



HOPKINTON

RHODE ISLAND

PLANNING DEPARTMENT

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Travel of Proposed District Use Table Amendments to Board:

On October 18, 2020, then-Town Council member Sylvia Thompson filed a petition for text amendments to the Town's Zoning Ordinance District Use Table. Ms. Thompson's intent when she filed her petition was to "prohibit any additional gas/diesel stations" and "to allow electric charging stations in commercial, manufacturing, and neighborhood business zones, including the two current gas stations." It also included a footnote that was amended to read that the "addition, enlargement, expansion, replacement, or intensification of a nonconforming development shall be allowed by special use permit – *unless prohibited in the district use table*" [emphasis added]. The word "diesel" was also added to Use Code 554, to make it "Gasoline/Diesel Service Station", instead of "Gasoline Service Station." Ms. Thompson's proposed amendments were introduced at the Town Council's November 2, 2020 meeting, and a hearing date was set for February 16, 2021. Ultimately, the Council's first scheduled hearing was delayed to allow the Planning Board to weigh in on the amendments.

The Board first entertained the proposed amendments at their March 3, 2021 Planning Board meeting, and rendered an Advisory Opinion to the Town Council that evening after much discussion. Some of your concerns included, but were not limited to:

- 1) If the language, as written, would prohibit residents with electric vehicles from installing charging stations on their personal property for their personal use;
- 2) What impact, if any, the amendments would have on the two existing commercial gasoline stations within Town – namely, if they would be able to replace their equipment, or introduce electric charging stations as an element of their facilities;
- 3) What impact, if any, the amendments would have on the Town-owned gasoline station, which services the Police Department and the Department of Public Works vehicles and equipment;
- 4) Whether or not the Board wanted to prohibit any new stations from opening in Town, or if they were in favor of requiring Special Use Permits and Aquifer Protection Permits to ensure that the environmental concerns that could accompany further development would be addressed;
- 5) If the footnote applied to all uses within the District Use Table, or merely to gas/diesel stations;

- 6) Whether or not they had enough information about electric charging stations generally to make an informed decision;
- 7) Whether or not a business owner could install electric charging stations at their place of business for employee use, and, if they were able to, if that would be an accessory use.

Ultimately, the Board voted to recommend the following to the Town Council:

Use Category	RFR-80	RES-1	Neighborhood Business	Commercial	Manufacturing	Aquifer Primary	Overlay Secondary
554 Gasoline Diesel Service Stations	N	N	N	S	S	N	A
559 – Electric Charging Stations	N*	N*	P	P	P	A	A

[District Use Table – P = Permitted, N = Prohibited, S = Special Use Permit, A = Aquifer Protection Permit]

*No resale of electricity from charging stations.

They also voted to strike the “unless prohibited in the District Use Table” language.

Town Council Response:

The Town Council discussed Ms. Thompson’s proposal, and the Board’s amendments to it, at their March 15, 2021 meeting. At that meeting, Attorney Sypole agreed with the Board’s recommendation to strike “unless prohibited in the District Use Table” from the proposal. He suggested that the Council might want the Planning Board to provide a definition for “electric charging station”, and to delineate some performance standards. Members of the Council were concerned about:

- 1) Not having a definition for “electric charging station”;
- 2) The impact of the “unless prohibited in the District Use Table” language on the rest of the District Use Table;
- 3) The impact that such a proposal could have on mobile gas stations, which are used on work sites and on farms;
- 4) If they wanted to increase the number of gas stations in Town – and if they did, if they would be permitted generally, or with a Special Use Permit;
- 5) If a prohibition of this kind would make the Town appear “unfriendly” to business;

Ms. Thompson appeared before the Board to explain her intentions when she submitted the proposal – essentially, to prohibit a Love’s Truck Stop-esque development, and that she understood why the Planning Board and the Town Council wanted to strike the “unless

prohibited in the District Use Table” language. She explained that she wanted that language to apply to the existing gas stations generally – namely, to prevent their expansion - and not to the entire District Use Table. The Council voted to continue the Public Hearing until June 7, 2021, at 7:00 p.m.

