

**TOWN OF HOPKINTON
PLANNING BOARD**

REGULAR MEETING

**Wednesday, June 2, 2021
6:00 p.m.
Hopkinton Town Hall
1 Townhouse Road, Hopkinton, RI 02833**

CALL TO ORDER:

Chairman Al DiOrio called the Hopkinton Planning Board meeting to order at 6:03 p.m.

MEMBERS PRESENT:

Planning Board Chairman Al DiOrio, Senior Planning Clerk Talia Jalette, and Town Planner Jim Lamphere participated in the meeting from Town Hall. Vice Chairs Emily Shumchenia and Ron Prellwitz, as well as members Carolyn Light and Keith Lindelow, Planning Board alternate John Pennypacker, Planning Board Solicitor Maggie Hogan, Town Council Liaison Sharon Davis, and Conversation Commission Liaison Deb O’Leary all participated via Zoom.

ROLL CALL:

Mr. DiOrio asked the Planning Board members to “indicate they’re in attendance”. Mr. DiOrio, Mr. Prellwitz, Mr. Lindelow, Ms. Light, Ms. Shumchenia, Mr. Pennypacker all indicated that they were in attendance.

PRE-ROLL:

Mr. DiOrio asked the Board to state whether or not they would be in attendance at the June 16th Special Meeting. Mr. Prellwitz explained that he would not be attending that meeting. The rest of the Board and the alternate all said that they would be available.

APPROVAL OF THE MINUTES:

MR. LINDELOW MADE A MOTION TO APPROVE THE MINUTES AS WRITTEN.
IT WAS SECONDED BY MR. PRELLWITZ.

There was not any discussion.

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

5-0, THE MOTION PASSED.

MINUTE APPROVAL EXTENSION REQUEST, PURSUANT TO RI GENERAL LAW 42-46-7 (b)(1): May 19, 2021 Special Meeting:

Mr. DiOrio said that he would have Ms. Jalette “introduce this one.” She then spoke before the Board.

Ms. Jalette: “So, this is Talia [Jalette], the Senior Planning Clerk. I consulted with our Solicitor, Maggie Hogan, about, uh, receiving, or requesting, an extension for the minutes from the 19th. The way that, um, the law is written is the min-, and I quote, ‘the minutes shall be public records and unofficial minutes shall be available to the public at the office of the public body within thirty-five (35) days of the meeting, or at the next regularly scheduled meeting, whichever is earlier, except where the disclosure would be inconsistent with § 42-46-4 and 42-46-5 or where the public body by majority vote extends the time period for the filing of the minutes and publicly states the reason.’ So, I’m asking for an extension. Um, this would not impact any member of the public’s ability to access the draft minutes that I have, um, it’s just that I need more time to complete them before I file them. Today would have been the day that I would have filed them, and I’m about an hour and half into the last meeting, which was four and a half hours, so, I will just need a, a vote from the Board that basically says, ‘We’re extending this, uh, time period to file the minutes so that they can be completed.’ Ah – if you’ve read the memo that I wrote, that accompanied this - I believe it was actually posted online as well – um, but I will just need – I, I estimate that I’ll be able to have them done for the 16th of June, so, our next meeting. Um, I think that should be sufficient.”

Mr. DiOrio: “Outstanding. Seems like a very reasonable request to me. Uh, Planning Board members, I’d be prepared to entertain a motion accordingly.”

MR. PRELLWITZ MADE A MOTION TO EXTEND THE TIME FRAME FOR [MS. JALETTE] TO COMPILE THE MINUTES. IT WAS SECONDED BY MS. LIGHT.

Mr. DiOrio asked if that motion would be sufficient, as Ms. Jalette’s memo mentioned that there was a requirement that the Board publicly state the reason for the extension. He said that he did not know if Ms. Hogan was “out there”, but he posed the question to her.

Mr. DiOrio: “I guess I’m just wondering if, uh – I’m reading the memo again, where it talks about ‘and publicly states the reason’. Uh, I don’t know if, if Maggie [Hogan] is out there – is our motion, as crafted adequate for this?”

Ms. Hogan: “I think that you could, you could certainly just indicate that it’s for the reasons set forth by, um, our Clerk.”

Mr. DiOrio asked Mr. Prellwitz to add that element to his motion, and if Ms. Light would be “inclined to second that amended motion”. Mr. Prellwitz replied that he would, and Ms. Light also agreed. Mr. DiOrio said that they could handle it formally, but if they were to “handle it informally”, that would be “okay” with him. He then said that he had a

motion, as well as a second, and asked if there was any discussion. Hearing none, Mr. DiOrio called for a vote.

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

5-0, THE MOTION PASSED.

ADVISORY OPINION:

Second Advisory Opinion to the Town Council – Amendments to the Zoning Ordinance District Use Table – Appendix A “Zoning”, Chapter 134, Section 5 (filed on October 18, 2020). The proposed amendments would prohibit any additional gasoline diesel service stations, and to allow electric charging stations in Neighborhood Business, Commercial, and Manufacturing zones, including the two existing gas stations. Proposed and sponsored by former Town Councilor Sylvia Thompson.

Mr. DiOrio began.

Mr. DiOrio: “So, perhaps before we begin, uh, do you think I could impose on Jim [Lamphere] to just give us a very brief recap of where we are and what we’re expected to do this evening.”

Mr. Lamphere: “Jim Lamphere, Town Planner. Um, Talia [Jalette] did an excellent, excellent job, of, of recapping, uh, where we’ve come with this – the historical, uh, genesis of it, and, um, where we left off with the Planning Board, and, she went into, also, where the Council left off, and, quite honestly, I’m not, I’m not really clear as to what our Town Council wants from the Planning Board at this point in time. Um, I thought we were pretty clear with the first Advisory, um, but I’d like to turn it over to Talia [Jalette], because she, she did such a wonderful, uh, piece of work here – I’d like her to explain, uh, her work, and also, um, also, give, give her best guess as to what our charge is here tonight with this Ordinance, and what the Council wants.”

Mr. DiOrio and Mr. Lamphere turned it over to Ms. Jalette. She then spoke before the Board.

Ms. Jalette: “Sure. So, this is Talia. Um, I prepared, for the Board, the original proposal, a table comparing the present District Use Code, the proposed District Use Code, and what the Board had voted on, and what they were proposing, as, uh, amendments to what Ms. Thompson provided to us initially. Uh, I also provided you with a memo, which delineates the review process for this District Use Table amendment up until this point, uh, the discussion that was had at the Council level, the discussion that was had by your – amongst yourselves at the meeting on the 15th of March – no, that was actually the Council meeting, excuse me – 3rd, the Planning Board discussed it on the 3rd, um, and, finally, I get to the part where it’s the Board’s present task. So, I listened to the Town Council meeting where it was discussed – twice. I took some notes. Ultimately, my

understanding is that the Council has remanded this proposal to the Planning Board for further scrutiny because they would like a definition for ‘electric charging stations’, as well as some standards related to their use and functioning. So, instead of rehashing the discussion that the Board had on the 3rd, uh, I wanted to just run through a couple of quick points. There are about six. So, the first is that it proposes a change in the Use Code – in Use Code 554, from ‘gasoline service stations’ to ‘gasoline/diesel service stations’. The Council did not appear to need a definition for the ‘gasoline/diesel service stations’ compared to the gasoline service station. Point 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 is-, the Special Use Permit issue, and seems 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. As we – so, to get to the third point – as we know, the electric charging station would govern commercial ventures, in nonresidential zones, not residential charging stations. The Board discussed this at length at their meeting on the 3rd of March. Um, we know this is not referring to residential charging stations because it would fall under a greater Use Category, which is Use Category 55 – Automotive Dealers and Gas Service Stations. Um, in pro-, in providing your second Advisory Opinion to the Council, the Board may clarify the amendment to provide abundant indication that this Use Code would apply exclusively to commercial ventures. Point Number 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. I knew that from the meeting, uh, where she appeared before the Town Council and explained that that was not her intention. Uh, the Board already voted to strike that language from the amendments, and they may be interested in reaffirming that stance when providing the Council with their second Advisory Opinion. The last point is that the Board has not been provided with an Ordinance that would govern electric charging stations. They’ve 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. The Board may be interested in gauging the Council’s interest in the creation of an Electric Charging Station Ordinance, where these standards can be fully fleshed out, but we haven’t been given that particular directive from the Council. We haven’t been told, ‘Okay, draft an Electric Charging Station Ordinance.’ Basically, we’ve been asked to come up with a definition for what an electric charging station is, and to maybe give a couple of parameters associated with it, but I think our primary focus should probably be on identifying what definition we would like to provide the Council, um, and any of the points that I stated earlier, like making sure that it’s abundantly clear that this is for commercial use, um, going back to your, your opinion on the Special Use Permit question, and, that’s about all I have to say about that. I provided you with a couple of different definitions for electric charging stations from a

number of different municipalities around the United States. A lot of them are very similar to each other, um, but some provide a little bit more insight into the different levels there are, for electric charging stations. I have to admit that I am not, um, extremely well-versed in this arena, but I was able to learn a little bit more about, like, how there are different levels to these charging stations, and how certain ones can take certain amounts of time to charge, and, and I don't know if the Board necessarily wants to get that specific, or if they want a more general definition, uh, to provide to the Council. So, with that, I'll turn it back over to Al [DiOrio]."

