State of Rhode Island

County of Washington

In Hopkinton on the twenty-seventh day of January 2021 A.D., a Town Council Remote Workshop was held beginning at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Stephen Moffitt, Jr., Scott Bill Hirst, Michael Geary were present in the Meeting Room; Sharon Davis, Robert Marvel, Solicitor Sypole and Town Clerk Elizabeth Cook-Martin participated remotely.
Also attending remotely: Attorney Peter Skwirz.

The workshop is to continue discussion of proposed amendments to the Zoning District Use Table to amend permitted uses for solar energy systems throughout the Town of Hopkinton and to possibly change and/or amend the review and approval procedures for all solar energy systems within the Town of Hopkinton, as submitted by Peter Skwirz, Esq. on behalf of his clients Tom & Cynthia Sculco, including, but not limited to, discussions regarding potential impacts to the Photovoltaic Solar Energy Systems (PSES) Ordinance and the Farm-Based Photovoltaic Solar Energy Systems (PSES) Ordinance. For further details on the proposed amendments submitted by Attorney Skwirz, please visit the Town's Website at www.hopkintonri.org.

Council President Moffitt wished to thank Attorney Skwirz for providing both a red-lined and clean version of the ordinance. Attorney Skwirz noted that he had submitted a draft up to the Table of Permitted Uses. He thereafter tried to incorporate those changes in the rest of the proposed ordinance. He noted that if it was the Council's position to not allow any solar in manufacturing zones or on contaminated sites, that would allow for a smaller ordinance.
Council President Moffitt proposed that they put "N's" in all columns for item 308, Contaminated Site Solar Energy System, suggesting that none of the councilors were subject experts on contaminated sites. He proposed that the Council obtain opinions and information from those types of experts before

making any decision. He felt they needed to study this more and wished to have the backing of experts. Councilor Hirst was concerned by this and felt that the Zoning Board of Review and Planning Board were experts on these types of issues. He wondered what people could do with their property if it was contaminated and asked what the alternatives would be in dealing with those sites. Council President Moffitt felt that contaminated sites would make a great workshop topic and they should bring in subject-matter experts and allow them to go over different types of contamination or remediation, which Councilor Geary agreed with. Councilor Hirst believed a special use permit would be in order as it would not necessarily be granted and it would have to be decided if this would be the best use of the site. Councilor Davis questioned Mr. Lamphere regarding putting "N's" across all columns and what if someone with a contaminated site wanted to ask for a special use permit, could the Council and the Planning Board consider that or could they not because there was an "N" in all columns. Mr. Lamphere felt that the opportunity was always there for someone to petition the Town Council for a special project though he was unsure of the exact mechanism to do that. He felt that they should consult with the Town solicitors who could advise how they can address a contaminated site should it come up. Solicitor Sypole stated that an easy answer would be that the ordinance could always be amended later if circumstances change or there was a reason for the amendment. Councilor Davis stated that in that case it appears that it does not matter what they have in the table for anyone could come and ask for an exception. Solicitor Sypole stated if the use was prohibited across the board, even a zone change would not work and it would take an ordinance amendment to have something approved. Councilor Hirst felt that if nothing could be done with contaminated property, the town should reduce the amount of the taxes assessed against that property. Councilor Geary asked the Solicitor if there was something they could do on a case-by-case basis if someone came before the Council. Solicitor Sypole stated that if there were "N's" across the board it meant that the use was prohibited. In theory the only way to get around that would be a use variance for the land which was very difficult for the Zoning Board to grant. He stated that whatever ordinance they pass now could be amended in the future; if the town

