right-of-way, in the State right-of-way will be touched, because it can't be." He said that the answer was "the same for really, for question two, because [the applicant] can only plant on the private property, so the planting won't be the additional buffering, which is essentially just planting a long row of evergreen and, and mixed shrub understory along the border between the project and the highway, um, will all be done on the private property." He said that the applicant cannot "plant on the State property either, so this is all on the private property." Ms. Light replied that she understood that, but that her question was why the applicant "was removing trees to transplant trees". She said that she was confused "from a financial perspective [of] where's the value in that". She wanted to know if the existing trees were "too high, and, and, uh, create a shading on the panels." Mr. Carter replied that "the trees that are going to be transplanted are in an area where they're going to be cut down as part of the

clearing, so, the option is either to cut them down, and bring in some new, nursery grown transplants, which, uh, have a less likely, you know, they're not native to the area, and so forth, and plus you're cutting trees down and bringing new ones in, the idea is to transplant them out of that field area that's going to be cleared anyways, and use, reuse them, along the side of the road as a screen." Ms. Light replied that she was "a big fan of repurposing trees", and that she "appreciate[d] that, uh, they're gonna provide immediate coverage, and well-rooted coverage". She said that she guessed her question was "how many trees, is the center picture, where you're cutting down trees, and the bottom picture where you're transplanting trees, if there's some – it kind of seems like there's a process in there that might not need to be done." She wanted to know if the applicant had "to clear all those trees that we're seeing to create the same kind of buffer". She wanted to know the width of the transplanted trees as well. Mr. Carter explained that the "plan view" and "elevation view" depicted on Page Four, which showed a planting scheme with "three to five understory shrubs, a cluster of two or three cedar trees, and then some inkberry shrubs is representative of what will be done along this buffer to establish an evergreen screen from the highway." He said that was the general idea "to the spacing and numbers of trees that will go in there." Ms. Light asked if the bottom image was the "ten-year view". Mr. Carter replied that he could not answer that, though "the intent would be to have the buffer be, uh, as significant as possible when it's put in". He said that that image was a "general, you know, rendering, of what the density and so forth" of plantings would look like. He said he did not think that the height of the plants would be "the limiting factor", but that the "density is going to be the limiting factor on whether" it could be "seen through", "if it's opaque or not". He said that the intent was to make it "opaque soon – now, not in ten years." Ms. Light thanked Mr. Carter for his explanation. Mr. DiOrio said that he had "a few questions" for Mr. Carter.

Mr. DiOrio: "So, in the northwesterly corner of the project, where you have your supplemental plantings -"

Mr. Carter: "Yes."

Mr. DiOrio: "In your photographs, how much of that is State property and State vegetation – and what I'm driving at here, and we'll get to that, we'll get to this in the next question, is, I think, on, on the previous project we've already covered the ground of 'You don't get to take credit for vegetation that's not on your property.' So, in a couple of your diagrams, you're showing lots of vegetation, but, if I'm interpreting this correctly, you don't control it. So, if all this vegetation on the Interstate was cut down, what does your project look like?"

Mr. Carter: "Well, I'll give you, I'll give you the honest answer, Al [DiOrio]. Um, I think that, that, that – I agree with you. There's no – there's some areas, uh, in the northern corner of the site that's wetland, and would be protected by the State, um, kind of right where my label is – it says 'Cross Section Two'. That's delineated as wetland up there, so, running down along this, the side of the, uh, prop-, of the property where it abuts the highway, that's a very dense vegetation. You cannot see through that right now. If we were to plant somewhere, it would be behind that property, behind that vegetation, where it would be completely ineffective, and it would be competing, trying to grow with the vegetation that's there. I'm not gonna, you know, put any, put any representation that I know the State's plans in the future, um, I, I'm go-, I am going to go out on a limb and

say it's highly unlikely the State's gonna come and cut all that down for no purpose whatsoever. I suppose if it was cut down, that then it would be, and it exposed the, uh, the, the solar farm, then that would be something that would have to be addressed by the owners of the solar project, but, if it happened in ten years or fifteen or twenty years, it, I see no benefit whatsoever of putting a bunch of plantings somewhere where nobody's going to see them, and they're not gonna do anything – and I don't even think there's going to, they're going to be able to prosper, with all this mature vegetation – they're joining that.”

Mr. DiOrio: “Well, uh, this is certainly your area of expertise, but I might disagree on that particular topic. So, listen, my point is this: you know my philosophy here. I don't want to see this project. I don't want to see it from 95. I thought I had made this point clear at the Pre-Application. Uh, I have to presume that vegetation that I can't control, that is, that the Town cannot control, could be gone tomorrow. If it's gone, to me, it appears that the entire northerly boundary of your project is exposed, so, naturally, I'm looking for vegetation or screening along that northerly boundary. You've got panels right up against the boundary line. Uh, that's not really what I, I thought I had conveyed that that really wasn't something that I was enthusiastic about, so, that's where I'm coming from. I mean, I know that you're making the presumption that the vegetation is gonna stay. Well, I have less faith in my State than you do. Uh, they've done some wacky things, especially proposals in this, right in this area, so, my confidence is a little bit shaky. So, anywhere, that's where I'm coming from. I don't want to belabor the point, uh, I, I don't think there's enough screening on the north side. You're blessed with the fact that we don't have to have this discussion on the other boundaries, but, along this northerly boundary, I'll just take a moment to say that I know that some of my colleagues consider the Interstate view-scape as a throwaway. They don't care about it. They feel that, uh, you know, people travelling along the Interstate, uh, we don't, we don't have to care about them. Well, I disagree adamantly. The view-scape from 95, as it comes through my community is very important to me, and I would like to do everything I can to maintain it. So, I consider that view-scape as important as the view-scape from any of our local road networks. Enough said.”

Mr. Lamphere also had a couple of questions for Mr. Carter.

Mr. Lamphere: “First of all: um, on the Sheet #3, where you have the plants that are to be brought in – I am normally accustomed to seeing a quantity with, uh, with that, and also a diagram – a planting schedule, if you will. I don't see you committing to any specific number of those plants. How do we know when you're done with the landscaping?”

Mr. Carter: “Well, heh – so, it – after this meeting, um, I'm sure there will be some, uh, revision, and we can, uh, do a planting plan with quantities, sizes. We, we have a plant schedule, and we have a detail that effectively explains it, and we could, uh, quantify that, and, so, we all agree, you know, this is the number of plants that are gonna be put in. Uh, because of the level of this review and submission, I think that's accurate, and we could look at it, and we could count it off this plan, uh, but I understand what you're asking for, and, yes, we typically would do – this is not a plan, uh, intended to be handed to a contractor, either, so, we would do a planting plant that would, would – you would be

able to look at and, if you approved it, that would be the plan, uh, that everybody was held to.”

Mr. Lamphere: “Okay. John [Carter], my other question is: um, the vegetation, Vegetative Buffer ‘B’, which is, uh, in close proximity to Frontier Road. I notice on the site plan for the project, uh, they are, they seem to be using that particular areas as a grassed area to access the Pond ‘B’, which is up in the northern part, and it looks to me, from your landscape plan, uh, we don’t see it on the site plan, but, when I, when I go back and forth between the landscape plan and the site plan, it appears to me that Vegetative Buffer ‘B’ is gonna block the access to that Pond.”

Mr. Carter: “Well, I’m going to, um, yeah, so, with all due respect, I’m going to, uh, pass that on to, uh, Dave Russo, if, it, I – I think there’s a lot of area there, and we can get them both to work. I might have missed that, because I don’t have that, uh, access. I have the gravel access road, the crushed stone access road coming in along the south, um, but there’s plenty of space there, from the fence to the, uh, property line is like sixty feet, so I’m sure we’ll be able to plant on one side and, if, if the intent is to drive across grass, uh, and they need ten or twelve feet of width to do that, there’s plenty of room to do both. I’ll, I’ll coordinate and make sure that’s clear.”

Mr. Lamphere: “Yeah, I was looking at Sheet #5, uh, on the, uh, site plan.”

Mr. Carter: “Okay.”

Ms. Browning asked if Mr. Russo could be unmuted, so Ms. Jalette unmuted him. Mr. Russo said that “in that area, there is a planting buffer strip, but there is, um, it’s probably just a little – because of the scale, the drawings, it looks like there may not be a lot of room, but there’s, there’s enough room to get an access vehicle, um, back to that area, as needed”. He also said that any vehicles “could actually go inside the fence or outside the fence to get back there, um, but, there’s enough room.” Mr. Lamphere thanked Mr. Russo for his response.

Mr. DiOrio asked the Board members if they had any additional questions from Mr. Carter. Ms. Light responded that she had a question for Mr. Russo.

Ms. Light: “Um, we’ve got an access road that goes all the way from Gray Lane, outside, and I, I, my question is, uh, which one of these would be your primary access point for construction?”

Mr. Russo: “Uh, for construction, I mean, they, they’d both have to be utilized, um, because there is construction on, in both areas of the site, and following construction for, you know, address purposes, the, the Main Street side would be there, considered their primary. I mean, from a construction perspective, especially if they’re doing, uh, site work, and they’re going on Route 95, it’s much easier and quicker and better for the roadway system if they just get off onto Main Street and get on the Highway, um, otherwise, they’re going to be traversing down Gray Lane, back around, and then up Main Street, so it’s a quicker route, um, to get, just jump on the Highway right there.”

Ms. Light replied that she “appreciate[d] that”, and that her thought was that she “would like to incorporate some kind of a landscaping plan to that access road that’s on Route 3 isn’t so exposed.” Mr. Russo replied that the applicant could “look at that” with Mr.

Carter, but that he knew “he has plantings over there”. He said that the roadway “does have some angles to it, in that area, because it’s following, um, there’s a slope over there, and we’re trying our best to follow almost the toe of the slope in that area, so it, it does have some straight, up, you know, when you enter, it’s a little bit straight, and then it does jog left, so, visually, when you’re driving by it, that jog in the landscaping, um, should have some visual buffer into the site, because of that jog”. He continued, stating that “there’s ample room over there if we, you know, run John Carter’s plan, if we want to pull that buffer a little further down to that corner, but, yeah, I think what John [Carter]’s showing will accomplish what you’re speaking about”. He said that “where the roadway connects to Main Street, um, you know, there is a cemetery to the north of the road, that, within twenty-five feet, we’re not touching, so all that vegetation will remain, and then, there is, um, you know, there’s a wetland to the south, uh, with about fifty-foot buffer, and our limit of work is actually pulled off that, that buffer, um, right along the buffer to the stream system down there, so, there is quite a bit of vegetation that’s gonna hug that entrance road, and with the landscape buffer behind it, should provide some visual buffering.” Ms. Light replied that she just didn’t “want it to scream ‘Hey, look, there’s an access road to a solar field.’” She continued.

Ms. Light: “We have a lot of that, and, uh, anything you guys can do to help minimize the impact of that visual, going down Route 3, that would be helpful.”

Mr. Carter replied that the applicant could “take a look at it and see”, and that he understood what Ms. Light was saying. Mr. DiOrio said that he wanted to “second that concern” raised by Ms. Light. He continued.

Mr. DiOrio: “I had the very same thought. I was wondering if you could increase the, uh, some of the curves along that road. Maybe that can be done with, uh, landscaping, I’m not sure. Uh, all I can visualize is yet another drive by this access road, and the project just opens up in front of you. I’d rather really not see that, if it’s at all possible.”
Mr. Russo: “Understood.”

Mr. DiOrio then asked if there were any questions from the Planning Board for the experts who had already spoken, and if Ms. Browning had any other experts that she wanted to present. She replied that she did: Mr. Thomas Sweeney, from Sweeney Real Estate and Appraisal. She then asked that Mr. Sweeney “be qualified as an expert, uh, in the, uh, area, of, uh, real estate and property values.” Mr. DiOrio replied.

Mr. DiOrio: “Well, that’s your representation, right?”

Ms. Browning: “Uh, yes, if you’re like me to go through Mr. Sweeney’s resume, I can certainly do that.”

Mr. DiOrio: “I’m sorry, was that a ‘yes’?”

Ms. Browning: “Uh, I’m sorry – we may have missed each other. Um, if you’d like me to go through Mr. Sweeney’s resume in order to qualify him, I can certainly do that.”

Mr. DiOrio: “Uh, I believe that Mr. Sweeney has testified before this Board previously. Would that be correct?”

Ms. Browning: “That is correct.”

Mr. DiOrio: “Consider it done.”