Mr. DiOrio: "Talia [Jalette], that was very good. Very impressive. Thank you very much for aligning ourselves. Makes it so much easier. So, just to recap, and, again, forgive me – I was not a part of the last discussion, so I'm playing catch up a little bit here. It seems like we have a coup-, just a couple of tasks."

Ms. Jalette: "Mhm."

Mr. DiOrio: "Choose a definition or formulate one, and then, in crafting our Advisory Opinion, uh, embrace some of the topics that you've identified – Special Use, uh, reiterate, uh, the stance with regards to, uh, the 'prohibited in the Dis-, District Use Table', etcetera – essentially, one through five."

Ms. Jalette: "Yes."

Mr. DiOrio: "So, if that's correct, uh, I would go to my fellow Planning Board members. I'm sure you've had the opportunity to read, uh, Talia [Jalette]'s compilation of a few definitions for these facilities. I'm, I'm stepping way outside of my lane here. I know nothing about these, and so, let's start to have a discussion about either choosing one that we like, or formulating one of our own. Planning Board members?"

Ms. Hogan: "Mr., Mr. Chairman – could I jump in for a moment?"

Mr. DiOrio: "Yes, of course, please."

Ms. Hogan: "It's Maggie Hogan. Um, the first thing I would suggest to you is that you don't need to reinvent the wheel. We have a State statute definition of, uh, electrical vehicle charging station, parking restrictions – Talia [Jalette] has identified for you, so I don't think you need to craft from other places. That's Number 1. Number 2 is I concur that, um, I don't think you should be getting into specifics as to Level 1, Level 2, Level 3. All that changes so quickly, in this arena, um, that, you know, you could put something very specific in here, and by next year, there'll be a Level 4, there'll be a Level 5, whatever the case may be. Um, this is an, this is an area of, of the law that's, uh – and technology – that's changing quickly, um, as we speak. Uh, Number 3, um, you do not need a separate standard – the Town does not need a separate standalone Ordinance, per se. What you would want are development standards to put in the Zoning Ordinance for this Use Code, however, I, I'm gonna suggest that, um, this is not an area in which the Board has specific technical expertise, and that the Town really ought to be supplying the Board with a consultant, uh, on that matter, if they want this particular Use Code to be added. Um, alternatively, we could reach out to, um, the Office of Energy Resources. I know you've had Chris Kearns assisting you in, um, with solar information previously, but maybe someone in that Office could, uh, point us in the direction, uh, but, but I don't think it, um, is a good use of the Board's time to attempt to figure out, from a technological standpoint, what standards you should be incorporating into this particular Use Code. It's totally with outside, uh, outside the – your areas of expertise, um, that I can see and what I'm hearing. Um, I have some level of expertise in that area because of

my day job, but I don't even feel comfortable, um, suggesting to you particular Use, um, I mean, um, uh, development standards for this particular Use Code. So, that's my two cents."

Mr. DiOrio thanked Ms. Hogan for her comments, and suggested to the Board that they "just pick it up" from her "astute recommendation, that we already have one of the – referring now to the definition – we already have one in front of us." He continued.

Mr. DiOrio: "I have this one highlighted in my notes. There's no sense going to Georgia if Rhode Island already has something that does the job. However, I, I did not go to this specific chapter, and I'm concerned when I see that it focuses as much on the parking space as it does the charging component. So, now, maybe you're more familiar with this entire § 31-21-18(a), but, is this gonna do the job for us? That's really what I need to know."

Ms. Hogan replied that she would "need to get back" to the Board on that when Ms. Jalette explained that she could "weigh in a little bit." She continued.

Ms. Jalette: "I believe – so, when I was going – ultimately, I, I do agree – I think that we shouldn't reinvent the wheel, and that the, the one that's within the Rhode Island General Laws will probably be the best fit for us, but I wanted to provide a couple of different options for the Board, just so they could see what, um, other municipal-, municipalities had in place. My recollection of the rest of this section of the Rhode Island General Laws is that it refers to, uh, the prohibition of a person parking in the spot if they're not using the electric charging station itself."

Ms. Hogan: "That's correct.:"

Ms. Jalette: "Um, so, it's, it's to, basically, prevent someone who does not need to charge their vehicle from parking in a space that would prevent someone who does need to charge their vehicle from parking in that space."

Mr. DiOrio: "So, again, I want to reiterate, uh, my, my concern – that it seems, it seems that we've focused more on the – restricting the use of the parking area associated with the charging element than we have defining the charging element itself. So, I'm gonna come back to my question – is this definition gonna do the job for us, or is this just gonna tell me about what the lines on the pavement mean?"

Ms. Light asked if she could "weigh in". She then spoke.

Ms. Light: "Uh, I, I think if we took this Rhode Island definition, and we strike, um, everything from 'Rhode Island General Laws', uh, through 'restrictions', and we're left with that short definition, that could satisfy the requirement that we have."

Mr. DiOrio: "Okay."

Ms. Light: "And I, I don't know if it should be more elaborate than that, but, like Maggie [Hogan] said, these things are gonna change and evolve, and, uh, we, we'd be locking, um, our opinion into something that could be outdated quite soon."

Ms. Jalette: "This is Talia – let me just elaborate on that. So, the, the intention of including from 'Rhode Island General Law', uh, 'electric charging station', through

'parking restrictions' – I did not intend to have that be part of the definition. That was just an explanation of where that language came from. Does that make sense?"

Ms. Hogan: "Yup. So, you would pick it up from 'electric vehicle charging station means'."

Ms. Jalette: "Yes."

Ms. Hogan: "Yep."

Mr. DiOrio: "So – Al DiOrio – I, I'm certainly in favor of a very broad definition. Uh, we-, we're not building a piano here. This is, this is our charge. Let's get to a definition and move it forward. I, I concur with the idea that this is a rapidly evolving field. Uh, we're way outside of our lane. Let's just do what we can and move forward. So, if somebody would like to elaborate for me on how they see the paragraph coming together, I'd be delighted to entertain that."

Mr. Prellwitz spoke next.

Mr. Prellwitz: "As I look over the paperwork, and listen to Talia [Jalette], and to Attorney Hogan, it seems to me that we're talking about just commercial charging stations. Is that correct?"

Ms. Hogan: "Yes. Yes."

Mr. Prellwitz: "Okay, we're not talking about home charging. Now I – excuse me – I saw a TV interview with Elon Musk, and he calls the charging system that he supplies with the cars 'home charging station.' That – I think we're just talking semantics here. We all understand that that's just for the owner of the automobile, on their own property, for their own use. So -"

Ms. Hogan: "Correct."

Mr. Prellwitz: "I think, to me, that's a little bit of a gray area in the, in the paperwork. Other than that, I agree wholeheartedly with what, uh, Attorney Hogan said and what Al [DiOrio] said. You know, we've got things that work, and it evolves so fast that this may come before us another year, or two years. Again, we have to, you know, plan for today, and hope for tomorrow. That's all."

Mr. DiOrio thanked Mr. Prellwitz for his comments, then continued.

Mr. DiOrio: "So, if somebody would like to read me a paragraph as a proposal, proposed definition, that would be just great."

Mr. Lamphere: "Mr. Chairman, Jim Lamphere, Town Planner. Can I just interject here?"

Mr. DiOrio: "Yes."

Mr. Lamphere: "Um, we're looking for the definition of 'electric vehicle charging station', so we – 'parking spaces' can be eliminated, if that's a problem. 'Electric vehicle charging station' means '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.' That's what an electric charging station is and does, period. Regardless of where it is."

Mr. DiOrio: "Love it. So, Planning Board members, how do we feel about that verbiage?"

Ms. Light: "This is Carolyn [Light]. I, I think it's perfect."

Ms. Shumchenia: “This is Emily [Shumchenia]. I was following along as Jim [Lamphere] read, in the RIGL [Rhode Island General Laws] § 31-21-18, so I think that’s perfectly appropriate.”

Mr. DiOrio: “I, I have three people that are in favor of this verbiage.”

Mr. Lindelow: “Uh, Keith [Lindelow] here. I agree, too. ”

Mr. DiOrio: “Four.”

Mr. Prellwitz: “I’ll jump on board.”

Mr. DiOrio: “Five. I’m prepared to entertain a motion to adopt this as our recommendation for definition for ‘electric [vehicle] charging stations.’”

Ms. Shumchenia: “This is Emily [Shumchenia]. So moved.”

MS. SHUMCHENIA MADE A MOTION TO DEFINE ‘ELECTRIC VEHICLE CHARGING STATION’ AS ‘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.’

IT WAS SECONDED BY MR. PRELLWITZ.

There was not any further discussion on the proposed definition.

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

ABSTAIN: NONE

OPPOSED: NONE

5-0, MOTION PASSED.

Mr. DiOrio: “Okay. That gets us over one big hurdle. So, now, we’re down to attaching to our recommended definition those things that Talia [Jalette] have, has identified in her items 1-5, and, uh, I look to my colleagues to tell me if, in fact, um, or how they would like to include these, this re-, recapitulation that Talia [Jalette] has put together, uh, to flesh out our second Advisory Opinion.”

