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MEMORANDUM

TO: Kevin McAllister, Esq.
Sean Clough, Esq.

FROM: William R. Landry, Esq.

DATE: March 11, 2020

RE: Town of Hopkinton
A.P. 11, Lot 47A
(Palmer Circle); "Stone Ridge at Hopkinton"
Zoning Status

I am writing in behalf of the RI-95, LLC, the owner of the above-referenced tract, to address a legal question posed by the Hopkinton Planning Board at a pre-application meeting on February 5, 2020 concerning the zoning status of the tract. The meeting involved a concept review of a development proposal that includes a non-residential Photovoltaic Solar Energy System (PSES). The core question is whether the zoning status of the tract is such as would prohibit a PSES use, or a mixed use involving one, without a Zoning Ordinance Amendment.

As set forth more fully below, the question has been repeatedly, and correctly answered in the negative by the Town's Zoning Officer, Solicitor, and other Town Officials over the years, a compelling fact that RI-95, LLC specifically and reasonably relied on in acquiring and preparing the tract for development, at a combined cost of approximately $1 million.

The Relevant Facts

The tract is a portion of a larger parcel that was the subject of an amendment to the Hopkinton Zoning Ordinance on July 2, 1990, a copy of which is attached hereto as Exhibit A ("The 1990 Amendment"). The 1990 Amendment was such as to add a new "permitted use" to the uses permitted in the "Commercial Zone", and to apply that new permitted use to all the properties included within that larger parcel, including the subject tract. Prior to The 1990 Amendment there were 15 permitted uses in the Commercial Zone District. The Amendment added a 16th such permitted use – "Mixed-Use planned development" combining all of the permitted uses listed in items 1 through 15, as well as hotels or motels, conference centers, golf courses, swimming areas, country clubs and central facilities for water distribution and waste treatment.

The clear intent of the Amendment was to *permit* – but not *require* – all the uses otherwise permitted in the Commercial Zone District, plus a number of additional uses. It also included some special stipulations that were applicable to a particular development proposal that was being presented at the time that involved multiple permitted uses, including "residential units", a "hotel and conference center", and a "golf course". Because of those stipulations as to certain uses, the Town has recorded the subject tract on its Zoning Map as "CS", a designation connoting that certain special stipulations are in play as to certain uses, all as provided in Section 4 of the Zoning Ordinance. However, that designation did not make those limited stipulations any more expansive than they actually were in The 1990 Amendment.

Nothing in The 1990 Amendment was in any way preclusive or limiting as to any use otherwise already permitted in the Commercial Zone, subject to such dimensional and other requirements as may be applicable to that use in the Commercial Zone. Correspondingly, nothing in that Amendment "required" any particular permitted uses to be developed and carried out. The specific planned development contemplated by the landowner for the tract did not go forward, rendering certain specific limitations on the scope of those uses moot, but certainly not rendering the menu of uses permitted in the Commercial Zone moot, or less available to the tract than to other properties situated in the Commercial Zone.

The issue of how The 1990 Amendment would apply to a project differently designed – or with different uses – than the one that was being discussed back in 1990 was first considered by the Town and its legal and zoning officials in 2011, when Roy Dubs, the owner of A.P. 11, Lot 47D, another similarly situated portion of the tract that was the subject of The 1990 Amendment, pursued alternative development. At that time, Bengtson & Jestings, LLP, the Town's long standing solicitors, opined as to the implications of the subject tract's "CS" designation status in terms of alternative uses to which the parcel could be put. They unequivocally opined as follows:

> "Because this lot was the subject of an amendment to the Commercial Zone section of the prior Zoning Ordinance, and the Town Council imposed certain limitations, conditions and/or restrictions on the lot, the lot is properly classified as Commercial Special. This is also how the lot is listed on the current Zoning Map. Therefore, the lot can be used (by right or by special use permit) in any manner permitted by the current District Use Table for lots in a Commercial District unless limited by the Town Council when it amended the Zoning Ordinance in July 1990.
>
> As to Plat 11, Lot 47D, the Town Council amendment created certain use limitations, conditions and/or restrictions if the intended use was for a 'Mixed-use planned development' as that term is used in the amendment. In the event that the lots were used for this "Mixed-use planned development" then there were certain size limitations imposed by the Town Council. The clear inference from the amendment is that each of