received more information about these contaminated sites and decided to amend the ordinance it would be possible. He felt that everyone's hands would be tied if there were "N's" across the board because even a zone change at that point would not help. Councilor Hirst stated that procedurally if they had an "S" in a column, there was no requirement that the Zoning Board of Review, Planning Board or any government entity to grant that; they were just given the option based on certain criteria or standards. Solicitor Sypole indicated that a special use permit has certain criteria built in by state law that the Zoning Board has to make findings on in order to grant it, some of which are environmental concerns. Anyone wanting to build on a contaminated site would have to satisfy to the Zoning Board's satisfaction that they had satisfied those environmental issues. Councilor Hirst pressed that there was not a requirement that the Zoning Board of Review had to grant a special use permit, the burden of proof would have to be on the applicant. Solicitor Sypole agreed that Councilor Hirst was correct that the burden of proof would be on the applicant. Mr. Lamphere stated that the Zoning Board does not have to grant a special use permit and there was criteria or findings that they have to make before granting a special use permit. Councilor Hirst suggested that his real issue was how to deal with contaminated sites and one potential was solar. He did not want to see "N's" in all columns. Council President Moffitt commented that his proposal was to have the Town Council ask questions of experts for he was not comfortable in opening something up by allowing a special use permit without the facts, ramifications and procedures. Councilor Marvel agreed that they need to address contaminated properties in town; however, they need to have a handle on what the extent of contaminated properties were in town and what they can do to address that; he didn't feel solar was the answer. He was in favor of putting "N's" across the columns in order to stop the spread of large solar projects and felt then they should look at contaminated sites in a workshop and find out how other cities and towns handle them. Councilors Davis and Geary agreed and wished to speak about it further in a workshop.

Joe Moreau of Old Depot Road advised that at the last workshop he had made a suggestion that the Council put a specific work schedule in the ordinance and he

asked if that had been decided on. Council President Moffitt advised Mr. Moreau that they had not discussed that yet. Mr. Moreau also noted that he was in receipt of an email from Chris Kearns of Energyri.gov which had been sent to Jim Lamphere on January 5, 2021, outlining his observations on the proposed solar ordinance amendment. Mr. Moreau confirmed that the Town Councilors were also in receipt of that information which listed fourteen points that should be considered. Mr. Moreau noted that he had spoken to Gina Fuller, the District Manager for Southern RI Conservation District, and she stressed that the Council should proceed with caution with the proposed amendments and she would be happy to assist in any way she could. She had told Mr. Moreau that penalties were assessed by the State if rules were not followed. Mr. Moreau stated that under the current proposal if a farmer wanted one ground-mounted solar panel to power their pumps or their farm equipment, it would not be allowed. Lastly, Mr. Moreau noted that he had received a nasty fifteen paragraph email on January 20, 2021 telling him how wrong he was for saying what he said at the January 19, 2021 workshop. He stated that he had the right to respectfully express his ideas and a resident cannot tell him what he can or cannot say.

Carol Desrosiers of Pleasant View Drive believed that the town should know where the contaminated sites were throughout Hopkinton.

Eric Bibler of Woodville Road agreed with what the Council had decided regarding contaminated sites and noted that if they were not confident in the approval criteria then they should not allow a special use permit to be requested. He felt that every time solar development has been in the table as a right, it has become a problem where the developer wants to interpret his right one way, the Planning Board another and the Town Council a third way. Mr. Bibler stated that the tax assessment of any site is established on fair market value. He felt these were all non-issues and the Council wished to protect the residents, abutters and the aquifer. He also believed that if the Town Council starts investigating the Stubtown Road dump site and determines that it looks promising for solar, then the Town Council could entertain an amendment to the solar ordinance to allow development on contaminated sites by special use permit under a set of criteria that they have confidence in.

Carolyn Light of Forest Glen Drive agreed with Councilor Hirst and felt that the current discussion sounded self-serving to the town. The opportunity to develop a manufacturing or commercial property, that is contaminated, with solar was incentive to look at the town's goal of preserving the forest, lands, trees and aquifer. By striking it, they were taking away any incentive to remediate the land. If solar would help with the cost of remediating a property, she felt that may be worthwhile. She stated that there are experts readily available around the state that specifically target contaminated sites for solar development. She believed there was no harm in leaving the opportunity open for the community and there was no harm in having a proposed development come to the table before the Planning Board, Zoning Board and Town Council offering to (a) pay additional revenues for the land; and, (b) clean up the contamination which is destructive to the aquifer, our green space and habitat.

Council President Moffitt felt that their intent was to decide what the best direction would be for contaminated sites. He stated that they would put an "N'" in all columns and asked Attorney Skwirz if he recommended removing the definition of a contaminated site. Attorney Skwirz stated that if they put "N's" in all columns it would not be a use that could be developed in town absent a change in the ordinance. They could eliminate the whole line as well as the definition but then they would have to revisit the Use Table and the definitions if it was to be amended. Council President Moffitt wished to have a cleaner document and remove that language. Councilor Davis believed they should leave in the definition of a contaminated site. Attorney Skwirz felt that if they left the definition in the ordinance than they should leave it in the use table and put an "N" in every column so it is clear that it is a prohibited use.