Ms. Browning began by asked Mr. Sweeney if he had provided a report to the Board, and he replied in the affirmative. She then asked if Mr. Sweeney had visited “the site that we’re discussing tonight.” He replied that he had “inspected it, uh, from Main Street, uh, down to the terminus of Gray’s Lane [sic], and then on, uh, Interstate 95, too.” Ms. Browning then asked Mr. Sweeney “what else [he] did, or what other documents [he] reviewed in preparing [his] report.” Mr. Sweeney replied.

Mr. Sweeney: “Uh, I reviewed the Zoning Ordinance, and the Comprehensive Plan. I looked at all of the uses in the area, as in previous testimony before this Board, I referenced, uh, certain studies that have been conducted in other parts of the country, uh, which, up until October of this year were the most, uh, complete studies on the impacts of solar on adjacent property values. Uh, at the end of October, or in October of this year, Dr. Corey Lang and an associate from URI [University of Rhode Island] presented a paper [unintelligible], giving their, uh, opinion as to, uh, the impact of solar on surrounding property values, specifically residential. Uh, I listened to both, both the webinar that Dr. Lang presented, and, uh, reviewed the document. In addition to that, I, uh, spent about an hour on the phone with Dr. Land, asking him some questions that I wanted to try and get a better understanding, uh, of how far he was with the study, did he think it was completed, and what was his next step. Um, he has presented it. It is out for peer review right now. Uh, he has not considered it, consider it to be complete – he’s still working on other things, um, and he is also looking at further studies. Uh, primarily – one that interests me is that in his study, at this point, uh, he does not specifically address the impact of screening on, uh, what - on the impact on surrounding properties. Uh, he is going to look at that in a future study, uh, but, primarily, the original studies all indicate that there is, uh, with proper screening, there is no negative impact on, uh, surrounding property values if the screening is proper from solar properties, arrays. Uh, Dr. Lang’s study did come out and say that for, uh, industrial and rural and, uh, I would consider this property, while not specifically Industrial, it is in the Business/Industrial Park, to fall within this category – that there is no impact of solar arrays on surrounding property values when they’re situated in this type of area. Again, I believe the screening also adds to that conclusion. So, based upon all of those reviews of those documents, talking to Dr. Lang and reviewing his document, uh, it’s my opinion that there is no negative impact – there will be no negative impact on surrounding property values, uh, based upon this plan moving forward.”

Ms. Browning: “And, just so we’re clear, Mr. Sweeney, uh, you did in fact review that the plan sets, uh, that were submitted as a part of this application, correct?”

Mr. Sweeney: “I did, and I’ve, uh, reviewed them, and, not only that, but listened to the testimony tonight by all of the other experts.”

Ms. Browning: “And, uh, just to conclude quickly, um, is it your expert opinion that the granting of, uh, this DPR application will not substantially or permanently injure the appropriate use of the property in the surrounding area or the Zoning District?”

Mr. Sweeney: “Uh, that is correct. I think it’s compatible, it is a permitted use, and, with the proposals for screening that have been described, uh, it will have no negative impact on any of those things.”

Ms. Browning then thanked Mr. Sweeney for his testimony, and said that she did not have any other questions for him. Mr. DiOrio asked the Planning Board members if they had any questions for Mr. Sweeney. Mr. Lindelow said that he did not have any questions. Ms. Light wanted an acknowledgment from Mr. Sweeney.

Ms. Light: “Um, his testimony is that, uh, considering the landscape planning that’s been presented, he, uh, you know, agrees that there’s no impact on property values. I would like him to acknowledge the recommendations that’s been made by you, Al [DiOrio], regarding the additional buffer requirement along 95, and then the request to have the additional buffering on Route 3 for that access road.”

Mr. Sweeney: “Yeah, Miss Light, I’m not sur-, I would think if those are added to what is proposed, uh, it can only be a good thing. Uh, my opinion is that, as proposed, there is no negative impact, so, if you’re adding that, those things to what is already proposed, uh, it can only, uh, benefit the project.”

Mr. DiOrio asked Ms. Light if Mr. Sweeney’s response addressed her comment, and she replied that it did. He then asked if there were any other questions or comments from the Board for Mr. Sweeney. Ms. Shumchenia replied that she did.

Ms. Shumchenia: “Are there elements of the studies you cited that describe impacts to surrounding areas when the project in question is not the first solar installation to go in, to an area, to a neighborhood, um, and where, as is the case with this project, there’s already an installation in the adjacent parcel and one across the street?”

Mr. Sweeney: “Because my opinion on this one is specific to this project, the existence of another solar array in an Industrial area, in my opinion, neither. They’re both there. The use already exists in the area, uh, so you’re not introducing a use into, to the area. Um, none of the studies, without getting into specific studies - I don’t know if they looked at one that’s a mile away or a half a mile away, I, I can’t specifically answer that question.”

Ms. Shumchenia: “Okay.”

Mr. DiOrio then asked if there were any other questions for Mr. Sweeney. Upon finding that there were not any other questions or comments from the Board for Mr. Sweeney, Mr. DiOrio asked Ms. Browning if she had any additional experts. She replied.

Ms. Browning: “Two quick items. I just want to state that the Rhode Island Historic Preservation and Heritage Committee, uh, was also provided with a copy of the application for their review. Uh, there’s a letter, uh, that we submitted, stating that there is no impact. Um, also, I think it’s been mentioned before, but I’ll just state: Scott Rabideau from Natural Resource Services, um, did submit a wetlands – I’m sorry – did evaluate the property for the purposes of the wetlands. I believe that was discussed, um, in the Sage Environmental report. Uh, Mr. Rabideau is here, uh, to answer any questions, and with that, that’s all we have.”

Mr. DiOrio thanked Ms. Browning for her comments, and asked the Board if they had any remaining questions “overall, before [he went] to public comment” on the application. There were not any other comments from the Board. Mr. DiOrio then asked

Mr. Lamphere if there was anything he wanted to ask or add, to which Mr. Lamphere replied in the negative. Mr. DiOrio then opened the discussion for public comment. He reiterated that the project was undergoing Development Plan Review. The first person to call in was Eric Bibler, of Woodville Road. He said that he had a “couple of quick questions for the developer’s experts, through the Chair”. Mr. DiOrio granted that. Mr. Bibler began.

Mr. Bibler: “Um, first of all, I see that the developers provided a decommissioning estimate from Vinagro Associates. Um, is Vinagro Associates a former or current business partner of Southern Sky or Revity or Mr. Palumbo?”

Ms. Browning: “Uh, with all due respect, uh, Mr., uh, Bibler, um, this is Attorney Browning. Um, that, um, is not, uh, the decommissioning estimate that has been submitted as part of the application, to which we would expect to be considered. The Vinagro estimate is simply a supporting document, um, to demonstrate that the decommissioning estimate, which we did provide, as required by our engineer, DiPrete Engineering, um, is, um, is sufficient and adequate.”

Mr. Bibler: “So, will there be a decommissioning estimate that is, uh, specific to this project, provided at a later date?”

Ms. Browning: “No, that’s already been provided – was provided by DiPrete Engineering.”

Mr. Bibler: “Okay, but I recall that, on the Frontier Road project, you, um, provided – forgot the name of the company – We Recycle Now? You provided a letter from We Recycle Now that discussed the cost of decommissioning panels, and made an estimate, based on the International Renewable Energy Association data, made some estimates about the life of the panels, and how many might need to be, uh, how many might still be sold at some future date, and how many might be, might be broken and all that, so, I don’t see any of that here in this, uh, project.”

Ms. Browning: “Mr. Chair, may I respond?”

Mr. DiOrio: “Please.”

Ms. Browning: “Um, no, that was not provided for this project. Um, we learned a lot, going through the Frontier Road, um, development, and, um, the process for evaluating decommissioning, um, and the Town does not require that, um, information to be submitted, um, so that’s why it was not submitted this time.”

Mr. Bibler: “Okay, so this letter from Vinagro, that doesn’t relate specifically to this project, um, indicates that, um, just has almost like a footnote or something, and it says that the solar panel weight, the cost of disposing of the solar panel waste is one hundred dollars per ton, correct?”

Ms. Browning: “Um, I don’t have the document in front of me. I’d have to find it, but I’m not -”

Mr. Bibler: “Well, I, I do have the document in front of me. That’s what it says, but, um, my point is this: that, um, it doesn’t say how the, uh, solar panels will be disposed of, so, if it’s gonna cost a hundred dollars per ton to, quote, ‘dispose of them’, are they going to be, uh, put into a landfill?”

Ms. Browning: “Again, the, the Vinagro estimate is not the correct decommissioning estimate you should be looking at. The correct estimate for you to look at is the DiPrete Engineering decommissioning.”

Mr. Bibler: “Well, I didn’t see anything on the DiPrete Engineering estimate that told me how much it was going to cost to dispose of the panels. Maybe I missed it. You want to direct me to that?”

Ms. Browning: “I think, I’m sorry, Mr. Bibler. You’d have to review that estimate. I don’t, I’m not -”

Mr. Bibler: “Well, I did. I’m just telling you, I did review the estimate, and I didn’t see anything on there that told me the cost of, uh, disposing of solar panels, and you’re telling me I should look to that for that number, and I don’t see it.”

Ms. Browning: “Okay.”

Mr. Bibler: “So, you don’t have a cost for the – you don’t have anything for the Planning Board or the Town of Hopkinton, to tell us what it’s gonna, you know, you don’t have any provision in the DiPre-, in the DiPrete estimate, for the cost of disposing of the panels? Is that correct?”

Ms. Browning: “Mr. Bibler, the – I’m not going to go line for line of the decommissioning estimate. The process is this, and, Mr. Chair, please correct me if I’m wrong – the, um, the decommissioning estimate submitted by DiPrete, uh, would be reviewed by the Town’s, uh, Engineer, and a number would be, um, in that, the decommissioning estimate by DiPrete would be confirmed by the Town’s Engineer. The Town will go through the process that you’re, you’re insinuating now- ”

Mr. Bibler: “I’m not insinuating anything- ”

Ms. Browning: “Through that, at this point, um, is not something, uh, that I believe is appropriate for this stage of the hearing.”

Mr. Bibler: “Okay, I’m just, well, I’m just trying to understand the material that you did, um, submit.”

Mr. DiOrio: “Let me interject.”

Mr. Bibler: “Yeah.”

Mr. DiOrio: “Eric [Bibler], I hear your concern.”

Mr. Bibler: “Yep.”

Mr. DiOrio: “Uh, Counsel, I hear your response. Uh, you are probably correct. This may not be the right time, but I want to caution you that we’re going to revisit this specific topic at some point in the future.”

Mr. Bibler: “Okay.”

Mr. DiOrio: “So, if you care to defer it to another time, I’m sure that Mr. Bibler is going to raise the question again, at which point, I will insist on an answer, so -”

Mr. Bibler: “Yeah.”

Mr. DiOrio: “If you’d like to do that at another time, that’s perfectly okay with me.”

Mr. Bibler replied that he would be “happy to that, and, uh, as long as, you know, when [he’s] sitting here in Peanut Gallery, it’s not always, it’s not always, uh, possible to tell when there will be another opportunity to address these things, and sometimes, with remote hearings, even you try to raise your hand and you, you can’t get recognized, so [he] appreciate[d] that.” Mr. DiOrio replied that Mr. Bibler should “be assured that, uh, again, this is going to be deferred out to Crossman [Engineering] for, uh, confirmation.” Mr. Bibler replied that that was another question that he had – if there would be other chances to comment on the project. Mr. DiOrio replied that Mr. Bibler would “have another opportunity to ask that question.” Mr. Bibler then said he had “one last thing”.

Mr. Bibler: “I just want to flag for that future consideration, and for the Planning Board, in the Frontier proposal, one of the things that I tried to get back in and talk about, and couldn’t, couldn’t, you know, I had commented and I wanted, I asked for a question, I got an answer, I wanted to respond. Um, in the estimate that was provided in that, um, instance, from this solar panel recycler, We Recycle Now, I believe that he provided an estimate that the cost of recycling a panel was approximately forty-four dollars, uh, and then, there was another calculation of salvage value, based on some estimates of numbers of panels that might be salvaged, that they could be sold for eleven dollars, so that’s obviously a fifty-five-dollar swing per panel, times thousands of panels, in terms of estimating the future liability and the future cost, and I’m just flagging that issue, because, um, Crossman [Engineering] had one idea that it considered, quote/unquote ‘reasonable’ for the number of panels that might be sold in the future, versus might be broken and recycled. We Recycle Now had another estimate. I would submit to the Planning Board that no one knows what the regulations might be, no one, no one knows if, uh, solar energy will be viable in thirty years, and nobody knows if any panels can be sold. Every time you sell one, it subtracts fifty-five-dollars from the cost of the, uh, of the decommissioning – that’s a huge number. So, I just want to submit to the Planning Board that when you do some, when you do ask the opinion of Crossman [Engineering], the absolute, key question to ask them is if they have any possible way of knowing, thirty years in the future, if any solar panels can be salvaged and sold, because if the answer is no, nobody can know that number, it’s, uh, unknowable, and if this Planning Board wants to then, you know, ask Crossman [Engineering], ‘What is the worst case, um, for the decommissioning estimate?’ I think that ‘worst case’ has to assume that every single panel has to be recycled, at a cost of forty-four bucks, and there’s a cost attached to that. I think the methodology this time around was extremely flawed. I don’t think you have to do it the same way, just because you did it that way the last time, and I really hope that the conversation with Crossman [Engineering] focuses on whether or not they have any confidence in the number of panels that they might assume to be sold, because I think that answer is, uh, clearly no, nobody can know the answer. That’s, that’s um, that’s the, uh, part of the debate I want to have taken care of by our Town Engineer and the Planning Board, okay? I’d like to have it addressed in the future. Thank you.”