The Board’s present task:

The Town Council has remanded the proposal to the Planning Board for further scrutiny. They would like a definition for “electric charging stations”, as well as some standards related to their use and functioning. There are a number of items that must be clear to the Board before proceeding any further. They have been delineated below:

- 1) This proposes a change in Use Code 554 from “Gasoline Service Stations” to “Gasoline/Diesel Service Stations”. The Council did not appear to need a definition for a “Gasoline/Diesel Service Station” in comparison to a “Gasoline Service Station”.
- 2) The addition of “Diesel” was purposeful – though it would not prohibit existing gas stations from selling diesel fuel, it would prohibit the creation of any new gas stations that could sell diesel fuel. The Board already voted that they did not support the prohibition of new gas stations that could sell diesel fuel, and instead would require Special Use Permits for that form of development in commercial and manufacturing zones, coupled with an Aquifer Protection Permit in the Aquifer Overlay Secondary Zone. The Council, during their discussion on the 15th, broached the Special Use Permit issue, and seem to be divided on the subject. In providing their second Advisory Opinion, the Board may want to elaborate on why they believe a Special Use Permit is preferable to an outright ban, if the Board still believes that that would be a preferable course of action.
- 3) The electric charging station amendment would govern commercial ventures in non-residential zones, not residential charging stations. We know this because it would fall under a greater use categorization, Use Category 55 – Automotive Dealers & Gas Service Stations. This was not clear initially, but after hearing the testimony of Ms. Thompson at the Town Council meeting on March 15th illuminated that fact. In providing their second Advisory Opinion to the Town Council, the Board may clarify the amendment to provide abundant indication that this Use Code would apply exclusively to commercial ventures.
- 4) The footnote “unless prohibited in the District Use Table” would apply to every use in the District Use Table if adopted as part of this amendment. That was not Ms. Thompson’s intention. The Board already voted to strike that language from the amendment, and they may be interested in reaffirming that stance when providing the Council with their Second Advisory Opinion.
- 5) The Board has not been provided with an Ordinance that would govern electric charging stations – they have been provided with an amendment to the District Use Table that would allow them, but, as it stands, it has not been accompanied by any language that would direct elements of site design, lighting, parking for the location, and the like. It

may behoove the Planning Board to gauge the Council's interest in the creation of an Electric Charging Station Ordinance, where such standards can be fully fleshed out. As of yet, neither the Board nor the Planning Department have been tasked with that explicit directive.

- 6) The Board has been asked to provide a definition for an "Electric Charging Station". To achieve that aim, we have provided a handful of definitions that are in present use in other municipality across the country. Some differ slightly – some are referred to as "Electric *Vehicle* Charging Stations", while others are referred to as "Electrical Vehicle Supply Equipment" (EVSE), but they should be considered comparable. I will also include some examples that are best understood in conjunction with other definitions, which I have also provided.
 - a. From the Southern Georgia Regional Commission (SGRC) Model Ordinance for the Development of Electric Vehicle Infrastructure, an electric vehicle charging station is "a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level-1 or Level-2 charging equipment is permitted outright as an accessory use to any principal use."
 - i. The SGRC defines Level-1 charging equipment to be "slow charging", with voltage "including the range from 0 through 120." They define Level-2 charging equipment as "medium charging", with voltage "greater than 120 and includes 240." The most common charging levels are Levels 1 through 3. Level-3 is "fast or rapid charging", with a voltage "greater than 240."
 - ii. The SGRC makes a distinction between electric vehicle charging stations for public use and private use. The public use station is defined as "an electric vehicle charging station that is (1) publicly owned and publicly available (i.e. commuter parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors of the use (i.e., shopping center parking). The private use station is defined as "an electric vehicle charging station that is (1) privately owned and restricted access (i.e., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (i.e., fleet parking with no access to the general public.)"
 - b. From Rhode Island General Law § 31-21-18 (a), "Electric vehicle charging station parking restrictions", an "'electric vehicle charging station' means a public or private parking space that is served by charging equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle."
 - c. From the Lancaster, California Code of Ordinances, Chapter 15.46.020 (a), an electric vehicle charging station "means any level of electric vehicle supply

equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.”

- d. From the Walla Walla, Washington Municipal Code, Chapter 20.156.020 (I), an electric vehicle charging station “means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle.”
- e. From the City of Boston, Massachusetts’ “How-To Guide: Electric Vehicle Charger Installation”, electric vehicle supply equipment is defined as “equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. There are 3 different standardized indicators of electrical power and voltage, at which an electric vehicle’s battery is recharged. The terms Level 1, Level 2, and Direct Current Fast Charging are the most common charging levels. The charging station levels are defined in the Technology Overview section.”
 - i. In the Technology Overview Section, the voltage and power specifications for each level are defined as follows:
 - 1. Level 1 – “120V/20A outlet with dedicated circuit (standard wall outlet)”.
 - 2. Level 2 – “208/240V/40A service with dedicated circuit (similar amount of energy required for a dryer plug)”.
 - 3. Level 3 – “240V or 480V AC 24kW – 350kW+ - needs dedicated transformers and electrical service”.