Council President Moffitt wished to propose another accessory use, a residential ground mounted accessory solar, which would be added with certain requirements and stipulations, to include: RFR80 zones only; one hundred (100') foot setback from side or rear property lines; any potential ground mounted solar energy could not be located within a front yard of a property; this would also be approved only by special use permit; total size of all accessory solar energy systems may not produce any amount beyond the average and annual consumption; it may not be

used to generate power for commercial purposes or for resale; ground mounted solar arrays will not be allowed to exceed more than four hundred square feet; height of all equipment shall not exceed six feet from the average grade of the lot to be built on; a disconnect will be required at the time of installation and the electric utility provider shall be notified of this installation; all transmission lines from a ground mounted accessory solar energy system to any building or any structure shall be located underground. All applicants proposing ground mounted solar accessory energy systems shall provide an appropriate buffer to adequately mitigate visual impacts on surrounding properties and neighborhoods in general. Selection of the proposed buffer should be based on the context and characteristics of a specific site; fencing with design and materials that are appropriate to the surrounding natural and built environment may be permitted; however, vegetative buffers are preferred. The vegetative buffer surrounding the perimeter of the installation shall consist of plants the from Rhode Island Native Plant data base and shall be planted at a full specified height at the time of planting. The applicant shall submit a landscaping plan prepared by a licensed registered landscape architect authorized to practice in the State of Rhode Island with a building permit application. Any site must include an external disconnect switch and the owner of the property must file a map showing the location of that switch with the police and fire departments. The town building and/or zoning enforcement officers may order removal or repair of any ground mounted solar energy system that is constructed, operated, or maintained in a manner that does not comply with this section or does not comply with the terms of any approval or permits issued by the town. A decommissioning or removal plan at the end of the useful life of the accessory ground mounted solar system must be submitted. A proposal for the cost of removal shall be submitted at the time of the application to provide for potential increase and removal costs in the future.

Councilor Geary noted that when residents put solar panels on their roofs, the energy generated goes directly to the grid and then they receive a reduction on their monthly bill. Councilor Hirst asked the Town Clerk whether the fire departments had given an opinion on the proposed ordinance and she advised they had not. Councilor Davis asked to see Council President Moffitt's written

proposal and he indicated that he would submit it to Attorney Skwirz as an amendment to be added in the next update. Attorney Skwirz suggested that they split up accessory solar into roof mounted, which is what was in there now and could be "P's" across the columns, and one for accessory solar ground mounted and this would have an "S" only in the RFR80 column with "N's" in all other zones; with an "A" in the aquifer columns. Councilor Geary wished to hear from Mr. Lamphere who noted that these two separate approvals could be obtained simultaneously before the Zoning Board. Council President Moffitt questioned Attorney Skwirz about the definition of ground mounted accessory solar. Attorney Skwirz indicated that the definition as stated does contemplate ground mounted with a restriction that it generates no more energy than 100% of the energy that is necessary to support the principal use of the parcel on which the system is located. He felt they could keep that definition and put further restrictions in the body of the ordinance. It was noted that they would add to the definition of <u>Accessory solar energy system</u> after "1) entirely roof-mounted…" "*and 2) ground-mounted and generates no more energy…*" Council President Moffitt asked if they should add *Residential* to the definition heading: <u>Accessory solar energy system.</u> Attorney Skwirz felt they could handle that in the Use Table by putting an "N" in any zone where it would not be allowed. Council President Moffitt read the body of the ordinance. In the heading for Section 5.3.3, solar canopies would be removed and sections A and B would be revised. It was noted that the Farm Viability Act would not be a part of this ordinance and item (B) would be taken out completely. Councilor Hirst asked how this proposed ordinance compared with the prior ordinance as to the 3% lot coverage or three acres, whichever was greater. Council President Moffitt noted that would not be in the current proposed ordinance. Attorney Skwirz stated in the body of the ordinance when they had stand-alone uses it was stricter than what was previously allowed in the prior ordinance, but if they were not going to have any stand-alone principal solar this should not be needed. Council President Moffitt noted that in 5.3.3(C) he wished the 1,750 square feet to be not more than 400 square feet. His goal was to mimic what someone could put on their roof to generate 100% of their yearly use. Attorney Skwirz suggested that they put in language in (C) that