Mr. DiOrio replied that Mr. Bibler’s comment was “noted.” After asking if she could “field a comment”, Ms. Light responded to Mr. Bibler.

Ms. Light: “I, I think I’m very thankful for the work that Crossman [Engineering] did. I believe, um - don’t have a short memory - that we did cover the unknowns for the twenty-five and thirty-year view, and I believe what Eric [Bibler]’s concern is, is redundant to issues that the Planning Board raised while we were having our decommissioning discussions with the client and with Crossman [Engineering], and it’s my personal opinion that the client of the attorney, Mr. Palumbo, and the Planning Board did a super job trying to cover the bases, in conjunction with the consultation with Crossman [Engineering], who did a fabulous job, and I also think, knowing that Crossman Engineering voiced the fact that the unknowns exist for thirty years down the road automatically answer Eric [Bibler]’s question, regarding the future of recyclable panels. We have limited tools to work with in this day and age of 2020, and I think we

did a great job working with what we have. I would propose that concerns brought by Eric [Bibler], uh, possibly could be met by an expert if Eric [Bibler] could recommend or bring to a meeting an expert on solar panel recycling to help us grasp what we're working with. That would be very helpful. So, maybe there's a resource out there for Eric [Bibler], who can come to a meeting and share with us. Thank you."

Mr. DiOrio thanked Ms. Light for her comments. Ms. Jalette replied that Mr. Bibler wanted to respond to Ms. Light's comments. Mr. DiOrio asked that Mr. Bibler keep his response short. Mr. Bibler said that he was "not criticizing anything that the Planning Board did or didn't do", and that he was "not criticizing Crossman [Engineering] with that comment", but that he had a background in risk analysis. He said that "this clearly is a situation where you have to consider different scenarios", like the cost of the decommissioning "flows out of the assumptions that you make". He said that his "point is the, the question that never got answered, asked and answered of Crossman [Engineering], in [his] opinion, and the question [he] would like answered by Crossman [Engineering] – I don't need to bring another expert in here – the question is: 'Can Crossman [Engineering] assure the Planning Board that any number of solar panels, thirty years from now, can actually be sold for eleven bucks apiece?' And I think that answer, honestly, has to be answered, 'No.'"

Mr. Bibler: "There – no one standing here today can say that there's any – that solar will be viable thirty years from now. We didn't have the internet thirty years ago, you know, so I just think that the – for the Town's risk profile, the risk question- not, not, not whether or not you can sell one for eleven dollars today, and that's conservative and stuff, the, the question, as it res-, as it relates to risk, is whether or not any expert on planet Earth can tell the Planning Board that twenty percent, fifty percent, or seventy percent can be resold at a profit, and I think that answer is 'No,', and I would like, I would like the question to be asked of Crossman [Engineering], whether they can attest to that. In fact, I believe that one of the, uh, I believe that Crossman [Engineering] actually said, to the Planning Board, that, uh, he couldn't find anybody to attest to that, and it kind of went over our heads, and I, I think if the answer is 'No', and we're assessing our risk, then our worst case is that every one of them needs to be recycled, because that's the way regulation is headed, and if you can't zero out a fifty-dollar cost, then it's going to come home to roost, and that's it. I just want Crossman [Engineering] to tell us, can they promise us, that ten percent, twenty percent, fifty percent, or any number can be sold, and I think the answer is 'No', but I, I will live with Crossman [Engineering]'s. I just want the question asked, you know, and as the, as the, you know, as the assumption that's building the estimate. That's all."

Mr. DiOrio thanked Mr. Bibler for his comments, and then asked if there were any other members of the public who wanted to weigh in on the project before the Board. Ms. Jalette replied that there were, and she directed them to press *9, and then *6. The called was Joe Moreau, of Old Depot Road. He said he wanted to go back to "an important point that Al [DiOrio] mentioned". He said that when one is "talking about the State property, on the northerly boundary, with the vegetation that's currently there, [his] suggestion would be, uh, as a condition of approval of this project, if it's five years, ten

years, whatever it is, if the State removes any of that vegetation that is currently there, then the owner of the solar project should be responsible to install a similar buffer to decrease the visibility from 95.” Mr. Moreau had two other comments.

Mr. Moreau: “My second point is, and I haven’t heard this brought up, and I’m not sure if it’s the appropriate time, uh – work schedule. We’ve talked about, uh, Frontier Road tonight, across the street, and there’s still a debate going on, um, as far as the Attorney is concerned, as far as the developer can work, uh, anytime they want on a Saturday, so, I think we need to have, uh, as a condition of approval, a work schedule for this particular project. And, my last point is concerning real estate values. Uh, I’ve been studying this since June of 2018, and I’ve looked at so many sites, I’ve talked to real estate agents about the impact on real estate. All of these projects are – that have residential homes in that area, and we were told tonight there is one house within six hundred feet. They have an impact on the resale value of that particular home, and the surrounding homes in the neighborhood. My realtor told me - that we bought our house from – he said, ‘Joe, if there was solar across the street from your house, the first thing people would ask is, ‘What is over there in that field?’, and when tell him ‘It’s solar,’ he said, ‘Ninety-nine percent of the people will walk away. That one percent that really loves your house is going to lowball your price.’ So, I don’t understand how he can say it has zero impact, uh, on real estate property. That’s my last point, and thanks again, for what you guys do.”

Mr. DiOrio thanked Mr. Moreau for his comments, and asked if there were any other members of the public who wanted to comment on the application. Ms. Jalette replied in the negative. Mr. Palumbo interjected. He said that “some of the information that, uh, Eric [Bibler] was looking for is in DiPrete [Engineering]’s report. You just have to look at the details of the disposal.” He continued.

Mr. Palumbo: “And Eric [Bibler] has brought up on numerous occasions, the pointing out that, uh, Mr. Vinagro was a business partner of mine. He is. He’s, he’s co-invested in land opportunities with me. There’s nothing nefarious about it. It’s a legal investment, and we’ve done that for a long time. Uh, but, he’s, he’s an expert in demolition and decommissioning, and I have no sway over him on how he evaluates process - uh, the price of the job, and I, I understand that that’s what the insinuation is, but I don’t have any sway on him - I’ll make that clear. And, he’s also an expert in, in disposal, and has his own disposal and demolition yard, so, he’s, he’s expert in these things. So, I just wanted to clear that up. Thank you for the time.”

Mr. DiOrio thanked Mr. Palumbo for his comments. He then asked the Board if they had “all had [their] discussion for this this evening”, as he thought that was the case. He said that Mr. Lamphere had said that the project had not yet been peer reviewed by Crossman Engineering. He recommended that the project undergo said review process, and that Crossman Engineering would report their findings to the Board. Ms. Browning interjected. She explained that the applicant was “certainly accepting of a peer review”, but that due to the feedback that they had received from the Board, it was clear that “there needs to be, possibly, some changes, uh, to the plans”. She continued.

Ms. Browning: “Um, could I request that the applicant – excuse me – have a chance to make those changes, and then submit, uh, the revised plans to the Town and to Crossman [Engineering], so Crossman [Engineering] doesn’t end up, uh, reviewing a set of plans that’s going to be changed?”

Mr. DiOrio: “Uh, that certainly sounds like a wonderful idea. I would only ask that, uh, once the revised plans are made, that they’re funneled through the Planning Department, so that we have the latest and greatest version, and, uh, we can be assured that Crossman is also getting that version of the map, yes?”

Ms. Browning: “Understood. Yes.”

Mr. DiOrio: “Excellent.”

Ms. Browning: “And, one other, um, small request. In terms of budgeting, um, is it possible to have Crossman [Engineering], or whoever is going to be reviewing this, provide us with a, um, estimate of costs, just so that my client can have a handle on future expectation as they are going to be responsible for the cost?”

Mr. DiOrio asked Ms. Browning if she was referring “now to the cost of the independent review”, and she replied that that was the case. She asked if they “could just get a preliminary estimate, up front, for budgeting”. Mr. DiOrio replied that he was “sure that can be handled”, and asked if Ms. Browning wanted the “opportunity to review [the estimate] prior to [the revised plans] being submitted to Crossman [Engineering].” She said that she would, but she “expect[ed], uh, the timing would be very tight”. Mr. DiOrio replied.

Mr. DiOrio: “So, we’ll ask Crossman [Engineering] for an estimate for their review, we’ll get that to you for your consideration, and then you’ll submit your revised plans?”

Ms. Browning: “Correct.”

Mr. DiOrio then asked Mr. Lamphere for his thoughts on the subject. Mr. Lamphere said that “to facilitate this”, Crossman Engineering could “take a look at the plan that’s, uh, put out there tonight” to create an estimated cost. Mr. Lamphere explained that “any modifications would be, you know, you know, relatively insignificant, with the, you know, vis-à-vis the cost”. Ms. Browning replied.

Ms. Browning: “Uh, respectfully, Jim [Lamphere], I hear that, I understand what you’re saying, but I think we prefer to regroup, um, given all the feedback we’ve had tonight, and have a chance to talk about changes that we want to make, um, again, so that we can come in with a fresh, clean set of plans, through Planning, uh, to the peer reviewer, if that’s okay.”

Mr. DiOrio replied that it was “certainly [the applicant’s] decision – as long as [they could] appreciate that, you know, we’ll just have to wait until you revise your plans before we go to Crossman [Engineering] for an estimate, yes?”

Ms. Browning replied that that was fine. Mr. DiOrio said it was okay. Mr. Lamphere said that he did not “have any issue with” that course of action, “but, um, we have to be

cognizant that the seven-month time frame for an approval here, uh, takes us out to December the sixth.” He continued.

Mr. Lamphere: “So, we can, we can bring this back, uh, December the second, to the next Planning Board meeting, or the applicant could, um, uh, grant us a certain, uh, time period tonight for an extension, or they could submit a letter to us, in advance of the meeting, uh, request, you know, allowing, granting an extension. I don’t, I really don’t want to put this matter on a future agenda, uh, merely for the purpose of getting an extension, um, but it appears to me that, um, there’s a considerable amount of work left to be done on this project, and we’re gonna go beyond December the sixth, so, whatever the applicant’s willing to give us now – be, be appreciated.”

Ms. Browning replied that the applicant had “worked with the Town in past”, and that they “would continue to do that.” Mr. DiOrio responded.

Mr. DiOrio: “So, yes, that’s an acknowledgement that we’re going to get an extension? You, you care to put something on the table now, or do you want to wait? I don’t want to – let me profess – I don’t want to find myself in the same situation that we were last time, issuing extensions for two weeks at a time, right? We’re coming into an even more dynamic season than we were last time around, so let’s please take that into account.”

Ms. Browning said that she “would suggest that this matter be continued to the next meeting date of 12/2, um, and, at that time, if there’s an extension that’s needed, uh, we can discuss that and give one that, that’s appropriate.” Mr. Lamphere replied.

Mr. Lamphere: “I, I think where, where I, uh, where I see us leaving off here is, we can’t do too much even with an estimate from Crossman [Engineering], let alone get into the peer review, until you folks, right, come back with a revised set of plans. Is that, is that what I just heard? So, we gotta wait for you to come up with some revised plans, and we don’t know how long that’s going to take, right?”

Mr. Palumbo responded. He said that he thought that all of the points Mr. Lamphere had been “making are good point”, so he was willing to have Crossman [Engineering] “make their estimate off of the plan that exists today.” He said that “if there are modifications, [Crossman Engineering] can modify his estimate to make it simple and efficient.” Mr. Palumbo continued.