> the lots identified would be combined to create this mixed use planned development that included hotels, conference centers, golf courses, swimming areas, country clubs and central facilities for water distribution and waste treatment. Nonetheless, the Town Council did not require, and I don't believe that it could, that the lots be used for the singular purpose of … 'Mixed-use planned development'.
>
> Thus, any of the uses permitted by right or by special use permit in a Commercial District are applicable to [the tract]. The only restrictions are those imposed by Aquifer Protection Ordinance or if [the tract] is to be used for a "Mixed-use planned development", as the term is used in the July 2, 1990 amendment to the prior Zoning Ordinance … ."

A copy of this legal opinion is attached here as Exhibit B.

Similarly, on February 1, 2011, the Town's Building and Zoning Official, Brad R. Ward, further issued a formal determination, following research of the zoning conditions imposed in The 1990 Amendment, that the tract the Amendment covered may be used in the following ways:

> "1. As permitted in the manner and with the restrictions identified in the July 2, 1990 Amendment, a copy of which is attached hereto;
> 2. As permitted by right, in the current Zoning Code (Chapter 134, adopted December 19, 1994), in a Commercial Zone; and
> 3. As permitted by Special Use Permit, in the current Zoning Code, if a Special Use Permit is applied for and granted.
>
> This decision is based on Section 4 of the current Hopkinton Zoning Code and the language of the July 2, 1990 Amendment.
>
> Section 4 of the Zoning Code states that a Commercial Special District, which Lot 11, Plat 47D is presently zoned, is composed of parcels of property which were previously the subject of an amendment to the text of the prior zoning ordinance and for which the Town Council imposed limitations, conditions or restrictions. Section 4 further states that the limitations, conditions and restrictions imposed by the Amendment shall continue, however, use and dimensional regulations of the present Zoning Ordinance for the Commercial District shall otherwise apply to parcels in the Commercial Special District.
>
> As to the language of the July 2, 1990 Amendment, it permits not only those uses allowed in a Commercial Zone in 1990 (see Article II, Section 3, subsections 1 – 15 of the 1971 Code as Reprinted in 1989 with

> Amendments) but also the mixed-use planned development as created and defined by the July 2, 990 Amendment. Therefore, the lot may currently be used in the manner enumerated above, subject to all other applicable ordinances and regulations of the Town, i.e., the Aquifer Protection Ordinance … .".

A copy of that determination/decision is attached hereto as Exhibit C.

Based in part on these determinations, that similarly situated portion of the tract covered by The 1990 Amendment was unanimously approved by the Hopkinton Planning Board for a PSES. (Oak Square Development, LLC, May 1, 2019).

Our client, RI-95, LLC became involved with the tract during 2019 and had multiple meetings with Town Officials, directly and through counsel and other professionals, in which the Town emphatically re-affirmed that the subject tract can be used in a manner permitted by right in a Commercial Zone under the Zoning Ordinance; and in a manner permitted by Special Use Permit under the Zoning Ordinance.

This was confirmed yet again in writing in a second determination by yet another (and current) Town of Hopkinton Zoning Officer – as applicable precisely to RI-95, LLC's portion of the tract that was the subject of The 1990 Amendment. Attached hereto as Exhibit D is a December 27, 2019 determination by Zoning Officer Sherri Desjardins to RI-95, LLC's representative confirming that, "The intended … use of the property is in accordance with provisions of the Hopkinton Zoning Ordinance", including but not limited to the following specifically noted uses: PSES (Use Category 486); self-storage (Use Category 465); Hotel/Motel (Use Category 05); Assisted Housing & Nursing Homes (Use Category 06); Medicaid, Health And Legal Services (Use Category 67); and Miscellaneous Personal, Business & Professional Services Categories 601 - 608 and 681 - 682); and Miscellaneous Commercial Office uses (Use Categories 160 - 169), not including storage and supplies (Use Category 1691).

In reliance on all of the above, RI-95, LLC purchased and/or invested approximately $1 million to acquire the property and prepare it for a development process involving a PSES.

Discussion

A. The Plain Language of The 1990 Amendment Does Not – And Could Not – Preclude Other Permitted Uses

As noted above, the stipulations associated with the 1990 Amendment – by their plain language – appear only in the language of the "mixed use planned development" permitted use category created by that Amendment (Permitted Use 16). And they only relate to and affect a limited number of uses listed there. The stipulations deal with "how" those specific uses can be carried out (as opposed to whether those uses are permitted). There are utterly *no* words of preclusion as to *other* permitted uses in the Commercial District. It would be a distortion of major proportion to effectively "add" such language where it does not exist. See, Ocean Road Partners v. State, 612 A.2d 1107 (R.I. 1992) (Unambiguous terms in zoning ordinance cannot be ignored in order to effectuate alleged unexpressed intent); West v. McDonald, 18 A.3d 526 (R.I. 2011) (Zoning language must be give its "plain and ordinary meaning"). Nor would there be any basis for depriving one tract in the Commercial Zoning District the right to permitted uses applicable to all other tracts in the same District. Any such effort would be laced with legal infirmity on substantive due process grounds alone (and would "spot zone" this tract in relation to those surrounding it without any basis in the Zoning Ordinance, much less the Town's Comprehensive Plan).

The letter "S" in the "CS" Zoning designation for this tract relates only to – and can only relate to – "stipulations" on the uses to which the stipulations are tied in the Amendment. The Amendment could not rationally be read to take away something that was not even requested, and that is available to all similarly situated properties.

Moreover, to the extent that there is any ambiguity about the 1990 Amendment in this regard – and we respectfully submit that there is none – there are two cardinal rules of interpretation/construction: (1) One is that "deference" should be given to the interpretation of the Zoning Ordinance made by the municipal officials responsible for enforcing it. See, New England Expedition – Providence v. City of Providence, 773 A.2d 259 (R.I. 2001); See also, Pawtucket Transfer Operations, LLC v. City of Pawtucket, 944 A.2d 855, 859 (R.I. 2008) ("When the provisions of [a land use enactment] are … subject to more than one reasonable interpretation, the construction given by the [authority] charged with its enforcement is entitled to weight and deference, as long as that construction is not clearly erroneous or unauthorized"); (2) The second is that any doubt or ambiguity as to the intent of a zoning ordinance provision should be resolved in favor of the landowner. Earl v. Zoning Board of Review of City of Warwick, 191 A.2d 161, 96 R.I. 321 (R.I. 1963); City of Providence v. O'Neill, 445 A.2d 290 (R.I. 1982).

B. The Doctrine of Equitable Estoppel Would Preclude A "Flip Flop" Of The Town's Consistent Determinations On This Issue For Nearly Ten (10) years

As set forth above, from 2011 through the end of 2019, the Town's duly designated officials, particularly its Zoning Officer and Solicitor, have consistently and emphatically determined, decided, and affirmed that The 1990 Amendment does *not* preclude other permitted uses from being carried out on the subject tract, nor impose across the board stipulations on uses except as explicitly set forth therein, none of which are preclusive of the permitted use known as PSES. The consistency, precision, and duration over which these determinations have been made is extraordinary in Rhode Island land use law. Such determinations reasonably and foreseeably guide the actions and expectations of property owners, investors, developers, appraisers, banks, neighbors, and the community at large. They most certainly reasonably guided the actions of RI-95, LLC, which has invested approximately $1 million into the subject tract based on them. While there has obviously been a politically charged change in attitudes about solar development in Hopkinton and other communities in recent months, the underlying pertinent regulatory structure (and ordinary provisions) have not materially changed, and there is no basis for any such corresponding change in the way that they have been consistently interpreted and applied.

The doctrine of equitable estoppel precludes a governmental entity from taking a position here that is directly contradicted by its own prior affirmative acts. See, Ferrelli v. Department of Employment Security, 106 R.I. 588, 592, 261 A.2d 906 (1970) ("[I[t is widely recognized that the doctrine of estoppel may in a proper case be invoked against a public body to prevent injustice … "). See also, Vallone v. City of Cranston, 97 R.I. 248, 197 A.2d 310, 315 (1994).

C. Formal Determinations By Zoning Officers (Not to Mention Solicitors) Are Not To Be Casually Disregarded As Advocated By The Objectors

We understand that at the February 5, 2020 pre-application meeting before the Planning Board, the objectors' counsel suggested that "zoning certificates" carry no weight and cannot be relied on. This argument is flawed for several reasons:

First, the zoning certificates at issue here were merely the icing on the cake, following virtually identical formal determinations by the Zoning Officer (that were not zoning certificates) and the Town Solicitor in 2011 – 9 years earlier.

Second, there is a split of authority at the Superior Court level – and no clear determination at the Supreme Court level – as to zoning certificates, but the issue involves whether they are *appealable by abutters*. Some judges have ruled that they are based on the language in R.I. Gen. Laws § 45-24-57(l)(i) to the effect that Zoning Boards have both the **power** – and the **duty** to hear and decide appeals … where it is alleged there is any error in **any**

... **determination** made by an administrative officer or agency in the enforcement or interpretation of ... any zoning ordinance." See, e.g., Goodrich v. Cumberland Zoning Board of Review, 1995 Super. LEXIS 63, 1995 WL 941525, pg. 5 of 8; Bluff Head Corp. v. Zoning Board of Review of Little Compton, 2001 R.I. Super. LEXIS 122. Others have suggested that they are not. See, e.g., State v. Duncan, 2004 R.I. Super. LEXIS. The cases generally involve cases where abutters – not the property owner itself or a lender – seek the determination.

These cases – and this issue – are not particularly relevant here. They do not supercede the Supreme Court's pronouncements on estoppel as set forth above. Also, the reality is that landowners, investors, title attorneys, and banks request, receive, and do reasonably rely on determinations by Zoning Officers, including zoning certificates, and by Town Solicitors day in and day out – with huge financial consequences at stake.

D. Justice Lanphear's Decision In WED Coventry Seven, LLC Is Inapplicable Here

Finally, we understand that counsel for the objectors suggested at the February 5, 2020 pre-application meeting that Justice Lanphear's Decision in WED Coventry Seven, LLC v. Town of Coventry Zoning Board of Appeals, 2019 R.I. Super,. LEXIS 93 is somehow relevant here. Respectfully, it is not.

The Court there denied a solar developer's appeal from Coventry Zoning Board of Appeals and Planning Board Decisions denying a solar project based in a large part on its inconsistency with the local Comprehensive Plan's aspirations for the "very low density rural residential zone" in which the project was proposed. The situation here involves nothing of the sort, either in terms of the procedural posture of the proposal; the nature of the area it was proposed for; or the controlling provisions of the local Comprehensive Plan. The issue here involves merely the zoning status of a particular parcel – not the merits of a particular project. Moreover, the setting here is the Commercial Zoning District where solar is permitted by right (subject to Development Plan Review) – not a "very low density rural residential zone" as was the case in WED Coventry Seven. The Hopkinton Comprehensive Plan (pp. 40, 41, and 43) touts the merits of renewable energy, and "opportunities" for renewal energy available "in commercial and manufacturing districts." (*id.*, p. 43), the Commercial District being the one applicable here.

Conclusion

For the reasons set forth above, the zoning status of the subject tract is not such as would preclude a PSES use, or a mixed use involving one, without a Zoning Ordinance Amendment.

Exhibit A

TOWN OF HOPKINTON
RHODE ISLAND

CHAPTER 110

AN ORDINANCE IN AMENDMENT OF CHAPTER 28 OF THE ORDINANCE OF THE TOWN OF HOPKINTON ENTITLED "ZONING AMENDMENT", AS AMENDED;

The Town of Hopkinton hereby ordains the following:

Section 1: Chapter 28 of the Ordinance of the Town of Hopkinton Entitled "Zoning Ordinance", as amended, is further amended as follows:

ARTICLE II - District Use Regulations

Section 3. Commercial Zone

A. Permitted Uses:

16. Mixed-use planned development combining any of the permitted uses listed in items 1 through 15 above and hotels or motels, conference centers, golf courses, swimming areas, country clubs and central facilities for water distribution and waste treatment.

The dimensional regulations otherwise set forth in this chapter shall not be applicable to the construction of said planned development provided that within the tract described below there shall be no more than one hundred and sixty five (165) residential units, in any combination of single family housing units, two family (duplex) housing units, and four family (quadruplex) housing units, and that such housing units may be served by a central water distribution system and/or a conventional or packaged waste treatment facilities, where appropriate.

At least forty (40%) of the total area of the planned development, exclusive of wetlands, ponds, marshes, protected natural areas, but inclusive of golf courses and similar open outdoor recreation areas shall be set aside as open space. Such open space shall remain in private ownership, either through an association of private owners of housing or retained in single ownership, and shall be restricted from any future building or use except where it is consistent with the provision of landscaped open space for aesthetic and recreational satisfaction of the surrounding residences.

The hotel and conference center shall be sized to accommodate no more than two hundred (200) rooms or suites and no more than fifteen thousand (15,000) square feet of meeting space and support facilities consisting of commercial, retail, recreational and dining components and may be served by an approved central water supply and/or central sewage disposal system.

Building permits shall be issued for any of the herein mentioned uses only after the Hopkinton Planning Board conducts a site plan review of the preliminary and final development plan and approves same in accordance criteria of the Hopkinton Cluster Ordinance, Article II, 5.1N and O.

Regulations of the State of Rhode Island Department of Environmental Management regarding septic systems sewer treatment facilities and wetlands protection, and the State of Rhode Island Department of Health regarding water supply shall apply to said tract (s)

or parcel (s) which are bounded and described as follows:

Those certain tracts or parcels of land with all buildings and improvements thereon, located on the westerly side of Palmer Circle, so-called, in the Town of Hopkinton, County of Washington and State of Rhode Island, described as follows:

First Tract: That certain tract or parcel of land described in Deed from Mary E. Palmer, et als to Brae Bern, L.P. recorded in Book 181 at Page 120.

Second Tract: Those certain tracts or parcels of land described in two Deeds to James Romanella & Sons, Inc., recorded in Book 86 at Page 11 and Book 86, Page 14.

Third Tract: That certain tract or parcel of land bounded and described as follows:
A certain parcel of land located on Palmer Circle Road in the Town of Hopkinton, Washington County and State of Rhode Island is bounded an described as follows:

Beginning at a monument on the westerly streetline of Palmer Circle Road, said monument being the point and place of beginning for herein described parcel; thence running N 79-31'-57" W along land now or formerly of Wilcox, a distance of 465.69' to a drillhole; thence running N 61-36'53" W a distance of 83.80' to a point; thence running N 61-11'-15" W a distance of 190.57' to a drillhole; thence running N 09-37'-27" E a distance of 83.23' to a point; thence running N 09-56'-08" E a distance of 157.32' to a point; thence running N 04-08'-30" E a distance of 19.67' to a point; thence running N 09-47'-57" E a distance of 55.36' to a point; thence running N 06-22'-37" E a distance of 68.44' to a point; thence running N 06- 05'-15" E a distance of 32.04' to a point; thence running N 65-09'-15" W a distance of 11.66' to a point; the last nine mentioned courses being along land now or formerly of Reynolds; Thence running N 71-55'-31" E along land now or formerly of State of Rhode Island, a distance of 105.72' to a R.I. Highway bound; thence running S 08-17'-22" E a distance of 99.96' to a R.I. Highway bound; thence running S 52-36'-03" E a distance of 59.93' to a R.I. Highway bound; thence running N 72-58'-26" E a distance of 85.98' to a R.I. Highway bound; thence running S 52-39'-53" E a distance of 202.64' to a R.I. Highway bound; thence running S 47-14'-03" E a distance of 207.92' to a R.I. Highway bound; thence running N 58-58'-56" E a distance of 6.43' to a point; thence running S 23-40'-17" E a distance of 47.27' to a point; thence running S 16-20'36" E a distance of 80.42' to a point; thence running S 12-57'-36 E a distance of 43.09' to a point; thence running S 11-54'-16" a distance of 80.72' to a point; thence running S 15-16'-15" E a distance of 54.65' to a monument, said monument being the point and place of beginning for herein described parcel, the last eleven mentioned courses being along the westerly streetline of Canonchet Road and Palmer Circle respectfully.

ADOPTED: July 2, 1990

ATTEST: Jenarita F. Aldrich
Town Clerk

Exhibit B

BENGTSON
& JESTINGS, LLP
COUNSELLORS AT LAW

ONE TURKS HEAD PLACE, SUITE 400
PROVIDENCE, RHODE ISLAND 02903
TELEPHONE (401) 331-7272
FACSIMILE (401) 331-4404

CONFIDENTIAL AND LEGALLY PRIVILEGED
ATTORNEY/CLIENT COMMUNICATION

To: Brad Ward, Building and Zoning Official

From: Todd J. Romano, Assistant Town Solicitor

Re: Commercial Special Zone -
Permitted Uses Generally and at Plat 11, Lot 47D

Date: January 18, 2011

You recently requested an opinion as to what uses were permitted in a Commercial Special district and what uses were permitted at Plat 11, Lot 47D, a Commercial Special parcel.

As to uses permitted in a Commercial Special district, Section 4, Division into Districts, governs. The Commercial Special district is composed of parcels of property which were previously the subject of a zoning map boundary change or amendment to the text of the prior zoning ordinance and for which the Town Council imposed use limitations, conditions or restrictions. The terms of the Town Council imposed use limitations, conditions or restrictions shall continue to apply to parcels in the Commercial Special district. Otherwise, the use and dimensional regulations of the present Zoning Ordinance for the Commercial District shall apply o parcels in the Commercial Special district.

Plat 11, Lot 47D, has been represented to me to be in part the subject of the July 2, 1990 ndment to Article II – District Use Regulations, Section 3 Commercial Uses. Further, there been no other amendments to the Zoning Ordinances that affect this lot.

Because this lot was the subject of an amendment to the Commercial Zone section of the prior Zoning Ordinance, and the Town Council imposed certain limitations, conditions and/or restrictions on the lot, the lot is properly classified as Commercial Special. This is also how the lot is listed on the current Zoning Map. Therefore, the lot can be used (by right or by special use permit) in any manner permitted by the current District Use Table for lots in a Commercial District unless limited by the Town Council when it amended the Zoning Ordinance in July 1990.

As to Plat 11, Lot 47D, the Town Council amendment created certain use limitations, conditions and/or restrictions if the intended use was for a "Mixed-use planned development" as that term is used in the amendment. In the event that the lots were used for this "Mixed-use planned development" then there were certain size limitations imposed by the Town Council. The clear inference from the amendment is that each of the lots identified would be combined to create this mixed use planned development that included hotels, conference centers, golf courses, swimming areas, country clubs and central facilities for water distribution and waste treatment. Nonetheless, the Town Council did not require, and I don't believe that it could, that the lots be used for the singular purpose of the "Mixed-use planned development."

Thus, any of the uses permitted by right or by special use permit in a Commercial District are applicable to Plat 11, Lot 47D. The only restrictions are those imposed by the Aquifer Protection Ordinance or if Plat 11, Lot 47D is to be used for a "Mixed-use planned development", as the term is used in the July 2, 1990 amendment to the prior Zoning Ordinance.

Please contact me if you have any questions concerning this issue.

Exhibit C

Town of Hopkinton
Building & Zoning Department
Hopkinton, Rhode Island 02833

February 1, 2011

Mr. Roy Dubs
10 Wicasta Farm Road
Hope Valley, RI 02832

Re: Plat 11, Lot 47D

Dear Mr. Dubs:

As per your request, I have researched the special zoning conditions imposed on July 2, 1990 by the Town Council for the above referenced lot. I have concluded that Plat 11, Lot 47D may be used in the following manner:

1. As permitted in the manner and with the restrictions identified in the July 2, 1990 Amendment, a copy of which is attached hereto;
2. As permitted by right, in the current Zoning Code (Chapter 134, adopted December 19, 1994), in a Commercial Zone; and
3. As permitted by Special Use Permit, in the current Zoning Code, if a Special Use Permit is applied for and granted.

This decision is based on Section 4 of the current Hopkinton Zoning Code and the language of the July 2, 1990 Amendment.

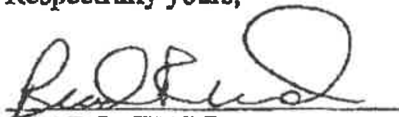
Section 4 of the Zoning Code states that a Commercial Special District, which Lot 11, Plat 47D is presently zoned, is composed of parcels of property which were previously the subject of an amendment to the text of the prior zoning ordinance and for which the Town Council imposed limitations, conditions or restrictions. Section 4 further states that the limitations, conditions and restrictions imposed by the Amendment shall continue, however, use and dimensional regulations of the present Zoning Ordinance for the Commercial District shall otherwise apply to parcels in the Commercial Special District.

As to the language of the July 2, 1990 Amendment, it permits not only those uses allowed in a Commercial Zone in 1990 (see Article II, Section 3, subsections 1 –15 of the 1971 Code as Reprinted in 1989 with Amendments) but also the mixed-use planned development as created and defined by the July 2, 1990 Amendment. Therefore, the lot may currently be used in the manner enumerated above, subject to all other applicable ordinances and regulations of the Town, i.e. the Aquifer Protection Ordinance.

Feb 28 11 10:50a BUILDING OFFICIAL 401-377-8255 p.1

Lastly, this letter is meant to supersede all prior correspondence from this office which interpreted the July 2, 1990 Amendment and which discussed the approved uses for Plat 11, Lot 47D.

Respectfully yours,



BRAD R. WARD
Building and Zoning Official

Enclosure

Cc:
James Lamphere, Hopkinton Town Planner
Todd J. Romano, Esq., Assistant Solicitor
Charles Solovcitzik, Esq.

Exhibit D

Town of Hopkinton
Building & Zoning Department
Hopkinton, Rhode Island 02833

December 27, 2019

Sergio Cherenzia, PE
Cherenzia and Associates, LTD.
99 Mechanic st.
Pawcatuck, CT 06379

Re: Zoning Certificate Application for Stone Ridge

Dear Sergio,

I am in receipt of your zoning certificate application for the Stone Ridge project proposed for Palmer Circle, Plat 11 Lot 47A. As there were multiple uses listed on the application, I wanted to respond to the individual proposed uses.

Self Storage, Use code 465- is permitted within the commercial zoning district with the approval of a Special Use Permit granted by the Zoning Board.

Assisted Housing & Nursing Homes- Use category 06- also permitted in commercial district with the granting of a Special Use Permit by the Zoning Board.

Hotel/ Motel- Use Category 05- this use is permitted as per the district use table in a commercial zone.

Medical, Health and Legal Services- Use Category 67- also permitted as per the district use table in a commercial zone.

Subcategory 6-Personal, Business & Professional Services
Use Categories 601 thru 608 and 681-682
The above referenced categories are permitted as per the District Use Table.

Office for Use #'s 160-169, not including storage & supplies- Use Category 1691- As detailed, this provides in accordance with the district use table, office space only for construction, general contractors and tradespeople with no storage of supplies, materials or equipment.

Please note in addition to the Special Use Permits required as noted, all the above will require Development Plan Review by the Planning Board.

Should you have any questions or concerns, please do not hesitate to contact me at 377-7771.

Sherri Desjardins

Sherri Desjardins
Zoning Official
Town of Hopkinton

Hopkinton Building & Zoning Department **377-7771**

One Townhouse Rd
Hopkinton, RI 02833

Memo

To: **Sergio Cherenzia**

From: Sherri Desjardins

Date: December 31, 2019

Re: Stone Ridge Zoning Certificate

Please note the zoning certificate application for the above referenced property, Plat 11 Lot 47A, permits the installation of a commercial solar facility, Use category 486, within the commercial district boundaries as per our PSES Ordinance.