states: *"New or expanded accessory solar systems shall not be greater than 400 square feet, inclusive of inter-row and panel/collector spacing,…"* Then delete up until, *"Roof-mounted solar energy systems proposed on new structures…"* Councilor Geary asked about a large home, noting that 400 square feet was not big. He felt they should leave the size open noting that they could only receive up to 100% of their usage. Attorney Skwirz noted that section (E) addresses that issue. Councilor Geary asked Solicitor Sypole what he thought about requesting the applicant to obtain an estimate of electrical usage based on data received from the utility company and he felt that this would be burdensome on the applicant. Attorney Skwirz agreed that language could be added to limit the size of the array or they could take out the square footage limits and just stick with the documentation that showed their last three year's usage, with new structures having an electrical engineer certify as to the anticipated usage. He noted that he would amend subsection (C) to take out the square footage and leave it up to energy usage. Council President Moffitt indicated that he was more concerned about neighbors and wished to make sure that the use was compatible with the yard and landscape; he was concerned about the size being too large. Councilor Davis noted that she and her husband were thinking about putting up a ground-mounted accessory structure because they did not want to put holes in their new roof. She did not know if 400 square feet would be too small. Councilor Geary thought they should leave this for National Grid to decide based upon the prior three year usage average. Councilor Hirst was concerned about having solar on rooftops and wished to obtain a response and recommendation from the fire departments. Council President Moffitt indicated that he had polled numerous people who had solar on their roofs and he felt that four hundred square feet was the average number. He felt four hundred square feet was easier to hide and easier to screen and he was not comfortable with going any higher than that. Councilor Geary questioned what if an addition got added onto a home; could they add more panels? Council President Moffitt felt that they could possibly increase that to five hundred square feet but he did not wish it to be any more than that. Councilor Geary asked Mr. Lamphere if he had any idea what the basic house panel would generate. Mr. Lamphere noted that when they were talking

residential it would be a net metering system so there would be an agreement in place between the homeowner and National Grid and National Grid does not want to pay homeowners as utility scale producers. They will not tolerate a homeowner putting a huge system in their yard even if it produced power and was allowed to enter the grid, which he didn't think it would be. National Grid will be monitoring this on their monthly bills and he did not believe a homeowner would go through the expense of building something where they would not be getting credit; they were not going to want to give National Grid free electricity. This is basically a system to help a homeowner with their energy bills. He felt the size would be the result of a conversation between the homeowner and National Grid and there may also be a state program that might decide this. Subsection (C) was going to stay in, minus the development plan review. Subsection (F) will be left as is. Section (G) will be revised with Council President Moffitt's language. Attorney Skwirz noted that Sections 5.3.4, 5.3.5, 5.3.6, some of 5.3.7 and 5.3.9 could all be deleted. Subsection (G) was read. Councilor Davis noted that all of those conditions were in the prior ordinance. Councilor Marvel felt that (d) and (h) were redundant. Council President Moffitt noted that (d) stated that the panels be square on the roof and not at an angle, which would be different than (h). Councilor Marvel read (f), "Roof mounted systems need to be sited so as to provide…" He felt that "need to be" should be replaced with "*shall be*". Councilor Davis advised that number 6 from the previous ordinance was not in the proposed ordinance and she believed that it should be; it read: "Front or road facing installations may be permitted by the Planning Board if the applicant indicates valid reasons as to why this is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a licensed and authorized design professional consistent with the appropriate statutes governing design professionals in the State of Rhode Island." Councilor Marvel felt that people who wanted to put solar panels on the front of their roofs would state that this was the south side and that would be their justification. Councilor Marvel and Council President Moffitt did not feel having solar panels on the front of someone's home would be a problem, so No. 6 of the old ordinance would be left out. Section 5.3.7 was discussed and found to be