Mr. Palumbo: “You know, Crossman [Engineering] has done the, you know, evaluations before, so that the basic, primary footprint of the project is on this plan you see today, so that’s fine, uh, just so we can facilitate and move forward, and, secondly, let me regroup with my team, and maybe we’ll call you, and get a more specific, uh, extension plan, as I got to kind of understand it a little bit better, Jim [Lamphere], so, but if we can do that, instead of struggling through it tonight. I think it’s the best way to do it, okay?”

Mr. Lamphere replied that that was “fair enough” with him, and that the Department and Board would “work with [him].” Mr. Palumbo thanked Mr. Lamphere. Mr. DiOrio said

that he was “delighted to hear that kind of conversation”, but he wanted to know what the Board’s “window” to make a definitive decision was “again, though”. Mr. Lamphere replied that it would be December 6th. Mr. DiOrio replied.

Mr. DiOrio: “Okay, so, wait a minute – I suddenly find myself in the box again. If we’re going to meet on December 2nd, and there’s a blizzard – I’ve got five days to render a decision. What, am I missing something?”

Mr. Lamphere: “Okay, no. It’s my understanding - Mr. Palumbo just said that we can get an estimate based upon the plans that are here today. So, as soon as I get that estimate, I will give it to Ralph [Palumbo]. Now, um, they also – I believe I also heard them say that they’re gonna huddle together, discuss the changes, and he’s gonna give me, he’s gonna give me an extension, uh, plan, if you will, after they huddle, right? They’re gonna, they’re gonna maybe come up with, you know, maybe a couple of months, two, two or three months exactly. That’s, that’s what I heard Ralph just say. So, we’re waiting for phone calls from these people, after they consult with -”

Mr. DiOrio: “I understand.”

Mr. Lamphere: “- as a team.”

Mr. DiOrio: “So we don’t have – please correct me if I’m mistaken. I don’t have to worry about the December 7th deadline, looming on the horizon, just in the eventuality that we don’t get to meet on December 2nd?”

Mr. Lamphere: “Again, I just want to reiterate that, I, I really don’t want to put this on a December 2nd Agenda, merely for the purpose of getting an extension. When their attorneys and whatnot can give me an e-mail, telling me what they’re willing to grant us. I mean, if we can conduct business, uh, over the phone and via e-mail, then we don’t have to come back to the Planning Board until there’s really something substantive for the Planning Board to consider, because I don’t really have the time to waste.”

Mr. Palumbo: “Yeah, yeah, so, Mr. Chairman, I think that’s accurate, and I only need a day or two. Before the week’s over, someone from my team will circle back with Mr. Lamphere, and put together a schedule for the extended times. So, I’m committing to extend. I’m not gonna, I’m not gonna hold, uh, strictly to the December 2nd, if that’s what you’re asking me. I’m not gonna do that, and I think, you know, to go to January, uh, or greater, if my team, we think it’s, you know, it’s in the best interest of, of all of us, and we’ll, we’ll get back to Jim [Lamphere] before the week’s out. It only takes a day. I’m just asking for a day of discussion with my team, okay?”

Mr. DiOrio: “Of course, of course. The Planning Board need not be involved in the extension process. If it can be conducted through the Planning Office, I’d be willing to do that.”

Mr. DiOrio then said he was going to “leave it to” the Planner and the applicant, and he was “not going to worry about December 7th”. Mr. Palumbo replied that that worked for them. Mr. DiOrio then asked Mr. Lamphere if the Board needed to make “any kind of motion here this evening to conclude business on this.” Mr. Lamphere said that the Board could make “a motion to, uh, go to peer review with Crossman” Engineering. Mr. DiOrio asked the Board if one of the members could “entertain a motion to that effect.

MR. PRELLWITZ MADE A MOTION TO SUBMIT, THROUGH THE PLANNER'S RECOMMENDATION, THAT THE APPLICANT GO TO A PEER REVIEW AND CONTINUE ON FROM THERE. IT WAS SECONDED BY MS. LIGHT. THERE WAS NOT ANY FURTHER DISCUSSION.

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

5-0, MOTION PASSED.

Proposed Revision to the Approved 3-Lot Minor Cluster Subdivision Plan – Proposed 2-Lot Minor Conventional Subdivision Plan - Sarah Land – Plat 25, Lot 54, Maple Court. Dan Liese and Marguerite A. Liese (successors in interest to Sarah Land Company, LLC.), applicants.

Mr. DiOrio began by explaining that he was going to recuse himself from this application, as well as the one following it. He stated that he “was involved in this project, and continued to be involved”. He said that for the “subsequent application, the first item under ‘New Business’, [he] was involved in [that] project early on”, and that he had “worked for the property owner”. Though he was “no longer involved in that project”, he submitted “notices of recusal for both of those projects”. He requested that Mr. Prellwitz “take the reins at this point and take us through the next two applications”. Mr. Prellwitz said that he would be “glad to.” Ms. Jalette accepted both of Mr. DiOrio’s recusal forms.

Mr. Prellwitz asked if there were any representatives available to present the application. Ms. Jalette replied that there was, and Mr. Prellwitz asked for “some input from those people”. Dan Liese appeared before the Board.

Mr. Liese explained that he was before the Board “to request an amendment to the plan”, which had been “set up for a three-lot subdivision.” Mr. Liese wanted to change the configuration to create a “two-lot subdivision.” Mr. Prellwitz replied that his understanding was “that the intent for this proposal [was] for [Mr. Liese] to build two houses – one for [Mr. Liese] and one for [Mr. Liese’s] son”, and that it would be a “family, interconnected sort of idea”. Mr. Liese replied.

Mr. Liese: “Yeah, exactly. Two separate lots, um, basically broke right down the middle, uh, splitting the lots, essentially, in half, and yeah, it’s gonna be two residential, uh, properties.”

Mr. Prellwitz said that it looked like “there’s an area, that’s a proposed easement for a detention basin.” Mr. Liese said that that was correct, and that it was “already in place”, as it was “submitted with the prior plan”, and that it was “gonna stay the same way.” Mr. Liese explained that the road had “been put in”, and that he “believe[d] everything’s been done on that”, as “they put the, uh, trap rock along the side, and everything’s leading

down into the, uh, drainage basin.” Mr. Prellwitz asked Mr. Liese if there was anything he wanted to add. Mr. Liese answered that he did not, as it was a “pretty simple change from three lots to two.” He said that the new proposal was “taking away the Open Space that was around the outside of that.” He continued.

Mr. Liese: “We intend on maintaining the current grade that was, uh, set up, uh, when, I guess, at some point, when they said, ‘You’ve got to regrade this, uh, basically gravel pit,’ so, we intend on keeping that same grade and, um, actually, probably, within a year, we’re going to start adding evergreens at the top of the hills, uh, for just protection, privacy.”

Mr. Prellwitz said that he agreed, and that it “look[ed] pretty straightforward.” He said that Lot 1 was going to have “4.714 acres, and Lot 2 at 5.00875 acres, so it comes more into compliance with what RFR-80 was originally designed for.” He asked the Board if they had any comments or questions. Mr. Lindelow, Ms. Light, and Ms. Shumchenia said they did not have any questions. Mr. Prellwitz asked Mr. Lamphere if he was “looking for a motion on this”. Mr. Lamphere replied that they would “need a motion to, uh, amend, um, the approved plan”, where they would then read “the seven findings of fact that must be made, uh, to convert this, uh, three-lot Cluster into a two-lot Conventional Subdivision.” Mr. Lamphere also suggested that Mr. Prellwitz “might want to see, before you make this motion” if there were any members of the public who wanted to comment on it. Mr. Prellwitz thanked Mr. Lamphere for his insight, and asked Ms. Jalette if there was anyone wishing to be heard. Ms. Jalette said that there were not any members of the public who wanted to comment on the revision to the plans. Mr. Lamphere told Mr. Prellwitz that the Board was “free to make a motion.”

MS. LIGHT MADE A RECOMMENDATION THAT THE PLANNING BOARD WOULD APPROVE THE PROPOSED REVISION TO THE APPROVED FINAL PLAN, DATED OCTOBER 16TH, 2020, CONDITIONAL TO THE APPLICANT PAYING THE THREE HUNDRED DOLLAR FEE FOR THE AMENDMENT TO THE APPROVED PLAN, AND UPON THE SEVEN FINDINGS ENUMERATED BELOW:

NUMBER ONE: EACH SUBDIVISION SHALL BE CONSISTENT WITH THE REQUIREMENTS OF THE HOPKINTON COMPREHENSIVE COMMUNITY PLAN, AND/OR SHALL SATISFACTORILY ADDRESS THE ISSUES WHERE THERE MAY BE INCONSISTENCES;

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

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

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

NUMBER FIVE: ALL PROPOSED LAND DEVELOPMENT, AND ALL SUBDIVISION LOTS, SHALL HAVE ADEQUATE AND PERMANENT LEGAL ACCESS TO A PUBLIC STREET;

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

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

MR. LINDELOW SECONDED THE MOTION.

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

4-0, MOTION PASSED.

NEW BUSINESS:

Pre-Application – Major Land Development Project – Photovoltaic Solar Energy System – Atlantic Solar, LLC. and Atlantic Control Systems, Inc. – Plat 7, Lot 32, Plat 10, Lot 87, Plat 11, Lot 35, 0 Main Street. Atlantic Solar, LLC., and Atlantic Control Systems, Inc., applicants.

Mr. Prellwitz began by asking if any representatives from the applicant were in attendance. Before Ms. Jalette could reply, Robert “Bob” Craven, the attorney for the applicant, Atlantic Solar, LLC., stated that he was there. Ms. Jalette asked Mr. Craven to state his name for the record. He then began an explanation of the project at hand. He said he was going to keep his comments brief, as the Board had “a busy agenda”.

Mr. Craven stated that the proposal was for a “solar array along Route 95, approximately four and a half megawatts AC”. He said that it was “in an area that, uh, that is surrounded by some, uh, distant, uh, somewhat distant houses”, but that the applicant would “address all of those issues”. He said that he had “some maps” that “should have been submitted to

you folks, through the Planning Office, uh, that show the distances between” the proposed array and the “surrounding neighbors.” He continued.

Mr. Craven: “The engineering firm on this project is Woodard and Curran. Alan Benevides is the witness that I intend to present tonight. Alan [Benevides] has testified before, uh, multiple Zoning, Planning Boards, and Courts in the State of Rhode Island. He particularly has testified before this Board last month, and before the Town Council on several occasions in reference to some, uh, relief granted by the Town Council, so, without any further ado, uh, Alan Benevides from Woodard and Curran.”

Ms. Jalette directed Mr. Benevides to press *9, then *6. He then began his testimony.

Mr. Benevides: “Hi, this is Alan Benevides, from Woodard and Curran. I’m a Senior Vice President with the firm – been there for approximately twenty years. Uh, Civil P.E. [professional engineer], registered in the State of Rhode Island, and our Offices are at 33 Broad Street in Providence. Uh, to reiterate some of the basics that were touched on before I get started: project’s at 0 Main Street, encompasses three parcels. Ultimately, as we move through the process, hopefully, those parcels will be combined, but, currently consists of three parcels. Uh, the size of the project – approximately four and a half to five megawatts AC, and the lot size is 29.73 acres, so some, a little bit of basics. Uh, I did want to touch on just a little bit of project history – how we got to this point. Uh, this is really the third evolution of these drawings. Uh, the project started out back in September of 2018, and they were heard before the Planning Board, as part of the rezoning and Comp[rehensive] Plan change, so that was the very first version of the drawings. Um, that was in September of ’18. In November of 2018, those drawings started through the Town Council and the rezoning and Comp[rehensive] Plan change process. Uh, that process involved a number of meetings, uh, during those meetings, there was an evolution of the drawings to respond to comments either from the Council or for – from, the, uh, from the public, and, ultimately, in March of 2020, uh, the zone change was approved. Uh, the zone change, uh, consisted of sixteen conditions, or has sixteen conditions associated with it, and so what we’ve done is reflected in the drawings that were submitted in October to the Planning Board - the ones you’re now reviewing tonight is we’ve updated the drawings, uh, on a couple of fronts, which I’ll touch, touch on in a second, but one of them is to make sure that any of those sixteen comments that related to the civil engineering or to the drawings have been reflected into the, uh, drawings you’re reviewing tonight. Uh, the two changes that are worth mentioning – one of them, there was a request to move some of the panels further from, uh, residential abutters, which was done, and the second thing, when we touch on the plans, I’ll talk about – there was a requirement to put an eight-foot berm in, in order to shield the particular resident, uh, that there were concerns that there would be a visual impacts. So, those were the changes that were – came about as part of that process. Um, you know, in the interest of time tonight, I’m going to touch on two drawings that were submitted as part of the package. Uh, the first one is Figure ‘A’, um, the, uh, ‘Existing Conditions’ plan, that were submitted as part of this, uh, application. Um, what you’ll see on those drawings is that, uh, the project is located on Main Street, as I said earlier, and that’s bounding it on the north side of the site, and then, on the south side of the site, uh, is Route 95, and then there’s residential

abutters to either side. Obviously, zoned as Commercial. Um, since the, the March 2020, um, uh, approval, uh, there's been quite a bit done on the existing conditions, so this drawing is essentially a new drawing. We have new topography, so Cherenzia and Associates went out. They did a topographic survey. They did a property boundary survey, and they located, uh, the wetlands as part of this kind of updated drawing. So, all that information is new from what we've seen in the past, and will be used as we make our way through the Major Land Development process. Um, if you look at the drawing, those of you who have it in front of you, you can see, uh, again, to the north, you can see Main Street to the south, you can see Route 95, you can see the three parcels - they're outlined in red - that, that are the extent of the solar array, of those three parcels. Um, the, uh, wetlands are in kind of a, a, beige color, and are really located on the eastern and western, uh, um, boundaries of the parcel. Um, at this point, the project that - the project site is largely undeveloped. It's, um, you know, generally wooded and, uh, at this point, um, you know, there's really, um, no other development within the parcel. Uh, there's no flood plains on the parcel. There's no national heritage that have been identified on the parcel. No historical or archaeological also on the parcel, so, that gives you a good, um, kind of overview of what the existing conditions are of the site. The second drawing that I'll touch on tonight is the 'Proposed Conditions' drawing, and that is on, is Figure '5' of the last drawing that was provided as part, as part of the, uh, of the submittal, and you can see the access road come off the Main Street, and you can see it kind of going in a southerly direction, um, curves through the site, and heads, uh, over to, uh, essentially, provide access to the entirety of the array. Um, I'm sure you're familiar at this point with seeing, uh, solar arrays, but, uh, just in case, there's small, blue rectangles that are aligned in rows, so those small rectangles are actually the solar panels, and you can see where the solar panels are proposed to be located on the site. Um, one new thing, which you mentioned earlier is the, the, the purple area that you see, uh, in the kind of northern part of the, the project, and that's that eight-foot visual screen, and it will be landscaped. That was a requirement, uh, as part of the, uh, conditions of the, uh, rezoning, so that's been inserted into the drawings. Um, you can see, again, the wetlands around the eastern and, and western sides of the project, and, uh, there's a small, green line. Those who have the plans that show the buffer zones, so you can see that none of this projected is located within any of the wetland areas, it's not located in any of the buffer areas as well. You know, a few facts about the project, um, you know, we have a hundred-foot setback from Residential, um, Districts, which have been incorporated here. Of the front, side, and rear setbacks, exceed those of a Commercial District. At this point, the internal ones, given there's three lots, don't make you meet that requirement, but, ultimately, they will, but, and the - what would ultimately form the entirety of the parcel, all of the setbacks are met, and we don't anticipate any need for variances for the project. Um, one thing to note on this project - um, I've been out to the site a number of times - there's um, you can see that the panels are located pretty significantly far back from Main Street. There's about five hundred feet, uh, that they're set back, so there's a very good buffer that's going to be provided from Main Street. Um, you know, obviously, an access road coming in, but, um, but, again, pretty far back from Main Street in terms of visual, uh, uh, screening. Um, let's see: There's the - as I said earlier, 29.72 acres of the site, and that's existing woods. After the project, there's going to be approximately fifty percent of the parcel that's going to be cleared, which means about fifty percent is going to remain as wooded, so we

have fifteen acres of the thirty acres, and, again, we're at concept level, so these numbers are approximate, but fifteen acres, fifty percent of this will remain wooded, uh, after the projects have been completed, so, a fairly substantial portion of the project will remain as a wooded condition. Um, the lot coverage – thirty-five percent, significantly less than the seventy-five percent that's allowed by the Town, um, so, again, the project, as we envision this, um, going through the Major Land Development process, is that we intend to meet all the conditions of the, um, rezoning, as well as meeting all the requirements of the Town's Ordinances and by-laws as it relates to setbacks with no variances anticipated. Um, next steps is to, you know, really, as we get to, hopefully, Master Plan, is to start to, um, you know, put grading onto the site, to start to go through a detailed storm water design, so those are still in front of us, and this project will require, uh, from RIDEM, um, Rhode Island's Department of Environmental Management, both a, um, preliminary determine-, determination regarding wetlands, which we anticipate that there's no significant impact to wetlands. In addition, it will require a RIPDES – Rhode Island Pollution Discharge Elimination System - Storm Water Erosion Control Permit as well, so, those are anticipated. Uh, one that we're probably going to need, we still have to finalize our design as we move forward, is a Rhode Island Department of Transportation Physical Alteration Permit. Again, that's still is to be confirmed, but, likely, one of the Permits that we've got in front of us. So, this project has evolved as we've worked through the Town's Planning, and then ultimately the rezoning process, and we anticipate they'll continue to do so. The purpose of tonight's meeting, as you know, is to present the project, hopefully get some good feedback from the Board and from the public, so, that as we move into the next step of Master Plan, uh, we can hopefully hit the mark in terms of the Town's expectations and requirements. So, uh, with that, I guess I'll turn it back over to Bob [Craven].”

Mr. Craven asked if there were “any questions from the members” of the Planning Board. Ms. Light was the first person to weigh in.

Ms. Light: “Okay, just so we're clear, uh, this property was converted from, um, Residential to Commercial, and the Zoning Ordinance only permits three acres or three percent – the less of. So, no credit can be given for, uh, putting a, this solar project on seventy-five percent or less, according to what the Commercial zoning would require. I just wanted to make that clear.”

Mr. Benevides: “Mhm. Okay.”

Ms. Light: “It should be three.”

Mr. Benevides: “Terrific. And, as I said, we're only thirty-five percent of lot coverage, so, we're fairly low lot coverage for the project.”

Ms. Light: “It's not low enough. I'm sorry – I'm stuck on the Ordinance, and I, I, I'm having a hard time getting past the fact that, uh, this project, um, is, uh, not, not consistent with, uh, the Ordinance that the Town agreed to, and I'll step over the rest of that. Uh, thanks for letting me voice my opinion there.”

Mr. Benevides: “Thank you.”

Mr. Craven then asked if there were “any further questions”. Ms. Shumchenia was the next Board member to comment.

Ms. Shumchenia: “I, I, I might have missed that – did you say there’s a RIPDES permit necessary for discharge? Um, because – can you describe that a little bit more? What’s the body you’re discharging to, or that you think you’ll be discharging to.”

Mr. Benevides: “Yeah, so there’s different kinds of RIPDES and NPDES permits, uh, some of them are for direct discharges, obviously, some are waste water. There’s a number of different kinds. The reason for permit for this project is because of the, uh, total acreage of land disturbance, so, any place in the United States, if there’s an exceedance of one acre of land disturbance, then it needs a permit from the lo-, well, back, from forty-eight states that needs a permit from the, from the State – in Massachusetts, from EPA [Environmental Protection Agency], but in Rhode Island, it would need a permit because of the land disturbance, so it really is related to the disturbance of land, um, doesn’t matter, really, where you’re discharging to. It ultimately assumes that there would be, um, make its way to water bodies of the United States, so it’s because there’s a land disturbance of greater than one acre.”

Ms. Shumchenia: “Gotcha. Okay, um – just to make you all aware in, and you may be aware of this already, in the westernmost corner of the site, of, um, the westernmost parcel, there is some overlap with, um, the quarter mile buffer around the Tomaquag Brook, which is part of the Wood-Pawcatuck Wild and Scenic Rivers System, and that’s something I think this community, our Town, is interested in adhering to the recommendations of that Council to leave the quarter mile buffer area undisturbed, um, in that Brook and all of the tributaries and rivers in that system. Um, the Council recommends those are not bodies that receive discharging waters from any development projects, um, further than what already exists. So, that’s just a, a buffer to be aware of.”

Mr. Benevides: “Great. Thank you. Thank you very much. Appreciate it.”

Mr. Craven asked if there were any other comments. Mr. Lindelow responded.

Mr. Lindelow: “No questions, just a comment, uh, for, um, the future, when we get into decommissioning, and, uh, kind of – not to rehash conversations from earlier this evening, but there’ll be some, uh, some in-depth discussions for the future.”

Mr. Benevides: “Yep. Yes. Understood. Yeah. We, we were on earlier, and heard the earlier conversation, when we were on the agenda at the last Planning Board, there was also an issue, so, uh, yeah, we’re, we’re, uh, we’ve done decommissioning estimates quite a bit, and we’re confident in our numbers.”

Mr. Lindelow thanked Mr. Benevides for his response. Mr. Prellwitz then commented on the proposal. He said that he “could possibly be missing something, but [he was] not seeing any sort of detention ponds or water consolidation provisions.” Mr. Benevides replied.

Mr. Benevides: “You haven’t. So, at this point, we’ve really focused at a concept level on getting the panels where we want them to be, uh, getting feedback from the Planning Board and the public tonight. Uh, as I said earlier, uh, kind of next steps, when we got to Master Plan is to then start to incorporate both, uh, gradings, so, you know, the site topography and any changes, and, and regarding site topography, we typically try to leave things exactly it is – we try not to change drainage areas, uh, where things are running to,

we try to leave them the same, and as far as, uh, storm water, that would be part of what we develop for the Master Plan submittal.”

Mr. Prellwitz thanked Mr. Benevides for his statements. Mr. Benevides then continued, stating that the such ponds would be “clearly needed, a hundred percent, it’s just – will be as part of the Master Plan.” Mr. Prellwitz then asked Mr. Craven if he had any other team members who were going to participate in the proceedings at that juncture. He replied that he did not, and that he felt “as though that the overview that [the applicant] gave was sufficient”, though they did “have other experts, including, uh, an individual who works for the company – he’s the Chief Executive Officer, who’s available to us to answer any technical questions about the solar issues and National Grid, etcetera”. Mr. Craven said that if there were “no such questions, then [he had] completed [his] presentation.” Mr. Prellwitz thanked Mr. Craven. Ms. Light then said that she would “like to get, uh, an overview of buffers”. She continued.

Ms. Light: “The Planning Board’s been very clear about how we feel when these solar projects abut other property owners, residential property owners, so, in my mind, there might be a confusion about what a twenty-five-foot setback is, and, in recent projects, uh, we’ve seen these setbacks be, uh, cleared. Uh, so, I would like the opportunity to have your team consider a larger setback around those residential properties, and I would like you to be conscious of the fact that, uh, it’s important to leave whatever natural growth is there, uh, to completely, uh, leave the view, the line of view, intact, so that these things are not viewed from these other residential lots. Okay, so- ”

Mr. Benevides: “Yes.”

Ms. Light: “Increasing, increasing the setbacks around those, those properties, uh, is helpful, and, um, leaning in the direction of leaving whatever trees and understory are there would be helpful, too.”

Mr. Benevides: “Mhm. Yeah. Absolutely. Um, you know, and, again, as I said earlier about fifty percent of this parcel will remain, uh, um, vegetated, and, uh, we certainly heard that comment, uh, pretty loud and clear as part of the rezoning process, so, um, you know, one specific thing that’s unique, well, to this project, actually, the other project that we’re doing as well, is the vegetative screen, the berm that’s being put in, uh, so that’s something that’s gonna be done. Uh, the areas on the western part – I’m sorry, yeah, western part of the site, there’s a wetland there, with a perimeter buffer, so, none of that is going to be cleared, so that will remain, uh, vegetated, and, as Attorney Craven said, in the beginning, we do have a map, um, you know, that I’m looking at now, that, that wasn’t part of the submittal, but the distance to, uh, the abutting homes, uh, is at least five hundred feet, uh, with one exception. There is one parcel – it’s, um, um, Plat 10, Lot – I guess it’s 86, so it’s the one, as soon as you come into the site, it’s about a two hundred and eighty-five-foot setback from the panels to that, that property, but, otherwise, we have five hundred feet, uh, and six hundred and fifty feet to the abutter on the west, but., but leaving the existing vegetation is clearly something we’ll do to the greatest degree possible, so, we share that concern.”

Ms. Light: “Hmm. Thank you.”

Mr. Prellwitz then asked if there were any other comments from the Planning Board as the same time as Mr. Craven. Mr. Craven explained that that was their presentation, and that they would “only ask that, uh, we’d be allowed to move on to, uh, Master Plan, um, and to absorb the con-, the suggestions made by the Board into a plan that [the applicant would] present to [the Board] at the next available, uh, meeting of the Hopkinton Planning Board.” Mr. Lamphere then said that he had a couple of questions for the applicant.

Mr. Lamphere: “Um, first of all, uh, on the southwest, uh, portion of this project, is a relatively small wetland area that does not have a buffer around it. Can you tell me the, uh, square footage of that wetland area, and, why, why it doesn’t have a buffer?”

Mr. Benevides: “I, to be honest, Jim, I don’t have the answer to that, I do see the wetland that you’re talking about – relatively small and isolated. When we got the report from our wetlands delineator, they didn’t provide a buffer to that, um, so, I will have to go back and take a look at it. It could just be a wooded wetland, um, but, um, but that’s a good point, and I’ll have to uh, um, get back to you on it.”

Mr. Lamphere: “Okay.”

Mr. Benevides: “I do see what you mean there. It doesn’t show the fifty-foot buffer on it.”

Mr. Lamphere: “Okay, I wasn’t sure if it was because of the size of the wetland or, or whatever, but- ”

Mr. Benevides: “Yeah, yeah, and I did have the – yeah. I, I could look at the, the Wetlands Report quickly, but, but at this point, I think it’s a good question, um, and that one wasn’t provided with a fifty-foot buffer, and we’ll just double check it. Either add if it, add it is it’s relevant, or just have a more complete description in the application we submit for Master [Plan].”

Mr. Lamphere: “Okay, Alan, Great. Um, my next question, uh – Page Four of the Narrative, where you list the application components, uh, which mentions an ‘Existing Condition Survey’, prepared by Cherenzia and Associates – twenty-four by thirty-six, full size, and eleven by seventeen reduced set, and, um, I did not receive that, uh, in the submission. Uh, I did receive ten sets of Figures One through Five, which are listed below on that same page, and Figure One is existing conditions, uh -”

Mr. Benevides: “Correct.”

Mr. Lamphere: “I don’t know if that’s the same thing that you’re referencing here, but, but that has Woodard and Curran’s, uh, name on it, not Cherenzia’s, so.”

Mr. Benevides: “Um-hmm. By the way, I did go back and look at the Wetlands Report, and it’s because of the size of that wetland, that it doesn’t have the fifty-foot buffer, so, again, we’ll expand on it in the Master Plan, and, um, and then, um, you know, we will, um, uh, it, it, it will stay in the condition that it’s in without the fifty-foot buffer because of its size. We’ll provide documentation. As far as the plans, so, we did two things. One of them, we did have Cherenzia provide the detailed, uh, drawings, so they were with both twenty-four by thirty-six, full-size sheets, as well as eleven by seventeen. Those are stamped by Cherenzia. They’re on Cherenzia Title Block, and then, Woodard and Curran will then take that information, incorporate it into our existing -”

At this interval, Mr. Benevides was interrupted briefly by some background discussion. He then continued.

Mr. Benevides: “Somebody’s talking in the background, but, in any event, uh, you should have got a copy of those separate Cherenzia drawings. Did you not?”

Mr. Lamphere: “I don’t believe we did, uh, Alan, no. I just got the Figure One through Five. Ten sets of that.”

Mr. Benevides: “Okay, so, somehow, it, sort of, in the days, are these days of like, printing at one place and shipping it to another, in the kind of the unusual process, it sounds like it didn’t make it all the way to you, so, the existing conditions plan that we have as Figure One that says Woodard and Curran is based upon the information that was provided in those drawings. That said, the stamped originals are available from Cherenzia, um, we certainly could submit them either to you now, or certainly as part of the Master Plan, but the information on the first drawing does reflect, in its entirety, what was in the Cherenzia drawings. So, whatever would be best, Jim [Lamphere].”

Mr. Lamphere: “Okay. My question, Alan, is, um, on the first page of your Narrative, under ‘Site Survey and Supporting Figures’, uh, the first sentence is that ‘a topographic and comprehensive boundary survey for the project parcels has been completed, and a plan has been prepared by Cherenzia and Associates, Ltd.’”

Mr. Benevides: “Correct.”

Mr. Lamphere: “And it also said that ‘this plan is attached to this letter.’ Uh, I did not get – did you do a Class I Survey of all this, all these parcels?”

Mr. Benevides: “Yes. So that, that information is on the Cherenzia drawings, and so, is really kind of a follow-up to the last question you had, so, those detailed Cherenzia drawings – that was the boundary survey, and the topographic survey. We had bound those separately, so there was a set of Woodard and Curran figures. There were five figures, and then there were a set of Cherenzia drawings, and it sounds like the Cherenzia drawings that provided that information didn’t make its way to you. So, um, again, would you like us to just, as part of Concept Plan, just submit, to submit them to you, or, you know, is what’s on our Figure One’s sufficient, and we would just provide them the next – whatever is best.”

Mr. Lamphere: “I’d like to see a plan, um, with a Class I Survey.”

Mr. Benevides: “Uh. Okay.”

Mr. Lamphere: “Encompassing all of the, all of the parcels that comprise this project, and the reason I, I’ll tell you why I’m asking, um – there is, on Plat #7, there is a Lot 33, and that, that Lot that you’re showing on the plans that you’ve provided me, is much smaller than the Parcel 33 on my Assessor’s Maps, and, and the data, the data that I have on my Assessor’s Plats say that that Parcel is 2.2 acres. Now, I’m looking at one of your other Parcels, on the same page, and it’s three point something acres, and if that’s three point something, that’s not 2.2, uh, Lot #33. So, I, I don’t know why it differs so, uh, greatly, from what our Assessor’s Maps are showing, um, so, um, I, I’d like to see a Class I Survey of your Parcels, and I’d like to find out why my Assessor’s Maps have such a discrepancy, because -”

At this point, Mr. Benevides and Mr. Lamphere were talking at the same time. Mr. Benevides then continued.

Mr. Benevides: “Well, I was saying, I always want to be clear, so, are you saying that the one that – is it just a single Parcel – is it Plat 7, Lot 33? That’s the discrepancy, or is it some other one?”

Mr. Lamphere: “If you look at my Assessor’s Maps, uh, Lot #33 pretty much bisects your project, okay? It goes right up to Lot, um, the Lot that’s to the north of it, and it’s almost like a parallelogram. If you look at my Assessor’s Plats, it’s like a parallelogram, and Lot 33, uh, basically, it, you know, forms a blockade, uh, from the left-hand side of your project to the right-hand side of your project. So, I’d like to know, I’d like to know why you have such a small, uh, uh, representation of Lot 33 on your map?”

Mr. Benevides: “Okay, understood. So, we’ll check that. We’ll get you the drawings. In addition, we’ll answer the, um, you know, we’ll try to provide background as to what the reason for the discrepancy is.”

Mr. Lamphere thanked Mr. Benevides for his explanation. Ms. Jalette then communicated to Mr. Prellwitz that there was a member of the public who wanted to comment. He replied that before the Board “[got] into that”, he wanted “to add that, according to our Pre-Application guidelines, [the Board’s] job here it to provide the, uh, the project proposers with any information that’s gonna help them come into compliance with what [the Board] consider[s] to be appropriate.” He wanted to “have [his] own little two cents worth.” He continued.

Mr. Prellwitz: “In view of the fact that a lot of people get very passionate about different projects, and about any work going on in the Town as a whole, sometimes, they get to be a little bit wordy. They tend to repeat themselves – there, again, this is not a judgement on those people. A lot of them are just very passionate about what they do. So, if everyone could be mindful of the time that they’re gonna spend speaking, that would be great. Um, I would think that the Senators and the Representatives in Congress are limited to five minutes apiece. I’m not suggesting a mandate, but if people could limit their comments to around five minutes, that would be much appreciated.”

Ms. Light interjected to say that she wanted to “point out that [the Board did] have two more items on the agenda”, and it was “already 9:40, so, as short as possible, if we can hear some comments that would be new, and bring some new information to the table, that’d be great.” Mr. Prellwitz thanked Ms. Light for her comments, and he added that “this is going to come back before [the Board] several more times, so there’ll be plenty of opportunity in the future to say whatever you need to say.” He then allowed public comment.

The first person to comment was Eric Bibler. He said he had a “brief question”. He said that he had looked “at several sets of plans”, and that “in the legend on all the plans”, “it says that the setback provision is one hundred feet.” He said that that had been mentioned that night, and that he did not “disagree” with that. He then continued.

Mr. Bibler: “Um, our dimensional regulations in Town stipulate that, um, the dimensional – the setback to any Residential property has to be a hundred feet from any Commercial structure on a Commercial or Manufacturing zoned property, from any structure there, to

a Residential zone. But, I can't tell from these plans – but on plans that I've seen previously, it looks to me as if the setback to [Plat] 10, Lot [86], that belongs to Kevin [Ward], the property, um, that is, um, abuts the road, the access road, um-

Mr. Benevides: "Mhm-hmm."

Mr. Bibler: "In prior plans that I've seen, had the, uh, utility poles running between the road and Mr. Ward's property, and then a further, uh, into the property, it had transformers that, it appeared to me to be, um, fifty feet or less, approximately, from Mr. Ward's property, so, those are clearly structures, and, um, I believe our Building Official has said that she treats road, a road, as a structure, so, I'm wondering, um, if you're meeting that one hundred-foot setback between Mr. Ward's property line and any structures on the property."

Mr. Benevides: "Yeah, I'm not sure which drawings you're looking at, so, one of the conditions of approval, as part of the rezoning process, was to move the four poles, so that the version that you are looking at or have looked at, those – we've moved them into the property, kind of on the western side of the access road. Is that what you're looking at? Are yours still located to the north?"

Mr. Bibler: "Well, I just want to know – are there any structures on your project, are they any structures at all that are within one hundred feet of a Residential property line, and, specifically, Mr. Ward's, after you make those adjustments?"

Mr. Benevides: "Uh, no. So, again, as part of that process, we've moved them away from that property."

Mr. Bibler thanked Mr. Benevides for "clarifying." Mr. Prellwitz then asked if there were any other members of the public who wanted to comment on the project. She replied that there were not. Mr. Prellwitz then said that the Board had "come to the end of this portion of [their] entertaining program." He asked Mr. Lamphere if a motion was needed, and he said that they did not, as a Pre-Application does not require a motion. Mr. Prellwitz then returned "control of this" to Mr. DiOrio.

ADVISORY OPINION:

Advisory Opinion to the Town Council – Request for Text Amendment to the Zoning Ordinance Pertaining to Solar Energy Systems – Section 2: Definitions, Section 5: District Use Regulations, and Section 10: Special Use Permits. Requested by Thomas and Cynthia Sculco.

Mr. DiOrio returned to his position as Chair, and Mr. Prellwitz returned to his position as Vice Chair. He began by explaining that the Board had been provided with a copy of the request. He said that his "intention in having this placed on the agenda, in discussions with Jim [Lamphere], is to formally, uh, forward this to the Planning Board members for their consideration." He said that he was "not anticipating, uh, any kind of introduction of the Ordinance this evening, nor any lengthy discussion between the members, uh, or the public, but more a, uh, again, forwarding it to the Planning Board members formally and, perhaps, a discussion of the trajectory of [the Board's] consideration of such an Ordinance, especially given [the Board's] position in the, uh, changing scenario of, uh, the Town Council, etcetera." He continued.

Mr. DiOrio: “So, uh, a thought perhaps. This is a lengthy document – lots of meat on the bone. Uh, something to consider, uh, would be, uh, a discussion of this at another point in time, uh, with the idea that, uh, the Planning Board might consider a high level Advisory Opinion to the Town Council. By high level, I mean, uh, something along the lines of ‘We’re in favor of it’, ‘We’re not in favor of it’, etcetera – and, in doing so, move it to the Town Council for refinement, if you will, because we really don’t know where the community, or the Town Council will stand on such an Ordinance. So, before we get engaged in, uh, wordsmithing and, you know, the nuts and bolts of things, it might be more appropriate to garner the opinion of, uh, a wider segment of our community. So, that’s just a thought, uh, but maybe we could talk a little bit about this trajectory, and see what the Planning Board members would like to do. So, I look forward to hearing from you. Tell me what’s on your mind.”

Ms. Light was the first Planning Board member to weigh in. She said that she had “read this entire document”, and that she thought that “there is some value in some of the points.” She continued.

Ms. Light: “I’m not saying that this whole document doesn’t have value. My interpretation of what I’m looking at here, um, suggests that there are some points that are raised in this, uh, recommendation before us that, that has value – things that are important to me. Um, I’d personally like to see tighter language around some of our buffer conversations, etcetera, and, keeping this at the high level, I would approve – I would agree – that the Town Council should take a look at this, and, granted, this document, as the Town Council said the other night, is, uh, somewhat preposterous, because it makes some, uh, calls on things that really, uh – they’re not relevant to some of the solar efforts in our community, but, that’s for them to decide. Uh, so, I, I don’t see any harm in letting the, uh, Town Council decide what to do with this.”

Mr. DiOrio thanked Ms. Light for her comments, and asked if any other Board members had comments. Mr. Prellwitz spoke next.

Mr. Prellwitz: “I agree with Carolyn [Light]. There’s a lot of stuff here that really should be discussed at length, and, quite possibly, on the Town Council level, and then we could get back to it at a future time.”

Mr. Lindelow commented after Mr. Prellwitz, to say that he was “just agreeing with [his] associates” on the Board. Ms. Shumchenia weighed in next.

Ms. Shumchenia: “First of all, I’m, I’m really thankful that this has been submitted. I think this is, you know, a lot of work for residents to undertake. I think it’s a great sign that people are thinking about improving Ordinances in the Town, and putting in the work to help Town Officials to do that. Um, I think this is exactly how we would envision a process in this Town working, where we, you know, there’s an Ordinance out there that’s being implemented, and citizens or Board members or Town Council members see that there might be some weaknesses in it, and they propose changes to address those weaknesses, and I think that this submission does that on a number of

points. It tries to actually build, uh, additional provisions, or safeguards, if you will, to parts of our current Ordinance that, I think, we've learned over the past two years might need some tighter language, um, some better specifications, some more description, so many of those issues that we, you know, we as the Planning Board have even struggled with, um, I think are addressed by this, so, some of those that include, you know, the decommissioning – this Ordinance speaks to creating a more consistent decommissioning process, with a formula, um, you know, without getting into too much detail, there's, you know, provision for enhanced buffers. It allows the Planning Board the ability to adjust the size of a proposed solar development, the location of it, increase the setbacks to avoid potential impacts to neighboring properties, to roads, um, to reduce the need for clearing, things like that. Um, there's better consideration of the issues, um, and the requirements if you put a solar array on a contaminated site, rather than simply 'encouraging' them, as the current Ordinance does, so, I think this is, it's got some really great stuff in it, and, again, I thank the Sculcos for putting in the time, effort, and money to present this, and start the conversation."

Mr. DiOrio thanked Ms. Shumchenia for her comments, and asked if all of the Board members had had a chance to comment. Ms. O'Leary asked to make a comment. She said that there was a "legal thing attached to this", which, because it was an Ordinance change, the Council had "to hear it sooner rather than later". Mr. Lamphere replied that he wanted to "let folks know that, this past Monday night, the current Town Council set a hearing date on this particular Ordinance for January the 19th." He continued.

Mr. Lamphere: "Now, ordinarily, uh, Deb [O'Leary] is correct. Ordinarily, the Planning Board is supposed to get back to the Town Council within forty-five days, on an Advisory Opinion. So, one suggestion that I might have for you tonight would be, um, seeing that you folks have just taken a cursory look at this, and see the magnitude of it, um, the Planning Board might want to consider some sort of an Advisory Opinion tonight, to go to the Town Council, and then they will have it, in time for their January 19th meeting. Um, that's one option. Another option is: we could always bring this back to the Planning Board, uh, two meetings before January 19th – once on December 2nd, again, we meet on January the 6th, and that would be for the purpose of, you know, diving deeper into this, but, I, I, I would probably would not recommend that, approach, at this point in time. I would, I like what the Chairman DiOrio just said, is, let's see how the new Town Council feels about this, and how they want to approach it, and so, um, I, I guess I would recommend to the Board tonight to just come up with some sort of a high level Advisory on, on what you've been presented, and let's see what happens in January, you know. I, I believe the new Town Council, we had three new members here, and, um, they're gonna have to get up to speed on a lot of things, really quickly, and that's, that's probably why they said, um, you know, the current Council allowed them some time here, to get their feet on the ground, and that's probably why they set January 19th as a, as a hearing date, so, um, that would be my suggestion right now, is give the Town Council something tonight, and then we don't have to look at it until we get some direction from the Town Council as to what they want us to do with it, because, I, I definitely think, you know, it's a good, it's quite an impressive, uh, document, that, that was prepared here, but I do believe it needs, uh, considerable, uh, review and consideration."

Ms. Light asked if it would be “fair to have Sharon [Davis] chime in on this”, as she was in attendance on Monday and helped “set the date for January.” Mr. Lamphere replied that he thought so. Ms. Jalette told Ms. Davis that if she wanted to comment, she would have to press *9, and then *6. She then spoke before the Board.

Ms. Davis: “Um, the only thing that I want, would like to, to have a conversation with the lawyer who drew this up to, uh – I think it would be easier, because it’s replacing the majority of the Solar Ordinance. Um, what I’ve kind of done is – where he would have, you know, A-1, I would look and see, on the old Ordinance, where A-1 is – no, I start the other way, but – say, A-1 on the old Ordinance, I would figure out where it is in the new Ordinance, because, you know, his numbers and letters, lettering, is different, but I – in order to really compare this, you’d have to do this line by line, and you’d have to try to figure out what’s missing and what’s new, and, because he’s replacing the whole thing in its entirety, so, now you don’t know – are, are all of the things that we had in the old Ordinance in his new proposal, and so there’s gonna need – we’re gonna need to have that lawyer, uh, talk to us about, you know, how he created his, his new document, and where the old stuff is in the new document. I mean, we just – it, I mean, I could kind of halfway figure it out, but I, I really need, I think we really do need, um, either the lawyer that, that wrote it, in, in addition to our Town Solicitor, going through this, to help us understand what’s old, and, you know, what’s new, in the new Ordinance. It is going to, it is like starting all over, almost, um, and you know how, how long that took us to go through, so, I, I, I think it probably would make sense for you to be doing what you’re gonna do, this high level thing – Advisory – and move forward, and, and, at least we recommend that the Town Council, you know, considers it. I guess, that’s, that’s the only thing – that you’re not saying ‘Don’t consider it’, whereas, you know, and the other things, you used to do that, right? You could, you could go, ‘We recommend’ or ‘We don’t recommend’, but, um, it is totally replacing the, uh, the Solar Ordinance, so, uh, it would have to require a hearing, and input from the public and go through the whole big process again. That’s what it going to have to do, and I don’t think it’d be fair for you to have to try to do that in two minutes, you know? I think, uh, it’s, it’s on our agenda, and we have to respond, as a Town Council, so, I’m not sure what your Advisory would be saying, if you – unless you’ve gone through it all the way and, and, and understand, fully, the differences between the old and the new. You can’t really give an accurate, or, an informed – you can’t give an informed opinion, in my opinion, in my, in my opinion. So, I, I, I like what Al [DiOrio] wants to do, I guess.”

Mr. DiOrio thanked Ms. Davis for her comments. Mr. Prellwitz then added some comments. He said that he would like to mirror what Sharon [Davis] just said, and what Carolyn [Light] said previously – that we should be mindful of what we’re doing, what we’re getting into, what we’re letting ourselves in for.” He continued.

Mr. Prellwitz: “This process, like any other process, there’s a learning curve. Now, from what I’ve seen around New England, the different towns and stuff, dealing with this – Hopkinton is maybe not the, the, what they call the ‘Gold Standard’, but we are far and away ahead of what a lot of the other towns are doing. Now, that being said, we already have a Solar Ordinance, that we look back on and say, ‘Well, maybe we should have

done this. Maybe we should have done that. That didn't work out so good – let's revise.' You see what I'm doing with this? Let's get out ducks in a row, present it to the Town Council. I'm not saying drag out feet a long time, you know, we'll work on it conscientiously, and when we make our proposal, it's something that all five of us - six if we include Jim [Lamphere], and we probably should include him, he's the Planner – something we're all happy with. It's done to the best of our knowledge, to the best of our ability, and move forward with that. The previous Solar Ordinance, it was done at that time, but, like I said, it's a learning curve. We're still on the uphill slope, but we are gaining ground. So, that's just my opinion."

Mr. DiOrio said that he heard Mr. Prellwitz's thoughts, and that he appreciated them, but that he was "going to take a slightly different approach to this." He elaborated.

Mr. DiOrio: "Because we have shifting ground under our feet – and I'm referring to the new Town Council, of course, I don't know where they stand – well, I know what's published, but – now that the rubber is on the road, I'm not quite sure where they stand. Uh, personally, I'm not prepared to invest time in an Ordinance that, while it has a lot of positive attributes, still needs a lot of tinkering. I, I'm not prepared to go there. I would much prefer the Town Council undertake this exercise, and perhaps, they're going to remand it back to the Planning Board for just that kind of tinkering, in the context of public workshops, etcetera. Then, I'm prepared to invest in the wordsmithing and tightening the nuts to make this everything that the community needs it to be. But, right now, I'm not really convinced. So, my proposal would be to – and we've done this in the past – forward this to the Town Council. We need not be positive or negative. We can simply forward it, as a working document, so that the Town Council can conduct its business within its allotted time frame. We take no stand on it, uh, unless people feel that they've read, they're prepared to issue a positive Advisory – that's, that's entirely okay – but, I would be proposing a neutral position, until such time as the document becomes a little bit more solidified. So, that's where I'm going to stand on this particular topic."

Ms. Jalette interjected to ask Mr. DiOrio for an extension for the meeting, and to alert him to the fact that Peter Skwirz, the attorney hired by the Sculcos, was in attendance, if the Board wanted "him to weigh in." Mr. DiOrio replied that he was "not quite sure that's quite where [the Board] want[ed] to go", but said that they would deal with the issue of the extension.

MR. LINDELOW MADE A MOTION TO CONTINUE THE MEETING UNTIL 10:15 P.M. IT WAS SECONDED BY MR. PRELLWITZ.

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

ABSTAIN: NONE

OPPOSED: NONE

5-0, THE MOTION PASSED.

Mr. DiOrio continued. He said that he “appreciate[d] there’s someone out there, perhaps the scrivener of this document”, but then said that “this is probably not the time to get involved in that kind of discussion.” He continued.

Mr. DiOrio: “I think the Planning Board needs to come to terms with what they want in terms of an advisory opinion, and get this off our desk.”

Ms. Jalette then communicated to Mr. DiOrio that there was a member of the public who wanted to comment, but Mr. DiOrio said that he was going to “hear from the Planning Board members first.” Ms. Light replied that she agreed with taking “a neutral position”, and “directing it to the Town Council.” She then said that she wanted to “elaborate on what Ms. Davis had said.

Ms. Light: “She – I’m in full agreement that it’s going to be a difficult process for anybody to review and critique in a timely manner. I think your recommendations in this Ordinance should be laid in between the associated paragraphs and statement in our Ordinance. Uh, maybe one in a black font, yours in a blue font – something like that. But, the way this is laid out right now makes it, uh, a very time-consuming, unhealthy document to try to digest next to what has already been, uh, laid out in the existing Ordinance, and that’s all I have to say.”

Mr. DiOrio then asked if there were any other Planning Board members who wanted to comment before a motion was made. Mr. Lindelow said that he didn’t have anything to say “that hasn’t been said already”, and he thanked Mr. DiOrio, Ms. Light, and Ms. Davis for their comments. Ms. Shumchenia said that she wanted to “add one more thing.”

Ms. Shumchenia: “Given the Planning Board schedule – our schedule tonight and, and next month, I agree that it could be productive to send this to the Town Council with this neutral opinion, although, I would say, me, personally, I don’t really have a neutral – I have a positive opinion of this as it, as it stands. I’m not, you know, accepting of every single phrase and word, but, I’m, I’m very supportive of this advancing, and people considering it more. Why I agree with the neutral opinion is that I think, under the Town Council, this can be brought to a wider forum, as you suggested, Al [DiOrio] – that, you know, a workshop format, where we can hear from the public. Obviously, we have members of the public that want to speak about this tonight, the author – I actually have some questions for the author on this – I think that it’s worthy of a much bigger discussion, and I’m not sure that that needs to happen in a Planning Board meeting, right? Like the other option is you continue this to December, because the Town Council doesn’t meet on this until January anyway, but, um, if they’re, if the Town Council is going to have a process where public input is, um, allowed, encouraged, etcetera, then we can participate in, in that forum as well. Am I missing a piece there? Does that sound like what everybody’s thinking?”

Mr. DiOrio replied that he thought that they were on the same page, but he did not want to be “misinterpret[ed]”, because “if any Board members are inclined to issue a positive Advisory opinion on the document, perhaps with caveats that, you know, it might need a

little bit of work”, he was “perfectly okay with supporting that approach as well.” He continued.

Mr. DiOrio: “I just – maybe I’m just Ordinance-shy at this point. I just want to make sure that the community is on board with this approach before the Planning Board members and staff and everyone else get all spun up about spending a lot of time tinkering around with something - no matter how beneficial it might be. It’s going to take a lot of time. Believe me, in my tenure, I have wordsmithed more documents than I can count. It is time consuming and laborious, and I’m prepared to go there if the community – if that’s the direction of the community. But, I want to hear that before I invest my time. That’s all.”

Ms. Shumchenia replied that she understood. He continued.

Mr. DiOrio: “So, in summary, if someone wants to make a positive Advisory, I’m behind you.”

Mr. Lamphere then weighed in.

Mr. Lamphere: “I’d just like to say that a document of this size, this, uh, this comprehensiveness, is normally something that you would see generated in-house, okay? By the town – that came out of a Planning Board workshop, Town Council workshop, joint workshop with the Town Council and Planning Board. Keep in mind: this is a very detailed document that was prepared by an outside source, and given to the Town Council, as any proposed change to the Zoning Ordinance would be. I don’t know that the Planning Board, given, given the detail that’s in this Ordinance right now – I can’t see where the Planning Board is equipped to render a positive Advisory to the Town Council on accepting this, this Ordinance. Uh, now, uh, even if, even if you were to do so, it’s gonna go to a Public Hearing before the Town Council, where something like this will probably be scrutinized pretty, pretty, uh, detailed, just get, just ask yourself the question, are you ready to give a positive Advisory on adoption of this Ordinance to the Council, given the level of, of scrutiny? There is no, no Department Heads in this, in this, uh, Town have even looked at this. I mean, how are you in a position to do that? I, I could see, I could see the Planning Board givin’ an Advisory like Chairman DiOrio just said, that, you know, ‘We think, we think this Ordinance deserves further consideration, uh, in another forum, over, over an extended period of time,’ but this is not something, this is, this is not something that’s adopted on the spur of the moment. And, again, as Sharon [Davis] said, this is pretty much a replacement – a repeal and replacement – of the existing Solar Ordinance we have now. You might want to compare the two, and see what you’re losing, or what you’re gaining in the process. I mean, this hasn’t even been – this hasn’t been vetted to any degree right now. How are you – are you in a position to give a, any sort of a solid Advisory on this? This was brought in by an outside source. This came to us the same way the zone changes came for, and Comprehensive Permit, uh, request that came from solar developers. This was, this was presented by the, by another side of the issue, and, you’re gonna tell me that you, that you, that you’re not going to give this, uh, proposal the same lengthy consideration that you gave to the zone changes?”

We had public workshop after public workshop on, uh, meeting at schools on every zone change. We've been, we've been through this for two and three years now, and all of a sudden, now, because some outside party comes up with an Ordinance like this, that, that might have some merit, might have, might have a lot of good things in there. Maybe we do want a lot of them. Well, all I'm saying is we don't know, at point – and we don't know, and as Chairman [DiOrio] said, we don't know how the Town Council's gonna feel about this as a whole. Are they willing to – are they willing to stick their necks out and, and, uh, and adopt this, with a limited Public Hearing, and just replace what we have now? Without some real, serious consideration of this? I mean, I looked at it briefly. It, it's a radical departure from what we have now. I mean, there's a definition in there of a 'major solar', uh, 'array', and it's 'anything over forty thousand square feet' – and that, that's to be done as a Major – reviewed as a Major Land Development project. Do you want all of our farmers now to cut, to have to, uh, when they want to put a one-acre solar field on their farm, to go through a Major Land Development process? I mean, maybe that is the way you want. I don't know. Or, and, and, I'll tell you, whatever the Planning Board wants, whatever the Town Council wants, I'm fine with it. All I'm, all I'm saying is, you know, read what you have here, and just think a little bit first, before you act."

Ms. Shumchenia chimed in to clarify her earlier statements. She said that she was not "suggesting that we, um, you know, jump wholeheartedly into accepting every word of this tonight, with no public comment, and, and, minimal input." She said that she was "trying to avoid" rendering "a neutral opinion from the Planning Board coming across as, 'We don't care whether or not this is advanced.'" She continued.

Ms. Shumchenia: "I care that this is advanced, and that it goes through the process. So, my opinion is neutral, and that I don't accept all of the language as written, and, you know, without any explanation or public input. But, you know, I just, just want to be clear about the wording here, and how, how this is being presented. I, I don't think we're advocating for a reckless approach."

Mr. Lamphere responded that he had "heard what [she] said", and had listened "very intently". He said he "didn't take the comments" in the manner she suggested, so he did not want her to feel as though he was "coming back" at her in any way. Ms. Light interjected and said that she had a "technical process question, based on what [he] was telling [the Board]." She continued.

Ms. Light: "For instance, if we sent this to the Town Council with a positive recommendation, the Town Council would review the document and accept it as is? I was on – I'm under the impression that if we send this document to the Town Council, even with a neutral position, that the Town Council will dissect this, not, uh, approve it for what it is – because, if that were the case, I, I wouldn't want to do that. I would want the Planning Board to do the dissection."

Mr. DiOrio responded.

Mr. DiOrio: “Well, let me, let me interject, uh, at the risk of taking a little bit of time here. Uh, again, going back to my comment about the ‘shifting ground’ of the new Town Council members. Uh, my understanding of their platform, uh, for the most part, was, a, a greater support for the Planning Board and its opinions. So, the Planning Board issues an Advisory Opinion. That is a pretty significant move. Now, it’s not significant if the Town Council is not paying attention to us, but, if the Town Council is paying attention, they’re going to put great weight in the fact that we have issued a positive Advisory Opinion. That means a lot. So, as Jim [Lamphere] says, if this is what you want, and you are fully prepared to issue such an opinion, that’s great. I’m not quite that inclined at this point, and, hence, my vote for the whole neutral concept. Which, by the way, is not neutral, parentheses, I don’t care about it – it’s neutral, I want to see it move forward, but I think it might need some work, in a different forum. So, and that can be handled by the verbiage of the opinion, so I just want to make my point clear there.”

Mr. Lamphere commented again, and stated that the “Town Council can do anything it want to do with this, even absent an Advisory Opinion from the Planning Board.” He continued.

Mr. Lamphere: “If you recall, a couple of years ago, the Planning Board was presented with an ask for an Advisory Opinion on a zone change on a solar project – without mentioning any names – and they punted. They said, ‘We don’t have enough information. We’re not prepared to issue an Advisory Opinion on this.’ So, that was, that was the opinion that went to the Town Council, and the Town Council did what it did on that particular project. So, so, your Advisory Opinion tonight can be anything. It could be just want the Chairman said. He said, you know, this, this seems to have some merit, we’d like the Town Council to, uh, uh, take a look at this and study it further, and we need to – we need to study it further. That, that could be your Advisory Opinion, if you want. Your, your Advisory Opinion could be anything or nothing, and I’ll tell you what – regardless of what it is, as we know from experience, the Town Council can do whatever it wants, regardless of what this Planning Board says. So, it’s all up to them. It’s entirely up to them.”

Mr. DiOrio said that he thought that the Board had “beat this up enough”, and that they were “all pretty clear on what [the Board would] like to do.” He continued.

Mr. DiOrio: “I think we all want to see it move forward. I’m, I’m looking for a Planning Board member to make a motion that summarizes our feelings in a cogent way, and, let’s move this to the Town Council.”

Ms. Jalette interjected that the Board would need another extension, as it was now 10:16 p.m.

MR. LINDELOW MADE A MOTION TO EXTEND THE MEETING UNTIL 10:30 P.M. IT WAS SECONDED BY MR. PRELLWITZ.

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

ABSTAIN: NONE
OPPOSED: NONE

5-0, THE MOTION PASSED.

Mr. DiOrio then asked who was “feeling inclined.” Ms. Shumchenia said that she would make the motion.

MS. SHUMCHENIA MADE A MOTION TO SEND THE REQUEST FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE, PERTAINING TO SOLAR ENERGY SYSTEMS – SECTION 2: DEFINITIONS, SECTION 5: DISTRICT USE REGULATIONS, AND SECTION 10: SPECIAL USE PERMITS, REQUESTED BY THOMAS AND CYNTHIA SCULCO TO THE TOWN COUNCIL WITH A NEUTRAL ADVISORY OPINION, WITH THE REASONING THAT:

THIS DRAFT CONTAINS AND HAS A LOT OF MERIT;

IT CONTAINS COMPONENTS THAT THE PLANNING BOARD IS INTERESTED IN LEARNING MORE ABOUT, AND HEARING FROM THE PUBLIC ABOUT, AND WE WOULD LIKE TO SEE ADVANCED; AND

ALSO HEAR THE TOWN COUNCIL’S THOUGHTS AND OPINIONS ON THE TOPIC.

IT WAS SECONDED BY MR. PRELLWITZ.

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

5-0, MOTION PASSED.

Ms. Jalette asked Mr. DiOrio if he wanted to hear from the three members of the public who wanted to comment on the item. Ms. Davis interjected.

Ms. Davis: “Yes, you do!”

Mr. DiOrio said that he would, but asked the respondents to be “brief, uh, in your, your comments”, as “the clock is running”, and the Board still had another item to get to on the agenda.

Carol Desrosiers was the first member of the public to comment. She said that she was “glad that [the Board] made the motion that [they] did.” She continued.

Ms. Desrosiers: “I think that it warrants time to look at this Ordinance, even though it’s lengthy. This is an important issue for the Town, and I think there are a lot of valuable,

um, tenets of, this, uh, revised Ordinance, um, and I look forward to Public Hearings. Thank you.”

Dr. DiOrio thanked Ms. Desrosiers for her comments. The next person to comment was Sherri Aharonian. She wanted to thank the Planning Board for “opening up the discussion.” She said that she had participated in the meeting on Monday, and had heard Mr. Skwirz speak, and that she “like[d] the idea of, you know, pushing this to a workshop, similar to what we did in 2018, uh, the end of 2018, when it was, you know, adopted in 2019.” She continued.

Ms. Aharonian: “Um, the good parts of this document – I’ve had a chance to look it over, um, is it seems to kind of compartmentalize a lot of these solar, um, proposals. You know, for example, and, and this is by no means saying that, you know, I’m, you know, jumping on every word of the document, but I like the way it compartmentalizes things such as farms, by-rights, rezones, and I think if, if we were able to massage that, you know, with the community, and with the Planning Board, and with the Town Council, um, perhaps that document would read, you know, even better than the document we have today. You know, I think we can all agreed that we’ve learned a lot over the last two years, um, and how these projects come through the Town, and I just thinking opening up the discussion is something that I really appreciate that you guys did. Um, you know, based on what I heard from Attorney Skwirz on Monday night, you know, um, I think, you know, he’ll – sounds like he will, he’s more than willing to work with you guys on this. So, un, like I said, I just want to thank you again for, for opening up the conversation.”

Mr. DiOrio thanked Ms. Aharonian for her comments. The final person to call in was Joe Moreau. He said that “the first thoughts [he] had were, ‘What’s the rush?’” He continued.

Mr. Moreau: “Um, I know it’s presented by someone that owns a piece of property, and they also live in New York. There was a discussion about that at the Council meeting. Um, I don’t know if the Sculcos sat at every hearing, every meeting, every workshop for the current Solar Ordinance from January 22nd 2019. I agree with the comments that were made. If there’s some good information in there, and some good changes, let’s do it, but let’s take our time, and do it right. Uh, I don’t see – the fact that the meeting on Monday, the Council meeting, uh, some members of the Council weren’t even sure if it got to the Planning Board, and I already saw it on the agenda. So, it just seems like it’s such a rush. As Sherri [Aharonian] pointed out, to push such an important document, we need to really take a look at this and, and I’m concerned that the public really needs to look at this, just like we did the last time, meeting after meetings. So, that’s my only comment. Thank you.”

Mr. DiOrio thanked Mr. Moreau for his comments. He then moved on to the Planner’s Report.

PLANNER’S REPORT:

Administrative Subdivision – AP 27, Lots 82 and 83, 20 and 26 Soap House Lane. David Oldfield, applicant.

Mr. Lamphere explained that he approved an Administrative Subdivision, and that it was in the Board's packets. Ms. Jalette interjected that it was also posted online.

CORRESPONDENCE AND UPDATES:

None.

PUBLIC FORUM:

There was not any comment during the Public Forum.

DATE OF THE NEXT REGULAR MEETING: December 2, 2020

ADJOURNMENT:

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

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

ABSTAIN: NONE

OPPOSED: NONE

5-0, THE MOTION PASSED. THE MEETING WAS ADJOURNED AT 10:23 P.M.

By: Talia Jalette, Senior Planning Clerk, Hopkinton Rhode Island, 11-20-2020