Mr. Pennypacker: “I’ll jump in – I was, uh, this is John [Pennypacker]. I was pretty vocal, uh, the last time around, and I’ll sort of recap the, the thoughts that I had, and, and where – at least, where I stood. Um, so, when I see that the Council proposes putting not permitted in many, uh, in many, uh, zones, I think back to, you know, Emily [Shumchenia] cited a case where the power was out, and half of the Town – I don’t know, half the Town - some number of our residents – were dependent upon gas generators, and at that point, it – and, and Emily [Shumchenia] defined it as, or characterized it as ‘critical infrastructure’. I agree with that. I have a gasoline generator. I have a gasoline car, and if I can’t get gasoline for those things, I’m, I’m in a really bad way. So, I don’t think that we are at a point where we can just say, ‘You can’t have any more of these, and we’re gonna rely on the existing two or three to stay in business for as long as the residents need gasoline.’ That’s the thought on, on gasoline. The thought on electric charging – I think there are a couple of different scenarios here. Um, you know, one scenario – we look at the Park and Ride, where there are a couple of, you know, electric fuel pumps. Um, you, you pull up and park and you fuel. Uh, one of the, one of

the, the, the bits that Talia [Jalette] cited talked about accessory use, and it's permitted as an accessory use everywhere, the idea, I suppose, being if, you know, the owner of a restaurant wanted to put up a charging station for its customers, um, they would benefit. So, the customer would park, put in their credit card, go have a meal, and come out to a, a fully refreshed vehicle. That makes sense, but, the flip side of that is most fueling stations that I see today, um, consist of some sort of repair facility, or snack facility. It's not simply a, an, you know, an autonomous unit. It's a, it's a facility where you can buy spare parts, whether that be spare batteries or motor oil, you know, or an air filter. Um, you know, where – where do we wanna say, 'Sure, you can go ahead and put this in by right, no problem', and I would, I would feel badly if a developer came to Town, and said, 'I'm going to put in a two hundred space parking lot, equipped with electric chargers, um, because it's permitted, by right, in a neighborhood business.' So, I think that we need to apply a little scrutiny, and think about what sort of charging stations might exist, and it might also – and I don't know if this is overstepping or not, considering the Town's stance on solar, I believe it's not permitted to put a solar canopy over a said parking lot to power the, uh, the fueling station. So, I don't know if that plays into our decision or not, but thinking about what a, a, a charging station would actually look like, and what it would be, I think is, is important.”

Mr. DiOrio: “John [Pennypacker], thank you. So, is this an endorsement of, uh, spec-, requesting a Special Use Permit when we're talking about these facilities? I mean, I, I'm rolling it over in my mind, and I, I heard a couple of examples that you, uh, elaborated on, and I could, I could just see a fiasco, uh, being generated because it was allowed by right, and the Town has no oversight. Uh, doesn't matter whether it's a restaurant owner deciding to put a couple of these spots in, uh, or the guy who wants to put the two hundred units in. I, I'd be an advocate that the Town should have some oversight as to how the facilities got put in. There's traffic issues to contend with. There's lighting. There's security. I mean, the ones that are in the Park and Ride, uh, I think we've been lulled into the believing that, you know, that's rather innocuous, right? But try squeezing one of these into an existing restaurant facility, and I think you'd be looking at a whole different ball of wax. So, anyway, my question is, is this how the Special Use Permit issue came up?”

Here, Ms. Jalette and Mr. Pennypacker spoke at the same time. Ms. Jalette deferred to Mr. Pennypacker.

Mr. Pennypacker: “We had talked about Special Use [Permits] in terms of, uh, traditional gasoline/diesel fueling stations, um, that way, there is an avenue to build new fueling stations, but the Town would have a little bit of leverage over how and where they could be created. Um, we did not use – I don't think we discussed using a Special Use Permit for electric charging stations.”

Here, Ms. Jalette and Mr. DiOrio spoke at the same time. Mr. DiOrio deferred to Ms. Jalette. She read what the Board had voted on at their meeting on March 3rd.

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

**No resale of electricity from charging stations*

Ms. Jalette: “So, what I’m, I’m hearing from John [Pennypacker] is that you might be interested in, instead of having ‘Ps’ across the board in neighborhood business, maybe you would want an ‘S’, which would be a Special Use Permit, so there is a little bit of extra scrutiny involved, um, if this were to come to pass with the Town. So, I’m not sure if the Board would be interested in, uh, supplying a second Advisory Opinion with that kind of language in it, or if you’re comfortable with the ‘Ps’ across the board in neighborhood business, commercial, and manufacturing for electric charging stations. So, I don’t know if you want to revise, like I said, I don’t know if you want to revise the motion that you made, or if you want to stick with that, or?”

Mr. DiOrio: “Okay. Al DiOrio. Thank, thanks for that refresh. Uh, no, I was not following along. Um, the Board has already voted on this. Uh, I’ll stand down on my concern, although I still think it’s valid, with regards to, uh, charging stations in the neighborhood business zones, but, again, the table’s already been voted on. I don’t think we need to revisit that.”

Ms. Shumchenia: “This is Emily [Shumchenia]. Um, I, I think, uh, John [Pennypacker]’s re-, recounting of our discussion last time was great, and I’m not just sayin’ that ‘cause he accurately quoted me, but, um, I, I think it is really, um, important point, that John [Pennypacker] brought up, in addition, and Al [DiOrio], you sort of, um, reiterated this – is that, uh, you know, without any sort of guidance and design standards, for example, through the Zoning Ordinance, as Attorney Hogan suggested in the beginning of this conversation, I’m not sure we should, confidently, restate our position about, you know, where we stood in March with this Zoning Use Table, uh, revision that we provided to the Town Council. I think, if we wanted to do something sort of quick, uh, a Special Use Permit for electric charging stations, instead of just, you know, allowing it in these zones would be the best course of action, ‘cause that would at least give the Planning Board some temporary, you know, ability to review those potential projects more carefully, but I think that the best thing for the Town to do is to get an expert in here, and invest in some guidance on design standards for these types of uses, in all the different zones where they might be allowed, um, and bring that guidance back to the Planning Board, and to the Town Council for further consideration, prior to updating the Zoning, uh, the District Use Table in any way.”

Mr. DiOrio: “Okay, thank you. So, is that going to be the second Advisory Opinion? To-, Town Council, we need an expert.”

Mr. Prellwitz: “This is Ron [Prellwitz]. I agree with that. We need more information.”

Ms. Light: “I, I think Sharon [Davis] has her hand raised.”

Ms. Jalette: "Alright. Sharon, to unmute, you press *6."

Ms. Davis: "Hello!"

Ms. Jalette: "I don't know if you raised your hand because you wanted us to know you were here, or because you want to weigh in, so, either -"

Ms. Davis: "Well, first, first, because I wanted to let you know I was here. Second, I was gonna add the word 'commercial' in your definition, but that went by, so, I don't really – I don't really have anything else to say. Okay?"

Ms. Jalette: "Alright, thank you."

Ms. Davis: "Okay, bye. I'll, I'll mute myself."

Ms. Jalette: "Alright, raise your hand if you have any other things you'd like to weigh in on."

Ms. Davis: "Okay."

Mr. DiOrio: "Planning Board members, tell me what you want me to do."

MS. SHUMCHENIA MADE A MOTION THAT THE PLANNING BOARD ADVISES THAT THE TOWN PROVIDE RESOURCES FOR A CONSULTANT WITH EXPERTISE IN ELECTRIC VEHICLE CHARGING STATION DESIGN AND DEVELOPMENT CRITERIA, AND CONSIDER DEVELOPING POTENTIAL DRAFT GUIDANCE AND INFORMATION FOR FURTHER CONSIDERATION BY THIS BOARD AND BY THE TOWN COUNCIL.

IT WAS SECONDED BY MR. PRELLWITZ.

There was not any discussion on the motion.

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

ABSTAIN: NONE

OPPOSED: NONE

5-0, THE MOTION PASSED.

OLD BUSINESS:

Mr. DiOrio explained that there was not any old business to be discussed.

NEW BUSINESS:

Preliminary Plan – Public Informational Hearing – 4-Lot, 7 Unit Major Land Development Project – Fairview Estates – AP 18, Lot 7K, 66 Fairview Avenue. Shoreline Properties, Inc., applicant.

Mr. DiOrio asked if the representatives for the application were in attendance. Ms. Jalette replied in the affirmative, and said that she had just made Mr. Freeman and Mr. Caffrey, as well as the stenographer, panelists. Ms. Jalette then asked Mr. Freeman if Mr. Catelli, the applicant, was in the audience. She noted that Mr. Freeman had communicated to her that he would be participating via Ipad, but that she did not see him. She said that she was

unsure whether or not he had called in via cell phone. Mr. Freeman replied that he did not see him either. Ms. Jalette asked if Mr. Freeman and Mr. Caffrey “would be able to proceed without him here”, or if they would like to wait. Mr. Freeman replied that Mr. Catelli was calling him as they spoke. He then relayed that Mr. Catelli was stuck in traffic, but that if there were any questions for Mr. Catelli, he could “give him a call.” Mr. DiOrio said, “Let’s continue.” Mr. Caffrey replied.

Mr. Caffrey: “Mr. Chairman, would you prefer to hear from us first, or do you want to hear from the Planner?”

Mr. DiOrio replied that Mr. Caffrey had the floor. Mr. Caffrey continued.

Mr. Caffrey: “Thank you. Um, my name is Jeff Caffrey. I’m an attorney with the Law Firm of Resnick & Caffrey, here on behalf of the applicant, Shoreline Properties, Inc. As we’ve already seen, I’m being joined by Patrick Freeman, and hopefully, eventually, Mr. Catelli will be with us as well. Uh, we’re here tonight seeking Preliminary Plan approval, for Assessor’s Plat 18, Lot 7K, which is, uh, located on Fairview Avenue. It’s approximately thirteen and a quarter acres, and it’s situated in an RFR-80 zone. As I’m sure the Board is aware, had we gone forward with a conventional yield plan, um, that plan would have resulted in us being able to develop four residential lots. In recognition of the, of the Board’s preference for, uh, residential clusters, we’ve submitted the proposal that’s before you this evening, which would consist of four buildable lots, as well as two open space lots, uh, one of the open space lots to be conveyed to the Land Trust, for the purpose of preserving, uh, Witch Rock. The four lots that we are seeking to develop would contain, uh, three of them would contain a, uh, duplex dwellings, and one would contain a single family property. Of the thirteen and a quarter acres, approximately two and a quarter acres as deemed unsuitable for development, which leaves approximately eleven acres. Of the eleven acres, seven acres are being devoted to open space, with is, uh, double that which is, uh, required by the Ordinance. As part of the proposal before the Board this evening, we’re seeking a waiver of Section 9.2.2 (d), of the [Land Development and] Subdivision Regulations that pertains to the number of duplex units that we could be allowed as part of our, uh, submission. Uh, the Ordinance makes clear that no more than 50% of the lots can be dedicated to a duplex, uh, dwelling. The proposal this evening is for three, and as support for our waiver, we’re relying upon the Inclusionary Zoning provisions of the Ordinance. As I’m sure the Board realizes, once we hit that magic number of six units, uh, we are required to provide, uh, an inclusionary unit, and therefore, we would be entitled to a density bonus as well. So, the additional duplex that we’re seeking permission to build, contain the additional one unit, would be in satisfaction of the Inclusionary Zoning requirements. The second waiver that we’re seeking this evening is under 9.2.2 (f), which is, uh, pertaining to the perimeter buffer. As I’m sure the Board is aware, your Ordinance requires a 100% perimeter buffer, but the proposed plan essentially contains a 30-foot open space buffer, and then, surrounded by a 40-foot – what we would call a no-cut buffer, and that would be along the southern boundaries of Lots 1, 2, and 3, as well as the northern boundary of Lot 4. And, certainly in recognition of the fact that there is twice the amount of open space that we’re being, that we’re providing to the Town, I think a waiver, under those

circumstances, would certainly be, um, recommendable. Since Master Plan approval, we have, uh, dealt with Department of Environmental Management, and we've obtained our Insignificant Alteration Permit, a RIPDES [Rhode Island Pollutant Discharge Elimination System] Permit, as well as the preliminary Subdivision Suitability determination, copies of which were included with our submissions. Additionally, uh, Patrick [Freeman] has consulted with the, uh, Police Department, the Recreational Department, Public Works, the Conservation people, as well as the Land Trust, and we've received no, uh, unfavorable comments. Uh, in fact, uh, several, um, comments seem to be in favor of it. Um, at this point in time – I know that, uh, Crossman Engineering had raised a couple of points, as part of their peer review, and I'd like to ask, uh, Patrick [Freeman] if he would go ahead and address those issues.”

Mr. DiOrio thanked Mr. Caffrey. Mr. Freeman then spoke before the Board. He explained that he was with American Engineering. He continued.

Mr. Freeman: “We went through two rounds of, um, review with Crossman [Engineering]. We submitted an initial plan. They had some comments. We addressed those comments. We then submitted revised plans. Um, the final comments that they came out is the, the memo that you received -”

Ms. Jalette: “Patrick [Freeman], you've muted yourself.”

Mr. Freeman: “Thank you. Do I have to start over? Did you hear anything?”

Ms. Jalette: “Uh, we got to the part where you had sent, or you had received the second comments from Crossman [Engineering] -”

Mr. Freeman: “Okay.”

Ms. Jalette: “And that, that was when it cut off.”

Mr. Freeman: “That, that memo, uh, should be in your packets. Um, his major concern was flow onto Fairview Avenue. Um, we reviewed the plans, reviewed the drainage design. Um, Crossman [Engineering] seemed satisfied with our responses, and that the storm water ponds, uh, the sand filter does not overflow to Fairview Avenue for the twenty-five-year storm, and the, uh, drywell that we placed underneath the proposed private road does not overflow, um, for the two-year storm. Um, additional comments include, uh, fencing. Fencing was a checklist item that we added to the plans. We didn't add a detail, but we can add that to the plans. That, um – they had a question about no-cut buffer. Um, there's a small portion of it that was disturbed. Um, I do have a photo, if I can screen share to show that, that area has started to regrow naturally on its own.”

Ms. Jalette replied that she believed that she had given Mr. Freeman “the ability to screen share”, and he shared a photo of the site. He explained what was featured in the image.

Mr. Freeman: “So, as you can see, this photo – you've got the toe of the slope, which is, um, evident on the contours on the plan set. Uh, for the majority of that toe of the slope, um, it's outside of that 40-foot, no cut buffer, um, and as you can see, um, there's a, you know, significant stand of, of small pine trees that have already started growing in that area. Um, that will be allowed to continue, so, they, they wanted – mostly, uh, they were looking for if plantings would be required. I would say that the natural vegetation has

already started to take root. And that's all for Crossman [Engineering]'s comments. Um, that's all I have. Thank you."

Mr. DiOrio thanked Mr. Freeman. He then began to ask the applicant if they had anything else to add, when Mr. Caffrey interjected. Mr. DiOrio deferred to Mr. Caffrey, and Mr. Caffrey explained that he didn't "really have anything further to add at this point in time", but that he would be "happy to turn it over for any questions that members of the Board may have." Mr. DiOrio thanked Mr. Caffrey, and said that they would "start with Planning Board members". Ms. Jalette began to speak when Mr. Prellwitz interjected. Mr. Prellwitz said that he did not have any questions. Ms. Jalette spoke after, and said that Steve Cabral, of Crossman Engineering, was in the audience, "if any Board members have questions that he might be able to answer". Mr. DiOrio said that he wanted to put a hold on the Board's questions, as he was "not aware that Steve [Cabral] was in the audience." He continued.

Mr. DiOrio: "Steve [Cabral], welcome aboard. Uh, it might save some time if I just queried you. There's been a recap by the applicant's expert as to your comments, and I just want to make sure that you believe that those are accurate portrayals."

Mr. Cabral: "Oh, good, good evening, everyone. This is Steve Cabral from Crossman [Engineering], an-, and, yes, Patrick [Freeman] did summarize my latest memo, but I would like to add – in addition to two memos over the past few months, there has been quite a bit of correspondence between our office and American Engineering, and the reason was – our goal was to, you know, make sure all concerns were conveyed to American [Engineering] as quickly as possible, so we don't necessarily always wait until we publish, uh, an official memo, and I will say, American [Engineering] has been very responsive, and that the two remaining issues were the, the buffer – and the reason we mentioned that, uh, that comment, is that, on the site plans, it shows that – oh, excuse me – on the aerial photograph, it showed that there was quite a bit clearing in the, the no-cut buffer, so we just wanted to make sure that the condition of that buffer was known to the, the Planning Board, so that y'all could render an opinion as to whether or not there should be additional, uh, evergreen plantings to protect the neighbor. In regards to drainage, uh, Patrick [Freeman] has done a great job responding to our comments over the past probably five months. The only concern that I have with the drainage – and, before I express this concern, I want to say that Patrick [Freeman] did design it to meet all of the Town and State requirements – uh, my concern is that - because we have a storm water pond right at the border of, uh, Fairview – if it's not built and maintained properly, it's gonna be very obvious that it's not working, and I just want to make sure that construction oversight, and long-term maintenance, is a critical part of any condition of approval, because we have another site – completely unrelated to American Engineering and Fairview – where we've had, in Hopkinton, a storm water pond, which was designed so there'd be no overflow during the hundred-year storm – and any time it rains, it overflows into a Town street, and the reason for that was just improper construction. So, that's one reason we continue to stress the fact that construction, and long-term maintenance, is gonna be critical for the success of this project, because I would hate to see a small subdivision be built, and have this infiltration pond overflow into Fairview, and have Public Works and the public getting upset. So, a-, again,

construction oversight and maintenance will be key – an-, and thank you, for giving me a few minutes.”

Mr. DiOrio: “Thank you, Steve [Cabral]. We appreciate that.”

Ms. Hogan: “Mr. Chairman, it, it’s Maggie [Hogan]. Could I jump in for just a moment?”

Mr. DiOrio: “Yes, of course.”

Ms. Hogan: “Thank you. Uh, Mr. Cabral – in your memo, uh, you made a recommendation, I believe, that all rooftops and driveways that drain towards Fairview shall discharge into on-site dry wells. Is that still your recommendation?”

Mr. Cabral: “It – yeah, basically – what American Engineering designed meets all of the standards, but, because of the concerns that I expressed, if there is any – I know an old-fashioned term may be ‘belts and suspenders’ – could be incorporated, I would recommend it.”

Ms. Hogan: “So, that’s an additional mitigation measure, correct?”

Mr. Cabral: “It is. It would be above and beyond what’s normally required.”

Ms. Hogan: “Okay, and the second item that I picked up in your report was the infiltration system that overflows into Fairfield – pardon me, Fairview Avenue, um, might be able to be increased in size. Could you talk to us about that?”

Mr. Cabral: “Oh, that was a comment – that if there is an issue with construction and maintenance, that one of the mitigation measures may be to actually expand the size. Now, the way American [Engineering] designed it, it is sized properly. It’s the appropriate size, and there’s no reason to expand it larger than what’s proposed. My point was that if there is a problem, it would be great, if it’s possible, to reserve space so that it could be enlarged, and, and, the reason is – the way the standards of the State enacted, or established – they assume that everything is built properly and everything is maintained properly and works 100% efficiently all of the time, but as soon as a system is built, of course, sediment builds up, and as sediment builds up, the infiltration capacity decreases. So, ag-, again – it’s more of a ‘belt and suspenders’ – and I’m not implying that, uh, Patrick [Freeman] didn’t design it properly. He certainly did. It, it’s really to protect the community.”

Ms. Hogan: “So, if I understand you correctly, your recommendation is that, in the event that the maintenance is insufficient or fails, that there be an area whereby this infiltration could be increased by the Homeowners’ Association eventually. Is that correct?”

Mr. Cabral: “That, that’s a very good state summary, yes.”

Ms. Hogan: “Okay. So, if that’s the case, could you tell us, or advise the Board about where on the site plan you would recommend that additional area be, uh, preserved? Is it in the open space – what, what are we talking about?”

Mr. Cabral: “It, it would, it – the topography of this site is such that the only viable location would be adjacent to Fairview Avenue, because, essentially, this property is a hill, and the eastern part of the property actually drains away from Fairview, so the only concern is the, the section of the property that drains towards Fairview, and because Fairview is the low point, it would have to be in, in that area.”

Ms. Hogan: “So, which lot, though?”

Mr. Cabral: “It would be the lot abutting Fairview.”

Ms. Hogan: “Uh, Patrick [Freeman], could you advise which lot is that?”

Mr. Freeman: “That’s Parcel 1.”

Ms. Hogan: "Parcel 1. So, there might be – there might need to be a deed restriction on Parcel 1, where it's already encumbered by the drainage, wherein the drainage might need to be – the, the infiltration might need to be expanded on Parcel 1. Is that accurate?"

Mr. Cabral: "Uh, in, in the perfect world, yes. The difficulty for Patrick [Freeman], the designer, is that, because of the placement of a well for the house, and the septic, the space available is limited."

Ms. Hogan: "I see a row of, um, I'm assuming it's ever-, evergreens on that lot."

Mr. Cabral: "Yes."

Ms. Hogan: "Running parallel to the, um, the proposed drainage area. It – would it be adequate to say that it could, that it could be expanded up to, but no further than that line of evergreens. I mean, obviously, you have a marketability issues here to begin with, on Lot 1, um, and you're not looking – we're not looking to, um, im-, impose additional marketability issues, however, they, you know, the applicant does need to meet all the concerns that the Board has in regards to future maintenance and potential future flooding onto Fairview."

Mr. Cabral: "Mmm. Uh, yes. That really would be the only location, but the difficulty for the designer would be that there has to be a minimum clearance between a leach field and the infiltration pond, and the way it's located, it's – Patrick [Freeman] can confirm this, but I believe it's at the bare minimum as it is now."

Mr. Freeman: "That is correct."

Ms. Hogan: "So, so the suggestion, then, is really not one that's feasible."

Mr. Cabral: "Without difficulties. For example, there would be issues that the leach field could be relocated onto Lots 2, and pumps to it, but, again, just to clarify, these are all, uh, above and beyond the standards. I was just -"

Ms. Hogan: "I understand. I understand."

Mr. Cabral: "So, really, the only way it could work would be if the leach field was placed on Lot 2, because where the leach field is is really the only viable location to expand the infiltration system."

Here, Ms. Hogan and Mr. Caffrey spoke at the same time. Mr. Caffrey deferred to Ms. Hogan. She continued.

Ms. Hogan: "So that leaves a question for the Board, as to whether or not, um, based on the recommendations, whether some of those changes ought to be made prior to approval of the plan itself -"

Mr. Cabral: "Yeah."

Ms. Hogan: "And that would, you know, that would require, presumably, going back to DEM [Department of Environmental Management] to get that septic system moved, um, and, you know, and getting it approved in another location. That's - Lot 2 would have to have a septic easement for the benefit of Lot 1, uh, in order to accommodate that. So, you know, it's, it's, um – the recommendation, you know, causes a number of these things to line up in succession that now need to be dealt with."

Mr. Cabral: "Yes."

Ms. Hogan: "The alternative of not following the recommendation is, uh, you know, if the Homeowners' Association does not undertake the maintenance, um, then the Town is left with a flooding problem, and no practical means of expanding the infiltration on Lot

1 to accommodate an expansion of it. I don't know the answers to all of those, those issues, but I'm just trying to highlight those for the Board."

Mr. Cabral: "You know, one thought, one thought that comes to mind, based on Miss Hogan's very good explanation, is that if the rooftops in the driveways were placed in infiltration systems, and, possibly in placing an easement on Lot 2 for the relocation of the sep-, of the leach field of Lot 1, if the need ever comes to be, because if it's not maintained prop-, if it is maintained properly, it won't be needed, but if it's not maintained, or built properly, at least there could be an easement on Lot 2 where the Association could potentially be responsible to relocate the leach field at that time, and that -"

Ms. Hogan: "Let me, let me ask, uh, um, a question of Patrick [Freeman] if I could in connection with that. Patrick [Freeman], is there a possibility that you, that, um, that the actual lot line between Lot 1 and 2 could be moved. You could show an alternate area on 2 for the, you know, potential, alternate area for the septic system in the future if there's ever an issue, and then, you know, some sort of shadowing here of a potential area of increase of the infiltration on Lot 1. I suspect that may impact the, um, density of Lot 2, you know, the, the overall size of it, but you'll have to tell us, and if - whether that would then engender the requirement for some type of a waiver of minimum lot size."

Mr. Freeman: "So there's a, there's a lot of obvious ripple effects of, of-"

Ms. Hogan: "Yep."

Mr. Freeman: "Moving property lines, and moving septic. Um, one thing that I will say is that water quality pond, in the Operation and Maintenance [Plan] - if that system does start to fail, um, there are steps that you take, which would be to - the base of that pond is actually all sand, so if that sand clogs up, and that's the reason that pond's failing, you're supposed to take that sand out and replace it, and that should bring it to - it's, as if, if it was a new pond, so, instead of, instead of expanding the pond, bringing it back to working order would be the - I think - the best way to handle it, um, and it is covered in the O&M [Operation and Maintenance Plan]. Um, as far as putting the septic on the other lot, um, the only alternate I could think of that, that would potentially be easier is going to an advanced treatment system if you had to, to reduce the size of it. It's not required, um."

Ms. Hogan: "On Lot 1, you mean?"

Mr. Freeman: "Yeah, on Lot 1, you could reduce the size of the leach field, if it became, you know, such a problem that, that you, you, um, that the system was just too large. The Operation and Maintenance [Plan] is really supposed to, to prevent, um, any failure of that pond, as long as it's maintained and installed properly. Like you said, that, that shouldn't become an issue."

Here, Mr. Caffrey and Ms. Hogan spoke at the same time again. Ms. Hogan then continued.

Ms. Hogan: "There was, there was an accompanying, there was an accompanying recommendation that the, um, Homeowners' Association submit, um, reports semi-annually. Do you feel as though, um, that's going to be adequate protection for the Town from a potential failure?"

Mr. Freeman: "I believe so. Jeff [Caffrey], do you have any input on that? Um."

Mr. Caffrey: “Yeah, I mean, I, I, I think we can certainly add some teeth to the HOA [Homeowners’ Association] documents, so that the Operations and Maintenance Plans are strictly adhered to. I, I don’t know what the periodic reporting requirements would be, because I, I don’t know how quickly you would get any type of a buildup in there that would have, that would impact, um, its functionality, but I think whatever the recommendation would be, since we’re already meeting what the State requires us to do for drainage and for runoff purposes, I’d rather put the burden on the HOA [Homeowners’ Association] rather than having to reengineer the whole project due to a what-if. So -”

Ms. Hogan: “Yeah. I understand.”

Mr. Caffrey: “I would rather tighten up the HOA [Homeowners’ Association] requirements, and put something in the Operations and Maintenance [Plan] schedule, where they have to report on, you know – even if they have to get a report from a third party on an annual basis, I’d be okay with that, um, if it means that we don’t have to reengineer everything.”

Mr. DiOrio: “Alright. Uh, Al DiOrio – just a couple of comments here. So, first of all, this idea of putting the septic system on Lot #2 – that’s not allowed by DEM [Department of Environmental Management] regulations, so that’s off the table.”

Ms. Hogan: “Okay.”

Mr. DiOrio: “Uh, as for putting more teeth into a document, uh, that doesn’t impress me at all. What I really want to know is – in the event that this thing fails, who’s got the money?”

Mr. Caffrey: “It, it would be incumbent upon the Homeowners’ Association to restore it or to, uh, to repair it.”

Mr. DiOrio: “And what if they can’t do that?”

Mr. Caffrey: “Well, I mean – we could, we could put, we could put a requirement in there that in the event that a third party has to come in there, or the Town has to bring somebody in, then you’ve got the ability to enforce that against the HOA [Homeowners’ Association].”

Mr. DiOrio: “Uh, Maggie [Hogan], I’m gonna rely on you here. Uh, I’m never impressed when I don’t have the money in my hand, but in the event that that scenario unfolded, does the Town have something to pay the bill? What are we gonna do? Sell off the lots?”

Ms. Hogan: “Well, if it’s just the Homeowners’ Association, the only asset that it has is the open space, and what are you gonna do with that? So, then -”

Mr. DiOrio: “No. Then that’s not, that’s not good enough for me.”

Ms. Hogan: “Right.”

Mr. DiOrio: “We need, we need – I’m sorry -”

Ms. Hogan: “So, then, the question becomes whether or not, uh, you know, a lien, effective against the Homeowners’ Association could then be, uh, a lien against all of the individual properties within the plat, um, and that gets attention pretty quickly. Uh, tell you the truth, right off the top of my head, the mechanics of that, uh, I’m not prepared to address tonight, um, I, I think it could be done.”

Mr. DiOrio: “Well, we’re gonna leave that to the applicant, but here’s my next question – so, let’s just say that that is a workable solution. Now I have a lien against all these homes. I still have a bill to pay. What am -”

Ms. Hogan: “Yep.”

Mr. DiOrio: "I gonna do? Sell the homes?"

Ms. Hogan: "So -"

Mr. DiOrio: "That doesn't sound like, that doesn't sound likely."

Ms. Hogan: "Right. So, uh, the Town would obviously need to repair the problem if the Homeowners' Association couldn't or wouldn't, as the case may be, and if the Town has liens against the various individual property owners – and remember, one of them is an affordable unit, okay – um, then the Town would have to make, um, a financial/political decision whether it was going to go to Court to enforce those liens, you know, against the individual homeowners."

Mr. DiOrio: "Good. I feel like I'm getting mired down. It's getting stickier and stickier. Is there some way to, uh, request a, a bond, uh, some kind of guarantee that this facility is gonna operate, uh, before this, this group of people takes, takes this over? Because – here's my concern: these people don't know anything about this facility. Quite honestly, I'm pretty sure they're just not gonna give a damn about it. So, I'm not concerned about the construction – I'm sure the engineering company's gonna make sure that it's in, it's constructed properly, but I can virtually guarantee it's not gonna be maintained. So, this will fail."

Mr. Caffrey: "How about if we did some type of an annual contract that required somebody to come in there to do maintenance, and we'll, we'll obligate for a specified time period that, uh, you know, on an annual basis, they'll go in, and they'll, they'll inspect it, and they'll, um, repair it or restore it."

Mr. DiOrio: "And who's paying the bill for that?"

Mr. Caffrey: "Well, during the time period that, that the developer owns the property, ultimately, he would wind up having to pay for it, but once we turned over control to the, uh, HOA [Homeowners' Association], that would become part of their line item budget, similar to insurance on the open space, and, and what have you. It would be a budget item."

Mr. DiOrio: "If, uh -"

Mr. Caffrey: "The money would be there."

Mr. DiOrio: "It's an attractive idea. I have to refer to, uh, Maggie [Hogan] to tell me that that makes me feel warm and fuzzy."

Ms. Hogan: "Heh heh heh heh – without a blanket and slippers, you want to feel warm and fussy, okay."

Mr. DiOrio: "You understand what I'm - where I'm coming from."

Ms. Hogan: "I do. Yep."

Mr. DiOrio: "In the event that this group of people, who may not know each other, and probably don't care about each other -"

Ms. Hogan: "Yep."

Mr. DiOrio: "Decide that they're not paying any bills, and all this other stuff that accumulates every year, well, that can just go south, 'cause I'm not paying any more. When all that happens, what – how is the Town protected?"

Ms. Hogan: "So, um -"

Mr. DiOrio: "And, by the way, I don't need an answer to that right now, but this is -"

Ms. Hogan: "Okay."

Mr. DiOrio: "This is a critical concern to me, with, uh, a drainage facility that's virtually on top of one of the Town's roadways."

Ms. Hogan then said that she was going to mute herself “for a moment”, as her husband had “decided to mow the lawn right next” the room she was calling into the meeting from.

Ms. Hogan: “Just give me one minute here and send him away!”

Ms. Light asked if she could ask Mr. Cabral a question. Mr. DiOrio told her that she could “go right ahead.”

Ms. Light: “Steve [Cabral], uh, we’ve made, uh, two optional, uh, recommendations, and, during this conversation that we’re having, and, in my mind, I’m seeing that the best way to, uh, probably address this is to require that the rooftops and driveways drain towards Fairview Avenue, discharge into on-site drywells. It’s not, um, both you’re, you’re recommending. Can it be either or?”

Mr. Cabral: “It, it, it certainly can be either or, but Mr. DiOrio was correct that maintenance is gonna be key. The more water we remove from the system, the better, but if it’s not maintained, it, it could fail. But, but, again, just to clarify, um, Patrick [Freeman] did design it correctly, and he meets the standards. It’s really the im-, potential impact if it’s not maintained. So, uh, so, Carolyn [Light], yes – I, I agree with you. It would be great to have the additional drywells, but we also need confirmation that the system will be maintained.”

Mr. Freeman: “I would like to add that we did install – um, well, we did design drywell systems for, uh, the buildings and the driveways on Parcels 1 and 2. So, we did, adjacent to the paved driveway, we added a, uh, stone diaphragm with a perforated pipe that discharges to underground galleys. So, we did, um, we did meet that request.”

Mr. DiOrio: “I’m noticing that, Patrick [Freeman] – Al DiOrio – and I did see that you have a rain garden on, uh, well, let’s see – Parcel, forgive me, Parcel 4. So, I mean, it looks like you, you’ve done, and I want to echo Steve [Cabral]’s comments here – it seems like you’ve done everything that you’ve been asked to. It – but my concern is not about your design work. My concern is the subsequent use of the facility. Just want to be clear on that.”

Ms. Hogan: “So, let me ask a quick question, too, for Patrick [Freeman]. On, um, Parcel 1, could the, uh, residential construction and the septic system, uh, be slid back on that lot, so as to make room for any potential expen-, expansion area – or does that require you to go back to DEM [Department of Environmental Management] on your septic permit for that lot?”

Mr. Freeman: “Um, we don’t have – we have subdivision suitability, which isn’t a full, um -”

Ms. Hogan: “Okay, yeah.”

Mr. Freeman: “We’ll still have to go to ba-, back to DEM [Department of Environmental Management] for the septic design. The, the trouble that we ran into with that parcel in particular was the hill. Um, it’s a steep slope -”

Ms. Hogan: “Oh. Is that what I’m seeing right behind the house?”

Mr. Freeman: “Yeah, the further you move it -”

Ms. Hogan: “Okay.”

Mr. Freeman: “Up the hill, the, the, more difficult -”

Ms. Hogan: "Okay."

Mr. Freeman: "It becomes."

Ms. Hogan: "Got you."

Mr. Freeman: "Yep."

Mr. DiOrio: "Okay, so, uh, again, I, I don't mean to get bogged down here. Uh, I am comfortable with, uh, should my colleagues on the Planning Board agree, that this kind of detail, uh, providing the Town with a greater level of comfort be worked out at the next phase. That, that's perfectly okay with me. I don't need to hold up this, uh, this review. I, I – this, this project has been before us a number of times. I'm comfortable with the direction that the project is moving in, and I'm confident that, uh, the solicitors can work out an arrangement that's equitable to all the parties."

Mr. Caffrey: "So, I'm sorry -"

Ms. Hogan: "Mr. Chair -"

Mr. Caffrey: "When you're referring to the next phase, would that be Final?"

Ms. Hogan: "That's Final."

Mr. DiOrio: "Yeah. Yeah. So, this is a Preliminary."

Mr. Caffrey: "Yes."

Mr. DiOrio: "So, between Preliminary and Final, you'll hammer out some arrangement, and, uh, before the issuance of the Final Plan, uh, or the approval of the Final Plan, we'll cement some kind of, some kind of deal. That's – that would be perfectly okay with me. I'm speaking personally."

Mr. Caffrey: "So, that would be up to the solicitor and myself, to, to come to some type of a satisfactory resolution?"

Mr. DiOrio: "You would come to, uh, an agreement on a proposal, and that would come before the Planning Board. Or, alternatively, if this is gonna be approved administratively, the Planner would take a look at it and that would be okay with me. If the Planner is comfortable with it, I'm comfortable with it."

Ms. Hogan: "Mr. Chairman, um, if, if the Board is not fully comfortable with all aspects of it at the Preliminary Plan, I would recommend that you retain jurisdiction to hear it at Final."

Mr. DiOrio: "Well, that's, that's fine. Sure. That makes -"

Ms. Hogan: "Not, not place it on the Planner, because then he's assuming responsibilities for something that you have concerns with at this phase. I think that would, uh, putting a heavier burden on the Planner."

Mr. DiOrio: "I understand. Is the applicant agreeable to, uh, coming before the Planning Board for the Final Plan?"

Mr. Caffrey: "Uh, the preference would be to handle administratively, but, as, as Attorney Hogan said, I don't want to put an undue burden on Jim [Lamphere], if he's not comfortable with that. Is Jim [Lamphere] here?"

Mr. Lamphere: "Uh, yes – Jim Lamphere's here. I, I would prefer to see this come back to the – I'd like to see Preliminary Plan approved tonight, and Final come back to the Planning Board with all the, uh, details ironed out to the satisfaction of the Board. There's a few other things that, um, I'd like to bring up in a, in a few moments, that need to be worked out, too - additional details. Uh, Mr. [Harvey] Buford gave me some comments, uh, via e-mail on behalf of the Land Trust, and so there's a few, um, corrections that need to be made in the, uh, in the, uh, documents – open space

documents, etcetera. So, I think, I think all, all that needs to come back to the, uh, Board.”

Mr. Caffrey: “Okay. If that’s the, if that’s the Board’s wish, then we’re fine with that.”

Mr. DiOrio: “Okay. Good. So, uh -”

Ms. Hogan: “So -”

Mr. DiOrio: “We’re still – is there a comment in there?”

Ms. Hogan: “Yep, Mr. Chairman. So, um, based on Jim [Lamphere]’s last comment there, you know, I’ve given you a draft decision that incorporates the, um, the ownership notes on – I forget what page it is of the plans – in regards to Parcel 5, which is the open space lot, so I would suggest that you not incorporate approval of those particular elements if there’s changes to come. We don’t know what they are, so – and the other thing that I did want to point out for you, um, when you get to decision time, is, um, because at Master Plan, you’ve already granted the waiver in regards to the density, you don’t need to do that again tonight, because we are incorporating all of the Master Plan approval into this level. That’s Number 1, but the item that – in regards to the waiver, that is still pending before you is the reduction from the 100-foot buffer, um, to the 40 feet primarily, I guess it is, no cut buffer. That was not decided upon at Master – was left for this phase. You do have to, um, address that. Thank you.”

Mr. DiOrio: “Very good. Thank you. So, we’re still, uh, taking comments from the Planning Board members, before we get to everybody else that needs to comment. Planning Board members, anything else?”

Mr. Prellwitz replied that he did not have anything to add. Mr. Lindelow said that Mr. DiOrio had “said it well for all of us”, and thanked him. Mr. Pennypacker said that he had “one just clarifying question”, in regards to “if the, uh, retention system were to fail.” He continued.

Mr. Pennypacker: “The way I read the memo from Crossman [Engineering] says that that would result in flooding about every two years. Is that – if it, if it, if it failed – is that an accurate description of, of what would happen?”

Mr. Cabral: “Oh, if I may – this is Steve Cabral from Crossman [Engineering]. There, there are two infiltration systems bordering Fairview. There’s the sand filter infiltration pond, and then there are drywell chambers below the proposed roadway, and so the frequency at which they would overflow into Fairview depends upon the level of maintenance, and the degree of failure. So, if everything works properly, and is maintained properly, the drywell system will actually overflow, say, for the once every two-year event, but the infiltration pond will not overflow until the theoretical 25-year storm, which is a 6.1-inch rainfall. So, if they were to fail, they could, theoretically, overflow during any type of rainstorm. The, the rainfall precipitation values that I put in the memo represent their design overflow event. And, and just to clarify, currently, there is flow from the site that drains into Fairview, and the project was designed so that there’s a slight decrease going into Fairview under the proposed conditions, and that’s why the drywell system below the road does overflow during the – we’ll say the, uh, let’s see – the two-year event, and the infiltration pond is allowed to overflow during the theoretical 25-year event. Did that answer your question?”

Mr. Pennypacker: "I think so. I – it's, it's not – I mean, it sounds like it's hard to put your finger on, depending on how significant the failure is, but –"

Mr. Cabral: "E-, e-, exactly. If, if – this system depends solely upon infiltration, and just like a leach fields, in your, your home septic system, if the bottom of the leach field bed is clogged, then everything's going to overflow. So, that's why Mr. DiOrio is correct, by expressing a concern for maintenance. Maintenance will be key. So, making sure the bottom of the bed is clean and allows infiltration."

Mr. Pennypacker: "Thank you."

Mr. DiOrio thanked Mr. Cabral, and asked Mr. Pennypacker if he was "good with that." Mr. Pennypacker replied yes, and then continued.

Mr. Pennypacker: "Uh, it sounds like it's the best answer that we can, we can get. I was – you know, I saw 25-year, year flood, and, and two-year flood, and I just was tryna see if I could, you know, kind of put it into my own layman's terms, but I don't think it's so simple, but thank you."

Mr. Cabral: "Yeah, well, I can say, in an average year, you wouldn't see the pond overflowing, or any effluent from the drywells, but if, in a typical rainstorm, like we've had over the past weekend, uh, let's see – the volume of rainfall that we received over the past weekend would be nothing for this site. It, it's oversized to the point that that would be quickly absorbed, but if we had a rain event like we had last weekend, and there is overflow, then that's a clear sign the system has failed. Because, like, as I said, that pond is sized to accommodate a six-inch rainfall, which, you know, we typically don't see, you know, except maybe once every two decades, but, then again, in 2010, we had a storm we typically don't get except once every 500 years, so it, it's all statistics."

Mr. DiOrio: "Steve [Cabral] to put that out of the – Al DiOrio – to put that into perspective, the rainfall that we had over the past couple of days – I heard three inches. What do you think?"

Mr. Cabral: "You know what? The amount of rainfall varied quite a bit across Rhode Island, so if Hopkinton received three inches, I believe there would have been no overflow from this, this development."

Mr. DiOrio: "Yeah. Okay. Good. So, what I'm trying to do is, if, in fact, that, that three-inch value is accurate, uh, and that's unconfirmed, but if that's accurate, people might have a better sense of, 'Well, if we had that much rain, you wouldn't see anything coming off this site if the system was functioning the way it was designed.'"

Mr. Cabral: "Yeah. Yes. E-, e-, exactly, and that's why it's gonna be easy to confirm if the system works properly, because if we have a run-of-the-mill two-inch rainfall, and there's overflow, then it's a – it'll be an obvious sign to Public Works that it's not working correctly."

Mr. DiOrio replied that he understood, and thanked Mr. Cabral. He then asked if any Planning Board members had "any other questions" about the proposal. When he did not hear from his colleagues, Mr. DiOrio suggested that they "move around the table", though they could certainly "come back to it, uh, if something strikes your fancy." He asked Mr. Lamphere if he had "anything else to add" from his perspective. Mr. Lamphere spoke.

Mr. Lamphere: "I'd just like to mention that, uh, Mr. Harvey Buford gave me an e-mail, um, who, um, on May 29th, and he's been working in conjunction with the Land Trust, and, um, uh, he had some comments – three comments. Uh, his first one was, uh, Sheet 3, uh, the ownership notes on Parcel 5 appear to be correct, uh, from his read of them, and second observation he had was in the project narrative, uh, Number 7, which is in the open space, um, section – pages aren't numbered so I can't give you that, but the open space easement and maintenance covenants, Number 7, he says that, um, Lot #5 should be excluded from membership of the Homeowners' Association, because that lot is going to be owned by the Land Trust, and then, thirdly, he suggests that, uh, in the declaration of restrictions, on the protective covenants section, it, it should be changed such that the applicant is the entity to install the locked gate drive – the locked drive gate. So, those are the three comments that Mr. Buford had on, on behalf of the Land Trust."

Mr. Caffrey: "And we have no issue with any of those."

Mr. Lamphere: "So, I'd suggest that those be incorporated into the Final Plan. I'd also like to suggest that we have room on the June 16th, uh, Planning Board agenda. If we can get these details that we talked about tonight straightened out, I don't see why we can't bring this right back, uh, in two weeks from tonight, and get the Final Plan approved."

Mr. Caffrey: "That, that would be great from our perspective. The sooner the better."

Mr. DiOrio: "Okay. I'd like to hear it. Uh, Maggie [Hogan], anything else to add from your end?"

Ms. Hogan: "Um, that's an interesting proposal. Um, is the suggestion then that we would continue Preliminary to the 16th, and approve both at that time?"

Mr. Lamphere: "My suggestion would be to, uh, approve Preliminary tonight, at the conclusion of the Public Hearing. We've yet to hear from the public, uh, on this."

Ms. Hogan: "Right. Of course. Yep."

Mr. Lamphere: "I would - I don't see any reason – I mean, the eng-, as far as I can see, the engineering has been done. The only issue is how is this gonna be maintained, what guarantees are we gonna have. Um, I think the engineering is done. Uh, I don't see any reason why we can't approve this plan tonight – Preliminary Plan – although you could bring it back if you're not, if you don't feel comfortable with that, bring Preliminary back to the 16th, and do both that night, I guess."

Mr. DiOrio: "I would say that, uh, uh, I'll rely on Maggie [Hogan] to be more definitive, but it would be easier to craft a motion if they came back next, and - for the 16th, and we did a Preliminary and Final approval all at once."

Mr. Lamphere: "Okay."

Mr. DiOrio: "Because I can already see we're cutting and pasting -"

Mr. Lamphere: "Mhm."

Mr. DiOrio: "As it is."

Mr. Lamphere: "That's fine."

Ms. Hogan: "Well – I, the statutes allow us to combine Master and Preliminary. I don't know that they allow us to combine Preliminary and Final, so you would need to list them as two separate items, and do them back to back on the schedule, if you wanted to handle it in that manner, or, you could, as suggested, you could approve tonight, perhaps the draft, some of the items in the draft, would not be included or incorporated into

tonight's, um, decision, uh, and then you could do Final, uh – next, I was gonna say next month, it's not next month, it's in two weeks.”

Here, Mr. DiOrio and Mr. Lamphere spoke at the same time. Mr. Lamphere then continued.

Mr. Lamphere: “My suggestion – I like Maggie [Hogan]’s suggestion there to do both, uh, on the 16th. So, we could continue the Public Hearing to a date certain, which would be June 16th, approve the Preliminary Plan at that time, and then, a separate agenda item following it, new business, Final Plan, approve the Fin-, go right in, go right forth and approve the Final Plan, back to back.”

Mr. DiOrio: “Makes sense to me. We’ll see how the Planning Board members feel about that arrangement. So, uh, if there are no other comments from Planning Board members, the Planner or the Solicitor, I’m prepared to entertain public comment from anyone in the audience wishing to be heard this evening on this application.”

Ms. Jalette explained that if there were any members of the public who wanted to comment, they would have to press *9. She then said that she was going to read the name that was listed, and that the caller would have to press *6, then state their name for the record. The first caller was Cynthia Johnson, of Soap House Lane, a member of the Land Trust. She explained that she had heard Mr. Lamphere’s comments that had been relayed to him through Harvey Buford. She continued.

Ms. Johnson: “We like very much the things that have happened. I’m glad that the gate has been sent back to the builder. It has been one of those things tossed back and forth a few times, so it’s nice to get some resolution on that, but, we support the project, um, we – especially the open space, the five acres or so bo-, open space, and the protection of Witch Rock, so, thank you to everyone involved, to the Planning Board, and have a good night. Thank you.”

Mr. DiOrio thanked Ms. Johnson. Ms. Jalette told Mr. DiOrio that there were not any other callers. He then spoke before the Board.

Mr. DiOrio: “Okay, so, I understand there are no other hands being raised. That concludes public comment, uh, so Planning Board members – time has come for a decision on how you’d like to proceed. Give me some feedback.”

Ms. Light was the first to respond. She said that she “on board” with having the Preliminary and the Final approvals at the next meeting. Mr. DiOrio asked the other Board members if they were “okay with that move.” Mr. Prellwitz replied that he agreed “with that maneuver.” Mr. Lindelow also replied in the affirmative, as did Ms. Shumchenia. Mr. DiOrio said that he was “prepared to entertain a motion” to continue the Public Informational Hearing to June 16th. At this interval, Ms. Jalette let Mr. DiOrio know that there was a member of the public who wanted to comment. He asked the Board members to “hold tight.” Ms. Jalette explained that she would read the name of the caller, and ask them to press *6. The caller was Kevin Trenholm, of Fairview Avenue.

Ms. Jalette gave Mr. Trenholm the ability to speak before the Board, though he was unable to comment.

Ms. Jalette: “You’ve been unmuted, but we can’t hear anything from you. Oop – and the hand has been lowered.”

Mr. DiOrio: “Shall we give that individual one more chance, or shall I close the door?”

Ms. Jalette: “Kevin, we’re going to give you another opportunity. If you would like to comment, please press *9, and then press *6 after I give you the directive to do so. If not – okay – press -”

Ms. Hogan: “His hand’s back up again.”

Ms. Jalette: “Yup – and you’ve been unmuted.”

The Board waited for a few seconds before Ms. Jalette spoke again.

Ms. Jalette: “Mr. Trenholm, um, we still can’t hear you. I’m not sure – so, it, it appears as though you’ve called in from a – well, not called in, but you’re participating via a computer. If you don’t have a microphone, we’re not gonna be able to hear you. Um, you can hear us, but we can’t hear you. Uh, we can give you the option of calling into the meeting – might take a little bit longer, but you’re welcome to do that, if you are so inclined. Um, that’s what I would rec-, recommend that you do, because we’re not going to be able to hear you in, in this state at this point.”

The Board waited a few more seconds for Mr. Trenholm. Ms. Jalette then alerted the Board to the fact that he had lowered his hand. Mr. DiOrio interjected.

Mr. DiOrio: “Alternatively, uh, this individual could, uh, return, uh, on the 16th. The, uh, the current idea is to continue the Public Informational Hearing, so, that individual would have the opportunity to, uh, come up with another mechanism for contacting the Board. Seem reasonable? Okay, so, Planning Board – I think we’re on our way to a motion to continue. I’d like to entertain such a motion.”

MS. SHUMCHENIA MADE A MOTION TO CONTINUE THE PRELIMINARY PLAN PUBLIC INFORMATIONAL HEARING FOR FAIRVIEW ESTATES UNTIL JUNE 16TH, 2021 – A SPECIAL MEETING, STARTING AT 6 P.M.

IT WAS SECONDED BY MR. PRELLWITZ.

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

ABSTAIN: NONE

OPPOSED: NONE

5-0, MOTION PASSED.

SOLICITOR’S REPORT:

The Planning Board Solicitor did not have anything to report.

PLANNER'S REPORT:

The Planner did not have anything to report.

CORRESPONDENCE AND UPDATES:

There was not any correspondence and there were not any updates.

PUBLIC FORUM:

Ms. Jalette explained that there was one member of the public who wanted to speak during Public Forum. It was Joe Moreau, of Old Depot Road.

Mr. Moreau: "Good evening. This is Joe Moreau. Um, as we are all aware, the Planning Board has had several months where we've had two meetings. Uh, the start time has been changed to 6 p.m., and, in some cases, like the last meeting, it continued, uh, almost to 10:30. Certainly appreciate the - your efforts in doing that. Um, at the last meeting, one resident spoke for eight minutes, then twelve minutes, and had the last say for three more minutes. Uh, my suggestion would be, is to have a limit of five minutes per person per project. Uh, at that point, once everyone has had the opportunity to speak, if time is permitting, you could then speak again for another five minutes. Uh, I attended the workshop, uh, recently, on the parliamentary procedures and Open Meetings Act, and, uh, it has to be a consistent, uh, time limit. You cannot have five minutes for one meeting and then unlimited discussion for another meeting, so, it's just a suggestion, um, that I'd like you to consider. My following comments are for informational purposes only. I've had some issues recently with, uh, e-mails. Uh, on May 22nd, I sent to, to Al [DiOrio] and Maggie [Hogan], uh, an e-mail with some comments about Title 42-46, and also a question I had raised about, uh, site visits. Uh, I was trying to get an answer on who would be the person to tell residents that show up that they could not attend that site visit. Maggie [Hogan] did send out a, an e-mail to clarify the site visits with the new COVID – and I loved the comments about the, uh, two by two. Thought that was pretty neat. Um, May 20th, I also sent out a e-mail to Maggie [Hogan] about the May 19th meeting, and some of my comments, um, and I also sent that to Al [DiOrio], with no response. On May 23rd, uh, I had some questions about that May 19th meeting, and I had raised this point with, uh, Solicitor Sypole, and he responded to me the next day, uh, on the comments. Last night at 8:08 I sent an e-mail to Al [DiOrio] with no response. Uh, a couple of months back, I sent an e-mail to Al [DiOrio] with no response. In the past, Al [DiOrio] has been great about getting back to my questions with e-mails – sometimes at 5 a.m. Um, he'd also call me at times to discuss different points. I stopped by his home one day, and we had some nice discussions. You know, Al [DiOrio] had some issues a while back with, uh, with an attempt to remove him from the Planning Board, and I worked the phones for several days. I sent out several e-mails to try to get resident's support, which we did, and I'm glad to say that, you know, he's been retained on the, on the Board. Uh, I have been involved long enough to realize that things have changed the last few months. I would like to ask, through the Chair, two questions. I would like to know if the Planning Board attorney has had any discussions with Planning Board members concerning

commenting to residents, on getting back to residents – basically, told not to communicate with residents. My second question is – I still have not received an answer to my question on who will tell residents that they cannot attend these site visits, especially if there's, there's two people there from the Planning Board, or two people from the developer, and a resident shows up, and they want to do a site visit. It's not fair if one resident is allowed to do a site visits, and the others are not. So, again, I appreciate your time, but I would like an answer to both of those questions tonight, please.”

Mr. DiOrio: “Al DiOrio – Joe [Moreau], I'd be happy to answer for my lack of response to your recent e-mails. Quite honestly, if there's nothing of substance for me to say, or, sometimes, it's better for me stay silent, I'm not gonna respond to you. If you've got a legitimate concern, something that the Planning Board should be aware of, I'm happy to talk about it. You know that. But, the stuff that you're bringing up – sorry, I'm gonna remain silent on that.”

Ms. Jalette then said to Mr. DiOrio that there were not any other members of the public who wanted to speak during Public Forum. Mr. DiOrio replied that that would conclude public forum.

DATE OF NEXT SPECIAL MEETING: June 16, 2021 Special Meeting (6:00 p.m.)

DATE OF NEXT REGULAR MEETING: July 7, 2021 Regular Meeting

Ms. Jalette explained that she had made an error on the date of the next Regular Meeting, but that she had filed an amended version of the agenda to the Secretary of State's website within the time frame necessary to remain in compliance.

Ms. Jalette: “This is a corrected agenda on both the Town website and with the Secretary of State's Office.”

Mr. DiOrio asked what their start time would be for the meeting on the 7th. Ms. Jalette replied that she had planned to ask him that.

Ms. Jalette: “Are we interested in having a 6 p.m. start time, or are we interested in having a 7 p.m. start time?”

Mr. Lamphere replied that there were advertisements “out there right now” for future projects, and that the Board should “start at six”, “in an abundance of caution.”

Mr. DiOrio: “Okay, let the record show that we're going to start at 6 p.m. on July 7th.”

He said that unless that could “legitimately come before” the Board, he would ask for a motion to adjourn.

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

THE MEETING WAS ADJOURNED AT APPROXIMATELY 7:44 P.M.

By: Talia Jalette, Senior Planning Clerk, 6-24-21