unnecessary, as well as Section 5.3.9. Councilor Hirst wished to note for the record that he disagreed with not allowing solar arrays on contaminated sites and he was very concerned about the Council not addressing contaminated sites. Councilor Marvel felt that they were not saying that they were not going to address this; but in order to address it properly they would have to take the time to do some research, speak with some experts, and find out the best way to handle contaminated sites. He felt striking it right now did not mean it wasn't going to get into the ordinance, it would allow them to get this ordinance finished and then they could concentrate on other pieces of it. Councilor Hirst noted that he was against big solar in town, but when DEM makes a judgment on something he felt the Council should listen. Councilor Marvel believed that RIDEM was mostly reactionary instead of pro-action. He did not feel they were looking for innovative and new ways to deal with contaminated sites but were just reacting to contaminated sites that they already have and trying to prevent problems to aquifers and things like that. He believed they should look at expertise from other experts to obtain other options of what to do with that land. Councilor Geary agreed with Councilor Marvel and noted there were other entities that do a lot with contaminated sites and he felt they should speak with some of those entities. Council President Moffitt continued with section 5.3.10 Precedence of Approval which Attorney Skwirz noted could be stricken; however, he noted that including this in the ordinance would clarify that if someone proposes a project that includes solar and requires Planning Board approval as a development project, even though this ordinance does not currently allow it, they could request a Council amendment to the ordinance to allow it. Including this in the ordinance would clarify that if someone came in asking for an amendment to the ordinance and they were required to get Planning Board approval for their project, this specifies that this is the first stage and they need to get both a recommendation from the Planning Board, as well as an approval of their first approval stage from the Planning Board before they go somewhere else to get relief. Council President Moffitt noted that he was in favor of leaving this in the ordinance along with the definition. Councilor Davis noted that she disagreed with the Precedence of approval. She noted that she would prefer the State statute at 45-24-51 which

is according to the zoning ordinance and she read the first part of that statute: "The city or town shall designate the officer or agency to receive a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map(s). Immediately upon receipt of the proposal, the officer or agency shall refer the proposal to the city or town council, and to the planning board or commission of the city or town for study and recommendation. The planning board or commission shall, in turn, notify and seek the advice of the city or town planning department, if any, and report to the city or town council within forty-five (45) days after receipt of the proposal, giving its findings and recommendations as prescribed in § 45-24-52." Council President Moffitt wished to see the precedence of approval and not the state statute. Councilor Geary asked for a copy of the zoning ordinance and Councilor Davis noted that she would submit that. Councilor Hirst felt it was important to consider the law and take into consideration what the state will expect. Solicitor Sypole noted that the precedence of approval issue is the subject of a lawsuit in the Superior Court and we might get a clear answer from the court. Councilor Hirst asked the Solicitor if he had any idea when a decision might be made by the court but he did not want to speculate. Council President Moffitt moved on to Section 5.3.11 Inspection and Enforcement. Councilor Davis suggested adding the language *and Planning Department personnel* after the words "Town engineering consultant." Mr. Lamphere felt the way this was worded was fine without that addition. Council President Moffitt went on to Section 10, Special-use permits and Attorney Skwirz noted that he would need to strike the reference to major and minor and noted that the intent of this provision was to say that if an applicant went to the Zoning Board for a special use permit on solar, they would have to abide by the dimensional requirements. Council President Moffitt asked for public comments. Carolyn Light of Forest Glen Drive spoke about the limits of residential solar opportunities included in this ordinance, noting that on her commute to work she passed a house in Connecticut that has roof-mounted solar and ground-mounted solar and was completely off the grid. She felt that this ordinance would eliminate the opportunity for someone to install an automobile electronic charging station and if someone wished to do that, they should be allowed. She felt the

Council should take future development and technology opportunities into consideration.

Carol Desrosiers of Pleasant View Drive asked about the Farm Viability Ordinance and wished to assure that they were going to address some of the questions about farms and what constitutes who can be included under farm viability. She did not want to see forestry parcels included and she wished to tighten up what fell under farm viability. Councilor Geary noted that Hopkinton has 1,852 acres of farms and 4,300 acres of forestry. Ms. Desrosiers stated that to her, forestry was not the same as farming.

Eric Bibler of Woodville Road advised that he is one of the Plaintiffs in the appeal of the solar project on Skunk Hill Road and the Atlantic Solar project on Main Street. One of the issues in those suits was the fact that the Town did not follow the precedence of approval statute for the last eleven projects. He noted that this ordinance was forward looking and Attorney Skwirz put this language in the ordinance to settle the controversy. He believed that there was a tendency in town to look at a new proposal and try to follow what was done in the past. Mr. Bibler stated that he was confused by Councilor Davis' statement that she had consulted with the Town Solicitor and the Solicitor believes now that maybe we can reverse this language or maybe that it is not settled because on January 11, 2021 at approximately the 1:42 mark on the video, Solicitor Sypole, Planning Solicitor Margaret Hogan and Attorney Skwirz all agreed that this was a state statute that the town was required to follow. Mr. Bibler favored striking it rather than cementing something that our own solicitor said was blatantly wrong just a couple of weeks ago and is a matter of litigation. He felt it was better to leave it unsettled than to put something that is contrary to the solicitor's legal opinion.

Attorney Skwirz stated that his firm represents a number of municipalities in RI and what he would be advising them any time litigation is brought up before the Council is that they should not comment on the litigation; however, he felt the way to look at this provision in the ordinance is that it is not intended to settle the dispute in the litigation, it is just intended to incorporate the practice which he felt was better. Councilor Hirst asked for an executive session so the Solicitor could brief the Council on any current litigation involving the town either on land use

issues or any other issue. He noted there is a new legal team representing the town who may have a different perspective than previous counsel and it is important that they discuss these legal issues with their counsel.

Eric Bibler continued saying that National Grid allows homeowners who have accessory use solar to generate a credit, they cannot claim credits that are in excess of their consumption. He also felt that there should be a size limitation placed in the ordinance such as four hundred square feet and did not find this to be unfair.

Sherri Aharonian of Dye Hill Road asked Council President Moffitt about accessory ground-mounted solar, noting that she liked the maximum footprint that he mentioned. She wondered if this would only be allowed in RFR80 or would it also be allowed in an R1 zone. Council President Moffitt indicated that his proposal was for RFR80 only. She also asked if he was planning on setbacks that were the same as the current building zone setbacks such as for a shed. She believed these to be 40 feet side setbacks and 50 feet front and rear and President Moffitt indicated that he was proposing 100 foot setbacks side and rear with nothing being located in the front yard of a property. Ms. Aharonian mentioned that they may want to add a building permit fee to this as well. Councilor Geary felt there would be an application fee prior to installing this and Mr. Lamphere believed that the Building and Zoning Department would have to issue an electrical permit and maybe even a building permit for that type of an installation. It was noted that this use would require a special use permit and would go before the Zoning Board. Ms. Aharonian noted that she has seen an array in Connecticut that powers an agricultural business which is only about two feet high. She asked if they would consider changing the height requirement from six feet to four feet, noting that a two foot high array can be easily hidden by a fence. Ms. Aharonian stated that the definition of development plan review states that it is for permitted uses by right. She noted that if they put anything in under development plan review, it would have to be a by-right use. Attorney Skwirz replied that development plan review is not in this ordinance anymore and development plan review is a little different than land development review in that development plan review when it is for a by-right use can go before the Planning Board and the

Planning Board does have the ability to approve or deny and is a less intensive review than land development review. If there is a use that is not required by-right but either requires a special use permit or requires a zone change or something along those lines from the Council, in that case the development plan review is actually just advisory. Ms. Aharonian asked Attorney Skwirz if land development review was synonymous with major land development. Attorney Skwirz advised that there were two types of land development review, one is major land development and the other is minor land development and they fall under the same umbrella. She noted that if there were "N's" across the columns it may be a moot point; however, if any language was going to be added in there, as there had been discussion tonight, she felt it would be a good idea to tighten that up so that anything in the future can be controlled. Lastly, she noted that when she read the Land and Subdivision regulations it talks about Planning Board advisory opinion, master plan approval, and then Council. She wondered if the Planning Board advisory was positive if the Council was to either affirm the positive advisory or deny it.

Attorney Skwirz noted that he could make the changes as noted by the Council; however, was unsure about the precedence of approval section. He noted the Council indicated they would have an executive session to discuss that so he would leave it in for now. Attorney Sypole did not feel that the precedence of approval issue was something that needed to hold up finishing the ordinance. He noted that regardless of how the ordinance reads, state statute still applies and state law is still controlling.

Eric Bibler wished to highlight that the Solicitor had just said that it was not necessary to add this language because the town was obligated to follow the state statutes; but moments before that Councilor Davis was adamant that the town does not have to follow the state statute and she proposed to insert language that would violate state statute and the Solicitor did not object to the idea of inserting language that would violate the state statute. He requested that the Council not put something into this ordinance that was illegal and this question should be settled before they decide. Councilor Davis indicated that she was asking that the state statute under the zoning ordinance be used instead of the state statute under

the planning level. She was substituting one state statute for another and not creating something new. Councilor Geary noted that they were all going to review the statute and then decide.

It was noted that the public hearing on this proposal was scheduled for February 16, 2021.

The Workshop was closed at 9:15 PM.

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk