

**TOWN OF HOPKINTON
PLANNING BOARD**

SPECIAL MEETING

**Wednesday, October 20, 2021
6:00 p.m.
Hopkinton Town Hall
1 Town House Road, Hopkinton, RI 02833**

CALL TO ORDER:

Planning Board Chair Al DiOrio called the meeting to order at 6:00 p.m.

MEMBERS PRESENT:

Planning Board Chair Al DiOrio, Planning Board Vice Chairs Emily Shumchenia and Ron Prellwitz, Planning Board members Carolyn Light and Keith Lindelow, Planning Board alternate Cecil Wayles, Town Council Liaison Sharon Davis (arrived at 6:15 p.m.), Planning Board Solicitor Maggie Hogan, Town Planner Jim Lamphere, and Senior Planning Clerk Talia Jalette were in attendance. Planning Board alternate John Pennypacker and Conservation Commission Liaison Deb O’Leary were absent.

Mr. DiOrio began with a brief introduction of Mr. Wayles, the most recent appointment to the Planning Board. He said that the Board welcomed him and that they looked forward to his input.

PRE-ROLL:

All of the Board members stated that they would attend the Planning Board meeting on November 3rd.

APPROVAL OF MINUTES:

Mr. Prellwitz made a motion to approve the minutes from the October 6, 2021 meeting. It was seconded by Mr. Lindelow. There was not any discussion.

In Favor: Prellwitz, Light, Lindelow, Shumchenia

Opposed: None.

Abstain: DiOrio

4-0, the motion passed.

OLD BUSINESS:

Master Plan – Public Informational Meeting – Major Land Development Project – Skunk Hill Road Solar – Plat 18, Lots 8, 13, and 14, 0 Arcadia Road, 0 Lisa Lane, and 145 Skunk Hill Road. Skunk Hill Road Solar, LLC., applicant.

Before the Board began their discussion, Ms. Jalette asked Mr. DiOrio to make an announcement. Mr. DiOrio apologized, and thanked Ms. Jalette. He then jokingly encouraged her to “continue to beat [him] over the head” about it. Mr. DiOrio then explained that there had been “some, uh, technical issues with regards to audio”, and that the Board “certainly want[ed] those listening in to be able to hear everything” that the Board was saying “to the greatest degree possible.” He said that some of the complaints were related to the shuffling of papers, while others were related to speakers standing too far away from the microphone. He noted that the shuffling was considered “disruptive”, though he said that he did not know how they would “get around not shuffling papers”, but asked those in attendance to do that “away from the microphone” to minimize noise. He said that he did not “recall” any instances where Board members spoke over each other, as he would “usually clamp down on that pretty promptly”, but he asked those in attendance to be “sensitive to” over-talking, which would not “go over well” on a recording. He continued.

Mr. DiOrio: “And, again, uh, certainly Board members, but folks using the microphone at the, uh, stand, uh, please remember to speak into the mics so everything is captured clearly.”

Ms. Jalette explained that the microphone could move up or down as well, depending upon the user’s height. Mr. DiOrio asked for a demonstration, which Ms. Jalette provided. Those assembled laughed and clapped. Mr. DiOrio said that that was “very good”, and thanked Ms. Jalette. He said that to the extent that he could also forget these recommendations, he would ask that such errors be brought to his attention so they could “resolve that for the folks that are listening in.”

Mr. DiOrio then asked Mr. Lamphere to bring the Board “up to speed” on where they had left off, so they would “have a clean start for this evening.”

Mr. Lamphere: “This application is in the midst of a Public Informational Meeting, this – tonight – being Number 4. It is a continuation from September 1st. Two previous ones were held on July 7th and July 21st. The applicant has concluded their presentation, and I believe the, um, an objector attorney has initially started, uh, some comments, but, uh, they have quite a bit of material to go through this evening, and so I think the bulk of, the bulk of the evening will be devoted to that.”

Mr. DiOrio thanked Mr. Lamphere. Mr. S. Paul Ryan, the attorney for the objectors, appeared before the Board. His first witness was Linda Steere. Before Ms. Steere began, Mr. DiOrio “just want[ed] to be clear” on if the applicant was “squared away.”

Mr. DiOrio: “Are you, are you planning on doing any presentation this evening? I’m just trying to get my hands around scheduling.”

Mr. Craven: “Um, having been notified of the experts, if I find it necessary to rebut that testimony, I will be presenting witnesses – but we’re also here to answer any questions as well.”

Mr. DiOrio: “Understood. So, I’d like to suggest, then, that since you’ve – since the applicant has had their opportunity to present, I’m gonna allow the other side of the argument, if you will, the majority of the time. I certainly respect your opportunity to rebut as you see fit.”

Mr. Craven: “Thank you.”

Mr. DiOrio directed Mr. Ryan to continue, and apologized for the delay. Ms. Steere appeared before the Board. Mr. Ryan explained that Ms. Steere had testified before the Board before, and asked the Board to qualify her as an expert “wetlands and wildlife biologist.” Mr. DiOrio asked Ms. Hogan if they needed a motion to accept Ms. Steere as a witness, or if they could merely recognize her as such. Ms. Hogan said that Mr. DiOrio could recognize her as such as the Chair. Mr. DiOrio said that he knew Ms. Steere personally, and that he had “worked with her for decades”. He said that he was “certainly comfortable with her as an expert”. Mr. Craven stated that he did not have any objections. Mr. DiOrio replied that they would consider that matter “done.” Mr. Ryan then began his line of questioning.

Mr. Ryan began by mentioning that he had known Ms. Steere for “almost 40 years”. He then referenced her written report. He said that her report “indicate[d] that approximately one half of the commercial solar installation is in the wetlands complex”, and he asked her to “explain that to the Board”.

Ms. Steere: “Um, actually, one half of it is, um, mapped within an ecological land unit, which is, um, has wildlife value and vulnerability, as defined in the Rhode Island Wildlife Action Plan, and it’s also labeled as a conservation opportunity, which is illustrated on Figure 1 of the report you have.”

Mr. Ryan asked Ms. Steere to “direct the Board to the page, uh, which would contain the map, and indicate what that half of the site is.” She said that it was “basically the southeast corner of the site”, and that it was featured in “Figure 1 on Page 5” of her report. The area was “illustrated in purple”. She stated that the maps that she used in her report were “all taken from the DEM [Department of Environmental Management], um, ecological mapping, environmental mapping section”, and that they were “a part of the State GIS [Geographic Information System] series.” Mr. Ryan continued.

Mr. Ryan: “Can you describe the specific wetlands complex on this property?”

Ms. Steere: “Okay. Well, land unit’s made up primarily of five different land, um, descriptions – the first is the wetland complex, and I must say, although I’ve reviewed a lot of the information and information at DEM [Department of Environmental Management], um, it was not available for me to go out to the site to actually walk the land, ‘cause it’s not, um, my client, but, um, there’s a lot of forested wetland on this site, um, several streams that have wetland jurisdiction to them, both 100-foot riverbank wetlands and 200-foot riverbank wetlands, and also, there’s a 50-foot perimeter wetland as it’s called, which is a jurisdictional area from the edges of the wetlands themselves – particularly the wooded swamps.”

Mr. Ryan asked Ms. Steere “what specific vegetation grows in this wetlands complex.” She reiterated that she hadn’t “walked [the site]”, but that some of the “typical wetlands species” that could be found in Rhode Island would include “skunk cabbage probably, uh, because of the

riverine sections”, as well as “sweet pepperbush” and “highbush blueberry, probably cinnamon fern, um, sensitive fern, or royal fern”. Mr. Ryan then asked if there were “any perennial rivers on the property.” Ms. Steere replied that there were two – “one greater than ten feet wide, and one less than ten feet wide”, and that was “what’s related to the 200- and the 100-foot riverbank wetlands.” Mr. Ryan then asked Ms. Steere to identify the “species of wildlife” that could be found in the complex. She replied.

Ms. Steere: “Um, we would typically expect to see different amphibians and reptiles, as well as larger species of mammals that would follow the stream corridors. Um, there also – because of the river, probably would be waterfowl and a number of other, um, birds, and migratory birds also.”

Mr. Ryan: “Is the presence of these specific, uh, species significant, in your opinion?”

Ms. Steere: “Um, yes. They’re all significant, and a lot of them are addressed in the Wildlife Action Plan that DEM [Department of Environmental Management] Fish and Wildlife put together, um, a number of years ago.”

Mr. Ryan then asked Ms. Steere what “vernal pools” are. She replied that they are an “area of water that are somewhat transient, so they might be, uh, existing from winter to late winter, with snow melt, into probably June at the latest.” She continued.

Ms. Steere: “They don’t have streams running through them, so there aren’t fish. Um, there usually aren’t frogs in them, so there’s nothing to, uh, predate on the amphibian and the, um, other species – various shrimp, etcetera, that might be in the pool. So, when the pool dries up, the, uh, amphibians, typically, are ready to go back to the land, and upland.”

Mr. Ryan: “Now, there are vernal pools on this property. Is that correct?”

Ms. Steere: “Again, I haven’t been on the property, but, because of the terrain and the wooded swamp area, I would gather that there would be vernal pools within the wooded swamp – they typically are, and that many of these wouldn’t be connected to the stream systems, so that they’d be transient.”

Mr. Ryan: “Now, why are vernal pools important to the functions and values of wildlife?”

Ms. Steere: “Well, vernal pools are specific to the different types of amphibians, including spring peepers, marbled salamanders, spotted salamanders, and they breed in the vernal pools, and if there are no more vernal pools, these amphibians do not breed. But, however, their habitat during the summer and, well, most of the year, until the following spring, when they travel to the vernal pools, is upland area, and it’s been documented in Rhode Island, as well as many other states, that their habitat could be 300 to 1,000 feet from the edges of these vernal pools.”

Mr. Ryan: “So, they travel from the vernal pool out into the upland?”

Ms. Steere: “Right. Yup, they, um, they travel to the uplands. They, um, usually live under rotted logs, stones, leaves, um, in the upland habitat.”

Mr. Ryan: “So they’re – if they’re adversely impacted in the vernal pools, and there’s also disturbance in the upland, they get adversely affected in both the vernal pools and the upland?”

Ms. Steere: “That’s correct.”

Mr. Ryan then asked Ms. Steere to define “upland forest”. She explained that the upland forest “is the portion of the site that isn’t wet”, and that it was “not part of the wetland” under the Department of Environmental Management’s definition. She said that it would have “upland

mammals”, as well as other animals, like birds and reptiles. She said a “good portion” of the site was “that upland, wooded forest.” He asked if there were upland forests on this property. Ms. Steere reiterated that there were. He asked for the rough acreage of the upland forest. Ms. Steere replied that it was “a little over 100 acres of upland forest” on the three combined parcels. Mr. Ryan asked if that was a “significant number of acreage for a parcel.” Ms. Steere replied.

Ms. Steere: “Yes, and it’s – again, it’s almost half of the 250 acres of unfragmented [forest] that I’ll talk to [in] a little bit.”

Mr. Ryan: “Now, uh, what wildlife is in the upland forest?”

Ms. Steere: “Um, dependent on information from other sites, and I’ve done quite a bit of work in Hopkinton, um, there’d be deer, bobcat, uh, fox, voles, fisher cats – probably even a bear. I know there’s been some bear seen in Hopkinton. Um, squirrels, and, and different kinds of bats.”

Mr. Ryan: “And, um, you would describe that, uh, wildlife as significant?”

Ms. Steere: “They’re significant species to Rhode Island.”

Mr. Ryan: “Yes.”

Ms. Steere: “They’re our main, our primary mammals.”

Mr. Ryan then asked Ms. Steere to discuss the “agricultural fields” that she had “described in [her] report.” He wanted to know if that was “basically farms, open fields, farms.” She replied that it was “farmland, pastures, open, open fields, yes, that are grassed”. She then said that there were “two locations of, of, uh, agricultural fields within this site”. He asked her where the two “open fields” were located. She said that “along Skunk Hill Road, there are two pieces of farmland” that could be seen in an aerial photo. She said that those portions “stand out, as green grass”, and that the “most eastern and most western part of those fields are the ones involved with this project”. Mr. Ryan continued.

Mr. Ryan: “Now, um, when we talked, uh, before, uh, you said that you thought that the forest fragmentation, uh, on this site was probably the most impactful. First of all, what is forest fragmentation?”

Ms. Steere: “Um, this area’s a part of, uh, an area of forest that’s between 250 and 500 acres. Um, there are approximately six of these unfragmented forest pieces in Hopkinton last I knew. I don’t know if there’s been other solar projects that have grabbed some of those, but, um, they’re very important for a number of reasons. They’re noted in the State Wildlife Action Plan. Um, they have high values because they’re large forested areas with a diverse wildlife habitat. They protect groundwater and water quality.”

Ms. Steere then explained that unfragmented forests “have a great diversity of vegetation”, and that “wooded areas also act as a carbon sink”. Unfragmented forests assist in “climate change resiliency”. Mr. Ryan asked Ms. Steere how many acres were going to be disturbed for the project. Ms. Steere replied.

Ms. Steere: “I believe about two thirds of this site is going to be completely cleared of forest.”

Mr. Ryan: “And do you have any idea how many acres that is?”

Ms. Steere: “I don’t. I’ve been trying to find that in the previous documents that were presented to the Town, um, probably back in April or May of, of this year, and I did not find a specific number.”

Mr. Ryan then asked Ms. Steere if “250 acres” was a “significant, uh, forested area”. She replied that it was a “significant unfragmented area”. Mr. Ryan reiterated that it was “unfragmented”, and she concurred. He then reiterated that it was “proposed to be fragmented”, and she concurred it would be - “very much so”. He then asked her “how many, roughly, 250 acre unfragmented, uh, forests are there in Hopkinton”. She reiterated that there “were about six that could be identified on the DEM [Department of Environmental Management] website, um, from the State Wildlife Action Plan.” She continued.

Ms. Steere: “Um, again, I don’t know if any of the others have been now compromised with solar projects, but, my guess – this is one of six.”

Mr. Ryan: “Now, uh, the, um, the fragmentation of approximately that number of acres – does that have a significant negative impact, in your opinion, on this property? In – from an environmental standpoint?”

Ms. Steere replied that it would “definitely” have a “very significant impact on wildlife habitat, diversity - um, forest diversity.” She continued.

Ms. Steere: “Um, it impacts a lot of, uh, specific, um, birds and mammals that need large, unfragmented parcels to even exist. So, there are a number of birds that won’t nest – mostly migratory – but they won’t nest unless they have a very large, unfragmented parcel of woodland. For instance, scarlet tanagers, um, sometimes, uh, woodpeckers of different kinds, particularly pileated, which we’ve just started to see in this state, in the last maybe 10 years or so. Um, there’s also, um, wood thrush. It’s got, um, like large sections. Towhees – those types of birds, as well as, um, mammals, such as bobcat and fishers.”

Mr. Ryan: “Now, in addition to that, are there any water quality impacts caused by the proposed project?”

Ms. Steere: “Um, again, by clearing large acreages of forested land, you’re exposing a lot of soils, acres of soils – probably, um, a hundred acres or so of this parcel to, um, erosions – storm water erosion to, um, being unstabilized during construction, and if it’s not significantly revegetated after construction, you’re leaving open large, large areas for storm water erosion that can impact the wetlands, as well as - are gonna impact wildlife concerns, because the habitat’s gone.”

Mr. Ryan then asked Ms. Steere how many “wetlands crossings” were proposed. She replied that she believed that there would be “four different crossings”. He asked her to show the Board where those crossings would be, and she said that she would try.

Ms. Steere: “Um, there’s one crossing that comes off of Skunk Hill Road, and goes into the center parcel. There’s a crossing from the center parcel that goes to the parcel in the southeastern corner, and there’s a fourth crossing that goes out to Arcadia Road.”

Mr. Ryan then asked Ms. Steere if he had asked her, as part of her “review of the project”, to “get the, uh, records from the Department of Environmental Management.” She replied that he did. He said that he just needed to get them from his files. During the interim, Mr. Frenette asked to make “one comment to the Board. Mr. DiOrio allowed him to do so. He explained that to

reduce the paper shuffling noise, the microphones could be tilted upward. He said that it wasn't "that bad", but that it could be heard. Mr. DiOrio thanked him.

Mr. Ryan returned to the podium. He explained that he had an exhibit for the Board that he was going to have Ms. Steere refer to. He asked Ms. Steere if she recognized the exhibit. She replied that she did. He asked her to identify the document. She replied that it was the "deficiency notice from DEM's [Department of Environmental Management] Department of Water Resources - Fresh-, uh, Freshwater Permitting section, where they had received an application for this project, and they have issued a four-page deficiency notice with additional information that they're looking for to review this project." Mr. Ryan said that he "only gave the Board one piece of paper", and asked Ms. Steere if that one piece of paper was "Page 1 of 4 of the DEM [Department of Environmental Management] file." She replied that it was. Mr. Ryan asked that that "be marked as an exhibit, an objector's exhibit." Mr. DiOrio asked Mr. Ryan if he "care[d] to identify it". Mr. Ryan referred to it as "Page 1 of 4, Technical Review Comments of Documents Received by DEM [Department of Environmental Management], Applicant – Gordon Excavating and Hopkinton Land, LLC, dated June 29, 2021." Mr. DiOrio thanked him.

Mr. Ryan then asked Ms. Steere to "just review the conclusions, or suggestions in Paragraph 1." She said that she did not "want to read the whole paragraph". Mr. Ryan said that he was not asking her to read it, but to "give [her] interpretation of what Paragraph 1 is stating."

Ms. Steere: "Well, the first paragraph suggested – DEM [Department of Environmental Management] suggested that the overhead utility lines that cross through the swamp are relocated outside of the freshwater wetlands, and, again, they're citing reasons of being unfragmented forest, and having been kept – on forest, interior birds, which are those birds that don't like to nest in small, fragmented sections of the woods, and, um, they're afraid that by altering for that, uh, power line, and cutting - there'll be cutting involved in trimming the tree branches – that it's going to have a negative impact on the wildlife habitat in that area, so they would like to see, perhaps, two separate connections to power lines, um, for this project, instead of just the one."

Mr. Ryan: "And how would that impact this project, in your opinion?"

Ms. Steere: "It was indicated in here, uh, in this deficiency letter – several times – that if there was gonna be additional alteration to the wetland – and also dependent on other items they asked for – that this could result in a cat-, uh, application to alter, which is a public notice with DEM [Department of Environmental Management], versus, um, going through as a[n] insignificant alteration."

Mr. Ryan asked Ms. Steere if the "power lines going in different directions would alter the, uh, solar panels as they [were] presented on the project." She replied that she was "not sure", but that it would mean that the applicant would have to find "other routes". Mr. Ryan reiterated that point, and Ms. Steere concurred. Mr. Ryan then asked Ms. Steere his final questions.

Mr. Ryan: "So, uh, in conclusion, Miss Steere, do you have a[n] opinion – to a reasonable degree of certainty, as a wetlands and, uh, wildlife biologist - as to whether this project, as presented at this time, has significant, negative environmental impacts?"

Ms. Steere: “Again, as far as the biological, uh, significant impacts of this project, it appears, at this point, with some – a number of – unresolved issues, that this would have, um, significant impact, by fragmenting a forest, large areas of forest, have a large impact on wildlife, as well as water quality and surface water, um, quality, and, um, they’re gonna just remove – and leveling, grading and leveling of the sites, which, particularly, those agricultural land, where, um, here we are, talking about more small farms and more local food, and this will cover agricultural land, which probably will not be recoverable once the solar panels are installed. Um, usually, it results in the selling of the loam, grading of the site, and probably those fields would no longer be usable.”

Mr. Ryan: “And one last question: when you reforest something that’s been deforested, uh, roughly how long does it take for those trees to revegetate?”

Ms. Steere: “Well, again, I’m not a forester. I’m not a landscape architect. But, um, typically, when an area’s been logged, which is something I’m more familiar with, it may take 20 years before it gets to the state where it might be somewhat equivalent to what the property was like before.”

Mr. Ryan then said that he had discussed “the impact when you remove trees on the whole soil system, and the effects on the roots of other trees” with Ms. Steere. He asked her to touch on that topic. She said that when trees are removed, “you’re also removing a lot of root systems that are keeping that soil in place”. She said that removing the trees included “removing the roots, the leaf litter, um, shrubs – all things that are holding those soils in place.” She referenced Figure 3 in her report, and said that there were “a number of soils in here” that would be “very stony soils”. She then said that there were 3 to 15% slopes, as well as “up to 35% slopes” on the site. Ms. Steere said that “these types of soils” found on the site “are easy to erode”, and that they were “not very stable.” She said that she thought that the site “may even require some blasting to be able to level these areas enough to be able to install a solar panel.”

Mr. Ryan then said that that was the end of his “inquiry for the moment”. Mr. DiOrio gave Mr. Craven the opportunity to question Ms. Steere.

Mr. Craven began by asking Ms. Steere if she had been able to “review the application that was submitted to DEM [Department of Environmental Management].” She replied.

Ms. Steere: “I have not reviewed all of the application.”

Mr. Craven: “Okay. You’ve read the, uh, just the section that contained the comments of why the application was considered – by DEM [Department of Environmental Management] to be incomplete at this time.”

Ms. Steere: “I have. I’ve read all four pages of that.”

Mr. Craven: “And these areas of concern that you’ve raised – are they the exclusive jurisdiction of the Department of Environmental Management?”

Ms. Steere: “They are, in terms of the impact to functioning values of wetlands, yes.”

Mr. Craven: “And has it been your experience, in your field of endeavor, that DEM’s [Department of Environmental Management] pretty good at protecting the environment?”

Ms. Steere: “To some extent, yes.”

Those assembled laughed. Mr. Craven continued.

Mr. Craven: “So, this is the same organization that created the criticism. Are you saying that they make mistakes – sometimes – on both sides? Whether they’re protecting, as well as criticizing?”

Ms. Steere: “No. I think in terms of permitting that, sometimes, things fall through the cracks that probably shouldn’t. I mean, I worked for a regulatory agency in the past, and I know how crazy things get sometimes in these departments.”

Mr. Craven: “But you have no reason to believe that this was handled in a ‘crazy’ time, so to speak. Matter of fact, you’re complimentary of what they found.”

Ms. Steere: “The deficiency notice seems very complete, yes.”

Mr. Craven: “And the other three pages – you’ve reviewed as well?”

Ms. Steere: “I have.”

Mr. Craven then asked if there was “anything significant on the other three pages” of the letter from the Department of Environmental Management in “the form of criticism.” He asked her to reply with a yes or a no. She replied that there was. Mr. Craven continued.

Mr. Craven: “And those were not as significant for you to point out to this Board?”

Ms. Steere: “Um, apparently, we – Mr. Ryan and I discussed them. I guess he chose the first one as the most important.”

Mr. Craven: “Now, uh, the – in the beginning of your testimony, you were referring to a, I believe it was a Google Map, a Google Earth Map, of the project a, as a whole, and you specifically pointed out a large green area.”

Ms. Steere: “I don’t recall that.”

Mr. Craven: “Did you observe a large field, absent of trees, that was presumptively used as farmland?”

Ms. Steere: “So, you’re talking about the two agricultural fields -”

Mr. Craven: “I’m -”

Ms. Steere: “I’m assuming.”

Mr. Craven: “I’m assuming that the – there’s a large field that’s grass and not trees.”

Ms. Steere: “Correct.”

Mr. Craven: “And is that section of the project going to be a location, from your review, where the solar panels will be located?”

Ms. Steere: “Um, one of the fields is part of the solar panels, and one of the fields isn’t, but would contain a large berm.”

Mr. Craven: “How big will that berm be?”

Ms. Steere: “I don’t know. I reviewed the plans that were done, and they’re in my folder. I’d have to look at that again, but it seemed as if they were, um, eight, ten feet tall.”

Mr. Craven: “Okay. And if those were reduced in si-, size, would it change your opinion as to the impact it would have on the land?”

Ms. Steere: “Well, I still don’t see those berms as being planted with any kind of agricultural crop.”

Mr. Craven: “If they were planted with an agricultural crop, and trees on top, would that change your opinion as to its impact on that portion of the field?”

Ms. Steere: “Maybe only for the field – it doesn’t affect the other, other hundred plus acres that are gonna be, uh, deforested.”

Mr. Craven: “I’m only talking about those fields right now – the farmland, as you’ve referred to.”

Ms. Steere: “Right. Agricultural.”

Mr. Craven: “Well, you talk about farming, and not wanting this property to be taken out of active farming, isn’t that -”

Ms. Steere: “Right.”

Mr. Craven: “And I believe that this -”

Ms. Steere: “Well, farming includes, um, pasture for cows, horses, goats, whatever.”

Mr. Craven: “I believe this was a hay field that actually had benefits to production of hay, as well as feeding of livestock.”

Ms. Steere: “Okay.”

Mr. Craven: “So, in those fields, to the extent that you could observe them when you drove by or saw the site from the street, it didn’t have any trees on it, did it?”

Ms. Steere: “No, it -”

Mr. Craven: “So we wouldn’t be cutting any trees down there?”

Ms. Steere: “Not in those two small fields, no.”

Mr. Craven: “And you’d consider them small?”

Ms. Steere: “I would, in comparison to the ot-, other 157 acres.”

Mr. Craven: “Do you know how many acres of the property is going to be covered by the solar field?”

Ms. Steere: “I don’t, but it appears to be – I couldn’t find an exact number. It appeared to be at least two thirds of the site.”

Mr. Craven: “If I told you it was less than half, would that change your opinion?”

Ms. Steere: “No.”

Mr. Craven: “So, it’d still be the same kind of impact?”

Ms. Steere: “It’s still the same impact, clearing the forest.”

Mr. Craven: “If I told you that the majority of the large field was where there’s ecological activity, growing things, that that was going to be covered with a – solar panels, would that change your opinion as to the impact on trees?”

Ms. Steere: “Not in the field, no.”

Mr. Craven: “There’re no trees there, so there’s nothing to impact, correct?”

Ms. Steere: “There’s things to impact, but not deforestation.”

Mr. Craven then asked Ms. Steere about the impact of the project on “small animals”, and asked her if she was “familiar with the raising of fences that surround solar projects.” She replied that she was. Mr. Craven asked her what “the purpose of that” would be. She replied that it was to “allow quite small animals to go through the site”, but that it’s “not gonna allow deer, and bear, fox” to get under the fence. She said that it would not “allow a mammal of very great size to go through.” Mr. Craven asked Ms. Steere “what would be a size of raising that fence” in order to create “an opportunity [for animals] to get in and out.” He asked her “what number of inches, or feet, would it be necessary in order to be able to accommodate those animals – with the exception of a bear”, as he was not sure that the applicant was going to worry about the potential presence of bears on the site. Ms. Steere replied.

Ms. Steere: “Um, I, I would – [I am] not an expert in that. I have – every solar project I’ve ever seen, I disagree with the amount of space left under those fences.”

Mr. Craven: “You mean too big or too small?”

Ms. Steere: “Really, I believe too small. It just doesn’t seem right to block off large acreages to mammals that – I mean, deer particularly have deer runs, and they have historically used those runs for years, and, uh, it just doesn’t seem right to block them off through these site[s].”

Mr. Craven then asked Ms. Steere about the “four crossings” that she had referred to. He asked her if those were “also in the exclusive jurisdiction of DEM [Department of Environmental Management]”. She replied that they were. Mr. Craven asked Ms. Steere if the Department of Environmental Management was “pretty strict on that” review. Ms. Steere replied that they were. Mr. Craven referenced an element of Ms. Steere’s report, where she had commented on the overhead power lines “in the area where, near a crossing would take place.” He asked if her opinion on the impact of the project on the site would change if “that were remedied, at the request of DEM [Department of Environmental Management]”, “since that was the only exhibit that you, you referred to in the DEM [Department of Environmental Management], uh, report, where they basically pointed out to the applicant where the shortcomings were on the application when they reviewed it initially.” She asked Mr. Craven to repeat his question. He did.

Mr. Craven: “If the applicant satisfied all of the concerns of DEM [Department of Environmental Management], would that change your opinion?”

Ms. Steere: “Um, they would - they have a lot of other aspects to satisfy before that small piece would make a difference.”

Mr. Craven then said that in the Department of Environmental Management’s “four pages of... criticism”, they had been “critical when they said that, ‘you should do this’, ‘you should submit this’, ‘you should change this’”. He asked Ms. Steere if that was “fair to say, from a layman’s perspective.” She replied, “Pretty much.” Mr. Craven continued.

Mr. Craven: “And if the applicant’s satisfied all of those concerns of DEM [Department of Environmental Management], and DEM [Department of Environmental Management] gave ‘em a clean bill of health, and said, ‘Go ahead with your project’ – would that change your opinion on the econ-, on the ecological impact of this project?”

Ms. Steere: “No.”

Mr. Craven: “It doesn’t make a difference what they do?”

Ms. Steere: “No, it doesn’t. To me, it’s still a, a very significant biological impact.”

Mr. Craven: “And are you critical of DEM [Department of Environmental Management], or if they were to allow this to happen?”

Ms. Steere: “Not really. I don’t really have an opinion. They need to do what they need to do to review it.”

Mr. Craven: “So they operate, from your experience, within the confines of State law?”

Ms. Steere: “That’s correct.”

Mr. Craven: “So, in the confines of State law, uh, if the applicant were to satisfy all of those concerns to DEM’s [Department of Environmental Management] ultimate satisfaction, it would be legal, according to the State of Rhode Island?”

Ms. Steere: “It would, um, and they have issued guidelines which also suggest a number of things that this project hasn’t conformed to.”

Mr. Craven then asked Ms. Steere about the Wildlife Action Plan report, and where it came from. She explained that it was a “combined effort of Rhode Island’s DEM [Department of Environmental Management], Fish and Wildlife”, and other agencies like the Department of the Interior and U.S. Fish and Wildlife. Mr. Craven characterized it as a “collaborative plan, drawn up by, uh, stakeholders”, which Ms. Steere confirmed was “pretty much” the case. He noted that she had stated that it was last revised around 2016, and she reiterated that it was either 2016 or 2017. Mr. Craven continued.

Mr. Craven: “Um, so, again, DEM [Department of Environmental Management] is reviewing this application, as is their – is the law, and as is their job, correct?”

Ms. Steere: “Correct.”

Mr. Craven: “And they were participating in this plan, correct?”

Ms. Steere: “Um, yes. Not specifically freshwater wetlands permitting, but DEM [Department of Environmental Management] on the whole, yes.”

Mr. Craven: “And if, nevertheless, they approved this plan, as designed, with any modifications requested, you’d still disagree with it?”

Ms. Steere: “I – yes. I, I just don’t agree with clearing acres of unfragmented forest.”

Mr. Craven: “And that’s despite the fact that a wild-, that they would have to find that the Wildlife Action Plan was satisfied to the best of their knowledge?”

Ms. Steere: “Right, and I believe Rhode Island Fish and Wildlife will also get to comment on this, um, particular application when it’s ready to be reviewed.”

Mr. Craven said that he did not have any further questions. Mr. DiOrio thanked him, and asked the Planning Board if they had any questions of Ms. Steere. Ms. Light asked if there was “any chance” that the Board could get the rest of the letter that Ms. Steere had referenced. Mr. DiOrio explained that it was in her packet.

Mr. DiOrio said that he had “a couple questions” for Ms. Steere.

Mr. DiOrio: “So, do you think we’d be having the same discussion if there wasn’t a solar project, and it was a residential subdivision?”

Ms. Steere: “I would, yes.”

Mr. DiOrio: “Okay. Fair question, fair answer. You made a statement about the water quality, specifically with regards to – and again, I, if I’m misstating, please correct me – the storm water erosion in the cleared areas where the panels are located. Sound familiar?”

Ms. Steere: “Yes.”

Mr. DiOrio: “So, am I to understand, from that comment, that you’ve reviewed the way they’re handling the cleared areas under the panels, and you find it insufficient, i.e. would cause storm water erosion, or were you speaking to the fact that, generally, if you clear an area, and you don’t control the erosion, there could be water quality issues?”

Ms. Steere: “A little of both. Um, the soils on this site, um, are, tend to be very stony, stony with outcrops, um, silty, a lot of them, some of them have a high water table that aren’t part of the wetland soils, so that, um, my guess is – and also the steep slopes, in many areas - that there’s going to be a lot of storm water erosion, during construction particularly, before anything can be graded and can be, um, the site can be stabilized in any way. Um, there’s, again, three areas that are gonna be cleared for panels. Um, the rudimentary plan I had showed some, uh, swale areas or

retention pond areas, detention pond areas – um, that’s one of the aspects that DEM [Department of Environmental Management] has asked for a lot of - more information on – is how this storm water will be handled, and they have permits, um, the, the, uh, solar company has other permits they’re gonna have to get from DEM [Department of Environmental Management] for the construction areas that are greater than an acre of disturbed soil. So, there’s a lot of questions to be answered for this site, in terms of stability and, and soil erosion.”

Mr. DiOrio: “Okay, good. Thank you. That’s all I had.”

Mr. DiOrio then asked the Board if they had any questions. The rest of the Board did not have any questions. Mr. DiOrio then turned to the Planner. Mr. Lamphere said that, “to date, the Planning Board [had] not requested a peer review of this project.” He continued.

Mr. Lamphere: “In light of – especially in light of the, uh, comments that were just made, I would suggest that would be in order.”

Mr. DiOrio asked Mr. Lamphere when the Board would “make such a statement.” Mr. Lamphere said that the Board could make it at “any time tonight during the meeting.” He suggested that if it was the Board’s “inclination” to submit the project to Crossman Engineering for peer review, they would want to “get Crossman [Engineering] on this as soon as possible, such that Crossman [Engineering] can interact with the, the applicant’s engineering team, so that they can prepare something to go to DEM [Department of Environmental Management], rather than have something come right out of DEM [Department of Environmental Management], and now Crossman [Engineering] has to start, uh, taking, getting involved at that point.” Mr. DiOrio replied that he understood. Ms. Shumchenia said that she had a comment “relative to that.”

Ms. Shumchenia: “I’m curious if the applicant is planning to – or has already addressed – all of the issues that are outlined in the comment from DEM [Department of Environmental Management], and if they are in the process of addressing those, then perhaps, does it make sense to do the peer review until they’re complete?”

Mr. Craven said that he would “check with [his] team”, but it was his “understanding that they’ve discussed, processed, and have a plan to address it.” He continued.

Mr. Craven: “Whether DEM [Department of Environmental Management] is - actually received a copy of the game plan, so to speak, I do not know. I’ll get you an answer to that when we take our next break.”

Mr. DiOrio: “Good. Thank you. Great question, Emily [Shumchenia]. Thank you.”

Mr. DiOrio suggested that the Board “deal with this right now”, and asked if they wanted to instruct the applicant to submit their project to Crossman Engineering for peer review. Ms. Hogan asked Mr. DiOrio if the Department of Environmental Management comments would be appropriate at the Preliminary Plan stage or the Master Plan stage. Mr. DiOrio shared Ms. Hogan’s question, and said that he thought that the “approval is required at Preliminary”. He then said that he did not think that when the discussions took place between the applicant and the Department of Environmental Management were dictated by any Town regulations, and that they could “undertake a DEM [Department of Environmental Management] application at any time”.

He said that he did not think that the Board needed an “approval in hand” from the Department of Environmental Management “until we’ve gone through our Preliminary Checklist”. He then asked if the Board would need a motion to instruct the applicant to engage in a peer review, or if they could “simply agree that the Planning Board” concurred on moving forward. Mr. Craven said that the applicant would have “no objection.” Mr. DiOrio asked Mr. Lamphere to “organize” the peer review. He then asked if there was anything else from the Board, the Planner, or the Solicitor. When they did not have anything else to add, Mr. DiOrio entertained questions from the public for Ms. Steere.

Eric Bibler, of Woodville Road, had a “procedural question” about the peer review. He asked Mr. DiOrio to “clarify the process”.

Mr. Bibler: “My understanding of this process is that you’re reviewing a Master Plan application, and that the Master Plan is a conceptual plan. This expert has just outlined her reasons, uh, in great detail why she believes this plan is basically, conceptually a non-starter because of the, uh, violation, for example, of the DEM [Department of Environmental Management] Solar Siting Guidelines that says you shouldn’t, um, compromise unfragmented forest of 250 acres or greater. So, it seems to me that you should be asking for peer review, um, at some point, if and when you approve the Master Plan application, because that has everything to do with the implementation of a plan. This is a conceptual plan, and I think the Board is, in these stages, as I understand them, should be making a determination on concept, uh, and approve or deny it, based on that information, and it doesn’t make sense to me to spend money getting into the weeds.”

Here, the audio began to cut in and out. Mr. Bibler continued with his comments, where he said that he didn’t think the Board “should be getting into these details of implementation” before they were “able to size up the whole issue, of whether or not this is, uh, conceptually acceptable to the Planning Board”. He said that the thought that they were “putting the cart before the horse”, and that there was “plenty of time” to conduct a peer review of the project. He then alleged that the applicant “clearly has not even responded to this deficiency letter” based on the “timetable” of when the letter was sent and when it was taken up for discussion. He said that it didn’t make sense to send the applicant to peer review when they had not responded to the letter from the Department of Environmental Management. He said that he, personally, thought that the Board “should focus on the Master Plan application, which is the concept plan”, and make their “determination on that first.” Mr. DiOrio responded.

Mr. DiOrio: “Uh, I might suggest that the more information the Planning Board has, the better off we are in making any decision.”

Mr. DiOrio then said that they “could go to peer review more, more than once”, so he saw “no difficulty moving forward with peer review at this point.” He said that he thought that the applicant “would be the beneficiary of that, by the way.” Mr. Craven said that they “completely agree[d].” He continued.

Mr. DiOrio: “The earlier you get comments from our consultant, the better off you will be – regardless of how we come down as a decision.”

Mr. DiOrio then asked if there were any other members of the public who had questions for Ms. Steere. Ms. Jalette reiterated that anyone who wanted to speak before the Board should do so at the podium. There were not any further questions of Ms. Steere. Mr. Ryan asked the Board to “excuse” Ms. Steere from the rest of the evening’s proceedings, as he had communicated to her that she could leave as soon as her “testimony was completed.” Mr. DiOrio said that he thought that the Board could agree with that. Mr. Ryan then called Jim Houle, a real estate appraiser, to appear before the Board.

Mr. Ryan began by asking Mr. Houle for his qualifications. Mr. Houle explained that he was a “certified general appraiser” in Rhode Island and Massachusetts, and that he had “been in the business since September 1973”. He said that he did “a lot of testimony in front of, um, Zoning and Planning Boards throughout the state”, and that he had provided testimony before the Superior Court. Mr. Ryan asked Mr. Houle which associations he belonged to. Mr. Houle replied that he had been “certified by the State”, and that he did not have “any particular” affiliation with a professional association. Mr. Ryan asked Mr. Houle “how many hearings” he thought that he had “testified at over 50 years.” Mr. Houle replied that “the total is hundreds”, and that it was the third time he was appearing before a Board in that week alone. Mr. Ryan then asked for Mr. Houle to be “recognized as an expert, uh, in real estate appraisal.” Mr. DiOrio asked if there were any objections. After Mr. Craven said that they did not have any, the Board recognized him as such.

Mr. Ryan began by noting that he and Mr. Houle had been “on both sides of this fence” in the past – the “fence” being the issue of solar development. Mr. Houle agreed. Mr. Ryan stated that they had represented solar developers and objectors, and Mr. Houle said that that was correct. He then asked Mr. Houle to “review [his] report”, and that he would have some questions for him afterwards.

Mr. Houle stated that he thought that it was “important to note” that he had “been on both sides of the fence”. He said he was “fairly well-versed in solar voltaic arrays, and [he is] kind of sensitive to their placement”. He explained that when an opportunity for solar development presented itself, and he felt it was a “very good one”, he would “if asked, testify in favor” of them. He continued.

Mr. Houle: “If I do not feel that, I will also testify, uh, to the negative, so I, I really have, um – I really have a fair knowledge of it, and I really am very sensitive to the siting of, of solar voltaic array, um, because I do think they have a significant impact, um, to the property and to the, the surrounding properties, and to a Town at large.”

He said that that was “essentially” what he “addressed in [his] report”, which he thought the Board had copies of. He said that he had looked at the project in “the micro and the macro” sense, and that, generally, when he starts off, he begins by focusing on the “immediate and visual impact of a solar voltaic array that’s this size.” He said that “solar arrays are fairly new”, so they “don’t have a lot of very specific data that is large data, sufficient to support opinion.” He explained that what an appraiser would be looking at would be a “more, uh, tangential kind of information”, and that he would “get into the reasons for that” as he went along. He said that when it came to the visual impact, he would look at “other types of, um, power sources”, like

“overheard power lines”. Mr. Houle said that “overhead power lines are known to have, create, a 10% diminution of value”, and that there is a “significant amount of data that supports” that. He then said that “larger facilities, such as, uh, uh, power substations, they can impact values immediately in their area 35 to 40%”. He explained that he had “been involved in some cases where there are some very significant things.” He said that he liked to “look at, sorta the fact that power sources do, indeed, impact” the surrounding properties. Mr. Houle felt that due to the “size of this one”, it would have a “strong impact”.

Mr. Houle then said that the state of Massachusetts “has about 70% of the solar arrays in New England”, and that “between, uh, Massachusetts and Rhode Island”, the two states were “just shy of about 2,000 arrays”. He stated that “most of” the arrays “have been, uh, put in what are very low sensitive areas.” He said that “low impact settings” would be “rooftops of commercial buildings/industrial buildings, on top of impacted sites like landfills, along commercial/industrial zones, along highways, rail beds, and former industrial sites”. When he was “doing a lot of research on this”, Mr. Houle “identified as many” arrays as he “could find”, and listed them in his report. He said that they were not “in any particular order”, and that they were not “cherry-picked”. He said that of the arrays he had examined, they were “exactly on the types of settings that” he had just referred to as “low impact settings”. He said that those locations were “the best location where you could put them, where they’re, visually, not in the way.” He continued.

Mr. Houle: “One of the comments that I always make is that if you’re in Austria and Germany, they have - 60% of their power is generated by solar voltaic arrays, and you rarely see them. You know, they’re really, extremely well-hidden, and they’re placed in this kind of a setting all the time. Um, now, the way I look at it is that Hopkinton, uh, does have, uh, in their Comprehensive Plan, they wanna have, uh, economic – in the Economic Development [section], they talk about creating new offices, commercial and industrial uses, along Exit 1 and 2 off 95. Um, these are, these are areas designated for this type of use. I realize that, um, you know, it’s, there, this is specifically has been passed by the Town Council, but I’m not sure, um, that it necessarily fits in the overall scheme of the Comprehensive Community Plan, and we’ll get back to that. Uh, what I have found is that most of the communities that I have looked at that have, uh, have really strongly addressed, or have a number of, um, solar voltaic arrays in their towns – Dartmouth, [Massachusetts], Cumberland [Rhode Island] – Dartmouth, Mass., Cumberland, Rhode Island, um, they have very clear, um, very clear, uh, guidelines to keep them away from residential areas. And the State of Massachusetts, again, which has the majority, the vast majority of solar voltaic arrays in New England, actually has issued guidelines, from the State, intended for the municipalities that state a preference for inclusion in industrial and commercial areas, not residential areas.”

Mr. Houle reiterated that he was “not totally opposed to the, uh, installation” of solar arrays. He noted that that they “certainly are the way for the future”, and that he had considered installing them on his roof, “only it faces the wrong way.” He said that arrays were “quiet”, and that they do not “produce a, a significant amount of glare”. He also stated that they are “efficient, and very good.” Mr. Houle then stated that, in his opinion, arrays did “have direct impact on surrounding properties” in regard to the “visual impact”.

He referenced the “12-foot earthen berm” that had been included in the Town Council’s ordinance. He said that, in his experience, when an array site is “surrounded by residential uses”, “a 12-foot berm is really not sufficient”, due to “varying elevations”. He mentioned the views from second- and third-floor windows, which would “tend to overlook the, the array”. He stated that he viewed “an array” as an “industrial use.”

Mr. Houle: “I mean, an array, uh, is not a benign – it doesn’t look like a forest. I mean, it really looks like an industrial use, so I think that when you have, um, what is a relatively low berm, and then you have a situation where you can’t allow trees to grow up too high because, obviously, that will defeat the concept of a solar voltaic array. Um, it tends to still be viewed from the street.”

Mr. Houle said that he had found a solar array in Middletown, Rhode Island “that abuts a residential zone”. He said that it was “very typical of a lot of arrays that do abut residential property”, as it was “located in the industrial plaza of Middletown.” He said that “whoever owns a residential piece of property is already overlooking the industrial plaza, and that really is much more typical for what you would expect to see”. He stated that if an array was going to “be near a residential zone at all”, it would be preferable to place it “in a location that’s been impacted by industrial-type uses or commercial uses.” Mr. Houle then stated that he “looked at the impact on the community as a whole”, and said that “it really does, in [his] opinion, impact the quality of life.” He continued.

Mr. Houle: “Uh, this is not only, as I said, industrial, but you’re taking, really, an unspoiled piece of property in this particular case, and you’re gonna be, uh, introducing what is a residential use – uh, I mean, uh, industrial use – right in the middle of residential property.”

He said that there are “a lot of factors that impact the quality of life in a community”, and that there were “studies that show there’s a direct link between the impact of the quality of life and property values.” He referenced an article entitled “Place value: place quality and its impact on health, social, economic and environmental outcomes”, written by Matthew Carmona. Mr. Houle stated that Mr. Carmona had written about “the impact to the value of properties”, and that “there really is almost no other way to measure, um, the impact of quality of life, uh, but in the property values”. Mr. Houle said that Mr. Carmona wrote that “place quality is difficult to define, but it does manifest itself in the reduced, uh, property values in the area.” Mr. Houle said that the Comprehensive Plan is “loaded with reference[s] to the fact that this is a rural community”. He noted that residents felt that the rural nature of the area was “a strong suit for the community”, and “that any interruption of that resident-, that rural use” would have “a negative impact.” He cited elements of the Comprehensive Plan that referenced “maintaining the rural character” and “the scenic beauty” of the area. He noted that some had reported that they had moved to the area for those values, and that others visited the area for its recreational opportunities. He said that there were a “number of goals” in the Comprehensive Plan that related to preserving and protecting natural resources, promoting rural character, and sustaining an economic balance between growth and natural resource protection, amongst other things. He continued.

He said that his “feeling about this” was that it was “made very clear in the Comprehensive Plan” that the “intention of the, of the Plan is to protect the Town’s primary asset, which is the

natural, environmental, and rural character.” He reiterated that he believed that the proposed solar array would have “a negative impact on the Town’s existing natural resources and its rural character.” He said it would be “an immediate detriment to the scenic beauty of the natural environment”. Mr. Houle then noted that “the plan anticipates reforestation in 30 years, but that’s a – probably a three generation lifecycle in housing, maybe even four, so that by the, the time that there would be reforestation of this property, um, you know, you’ve already gone through several generations of property, and the impact is clearly gonna be felt.” He said that he did not think that “the concept of returning that to, in a reforested area is really, um, a particularly valid consideration at this point.” He said that when he looked for “specific instances of impact value, um, it’s very difficult” to find examples, because “the placement [of solar arrays], up ‘til now, has been in really low impact areas”. Mr. Houle then cited the recent study conducted by Professor Corey Lang of the University of Rhode Island, where Mr. Lang “studied the negative impact to properties” near solar array installations. He explained that it was a “hedonic study” and a “long linear regression” of properties near “industrial-sized solar array[s]”. Mr. Houle said that Mr. Lang “identified a direct impact, negative impact on property values”, and provided some of Mr. Lang’s conclusions. Mr. Houle said that there was “clearly a direct connect between the siting of a solar array and the property values because, presumably, all of those also met town standards for buffering and for all the other standards that they would have been held to, uh, before they were installed.”

Mr. Houle then calculated the potential impact on abutting properties, and said it would be a “substantial dollar impact”. Mr. Houle said that Mr. Lang reported that the “biggest issue” is the “siting” of these arrays, and that “the easiest and cheapest locations that have been noted in the past for installing solar arrays are on farmland, and forested properties, and yet those are the areas that are particularly prized by the residents, who would prefer that the installation take place on previously developed properties, which is what has been recommended throughout most of Massachusetts.” He said that they should “take a cue” from the impact of solar arrays that were already installed in residential areas, and “any municipality, uh, that limits the area, limits development in some way”. He said that the Rhode Island Department of Environmental Management and the State of Massachusetts “recommended siting away from residential areas”. He then said that they could “rely on, you know, appraisal experience in other, uh, industrial-type, uh, power installations, as well as, uh, Professor Lang’s report to demonstrate that there is, uh, a demonstrable, um, impact to property values in an area.” Mr. Houle said that that was his conclusion. Mr. Ryan then asked Mr. Houle a number of questions.

Mr. Ryan: “First of all, um, you evaluated the, uh, real estate impacts on many solar projects. Is that correct?”

Mr. Houle: “Yes.”

Mr. Ryan: “What would you describe as the impact of the size of this project versus the size of smaller projects?”

Mr. Houle: “Well, I mean, there’s no question that the size is significant. This is, as I described several times, within, uh, my analysis, that this is an industrial-sized project. It’s not, um, you know, Block Island is an example, where I’ve testified in the past on these, on this issue, has a situation where any homeowner can have, uh, a small number of, um, panels directly next to their house. It, it looks like an accessory use. It’s a small use. Next to the Town, uh, Hall on Block Island, they have maybe 20, um, solar panels in the parking lot. Not an impact - I mean, it,

it just does not generate an impact in that situation. When you get into a large, industrial array like this, it has significant impact, because it changes the character of what people expect to see in a rural, residential area, to one that they are now viewing as an industrial area. You know, one of the points that I've made in the past is it - just looking at a 12-foot berm gives you the idea that something is happening behind that berm. It's not a typical type of physical installation that you would expect to see, and so it calls attention to it, and if you can look over that and see it, then it, uh, it really has, uh, a major impact. But, you know, specifically, uh, if you look, as I said - you have, you know, if you look to Corey Lang's analysis, and then quantify it, uh, if you have 95 houses, uh, that are averaging \$450,000, then you take 7%, you're over \$3,000,000 in direct impact of what would ultimately be tax assessments in a community."

Mr. Ryan: "And, um, so, based upon your view of the project, your own analysis, um, and your expertise, do you have an opinion to a reasonable degree of certainty, as a real estate appraiser, as to whether this project, as proposed, will have a significant impact on property values in the area?"

Mr. Houle: "I do, and I think it will."

Mr. Ryan thanked Mr. Houle. Mr. DiOrio then thanked Mr. Ryan and Mr. Houle, and offered Mr. Craven the "opportunity to rebut." Mr. Craven had a number of questions for Mr. Houle. Mr. Craven began by estimating that Mr. Houle had been a "professional expert appraiser for 48 years, if [his] math from 1973 to today is correct." Mr. Houle confirmed that that was correct. Mr. Craven continued.

Mr. Craven asked Mr. Houle what the process was that he would "go through when you are, uh, appraising a piece of property." He said that he was "speaking specifically of what [he] suspect[ed]" Mr. Houle would "typically do, probably for a bank". He asked Mr. Houle if he did "those types" of appraisals. Mr. Houle replied that he did. Mr. Craven reiterated his question on Mr. Houle's process. Mr. Houle replied.

Mr. Houle: "Well, we try to draw as much data as we can that's relevant to the subject property. We'll look at direct sales; we'll look at market conditions - uh, 'market conditions' being what's currently being offered, how many of those offerings are pending, at what price were they offered. We'll look to see, uh, in the last ninety, eight - 180 days what percentage, um, of asking the list price - the asking price of property would be, or list price, the asking price to the selling price of the property to see, um, market trends in that area. We'll find, identify, as many relevant, comparable sales - what are called 'comparable sales' - sales that have occurred as recently as possible, that have, um, you know, that are very similar, that can expand out. Um, you know, I did, um, uh, appraisal on, um, Twin River, and I found my comparable sales in Pennsylvania and Maryland, because there are no slot parlors that are closer."

Mr. Craven: "Mhmm."

Mr. Houle: "So, you will expand as much as you need to when you're looking at this kind of thing, um, so, but on a typical residential property, you'll look to - there's, there's generally, um, properties that are as - very similar in an area. You know, there are obviously unique ones."

Mr. Craven: "Would it be fair to say that part of the process of coming to the conclusions you just testified to, would be to, uh, seek out comps in the area, to see what impact it had, between 7 and 1 and a, and 1.5%?"

Mr. Houle: "Yes."

Mr. Craven: "Did you do that?"

Mr. Houle: "I did, and, I, and - you know, I probably glossed over and didn't make it very clear, but when the solar voltaic arrays, the - my point of identifying where they've been placed is because, as I alluded to when I was referring to the, uh, to the array that's in the Middletown Industrial Plaza, um, it's very, very difficult to truly identify, uh, sales these days, because we haven't had sufficient arrays plunked in the middle of, uh, major residential areas, because, uh, most State governments, and most local governments really push them away from being in proximity to residential areas, so drawing, uh, an exact comparison to any kind of a recent single, single sale, one or two sales, which have really occurred in residential areas are not sufficient to draw the long type of data that you need that was addressed more within the hedonic study of, of Corey Lang. I did - have looked, uh, the fact that, that fact that it spent a significant amount of time actually, um, researching where so many of these are placed, um, was done primarily to be able to identify sales that were around them to see if there was any kind of an impact, and it's very, very difficult to quantify exact, uh, diminution of value, uh, on solar at the moment, and that, again, is why I referred to the fact that it, it, in a lot of ways, it's very similar to having a power line close to your house, which has been proven through the generations to have about a 10% impact."

Mr. Craven: "Well, if a power line wasn't near, uh, the people's house, people that are in the surrounding area, um, that wouldn't be a factor in determining the impact on valuation of, uh, a solar array."

Mr. Houle: "No."

Mr. Craven: "Um, and did you find surrounding properties in this area that had been sold and had sold for somewhere between 7 and 1.5%, maybe less?"

Mr. Houle: "No."

Mr. Craven: "What did you find?"

Mr. Houle: "I - you know, as I said to you that the data, the research - when we're trying to find comparable data, we, we're not able to isolate sufficient amounts of data to not only do the form of compared sales analysis between properties that were not - would have been farther away, and not impacted, and properties that are very close. The, the research that we've found, the research that I did on this, simply will not - we're not able to identify, really, what I consider to be quality, comparable sales from which to draw a conclusion."

Mr. Craven: "So, if Citizens Bank asked you to do an appraisal on a house that was being sold on Skunk Hill Road, right now, what would you do?"

Mr. Houle: "I would mention that there's gonna be a solar voltaic - you know, [unintelligible] -"

Mr. Craven: "But they're asking you to give a number."

Mr. Houle: "Well, they're not."

Mr. Craven: "Why not?"

Mr. Houle: "They wouldn't."

Mr. Craven: "How do you know?"

Mr. Houle: "They wouldn't, because it doesn't exist."

Mr. Craven: "But it, it, it's permitted already. It's actually - it has the appropriate zoning from the Town Council."

Mr. Houle: "No, I understand that. And you have to make note of the fact that it will exist, but because it doesn't exist, you can't take a hypothetical condition that it does."

Mr. Craven: "Then how can you come to a conclusion that it's gonna diminish the value? Based on what the professor from URI [University of Rhode Island] says is gonna be the case?"

Mr. Houle: “No, and, and as I said, on what I considered to be very similar types of property – sites, similar types of uses next to property.”

Mr. Craven: “Such as?”

Mr. Houle: “Such as, um, you know, quite frankly, a substation.”

Mr. Craven: “If there were no substation here, would that change your mind?”

Here, the testimony was interrupted by a member of the public, who shouted, “Oh my god, are you seriously -”. Mr. Houle continued.

Mr. Houle: “I’m not sure why – is there, you know – I’m talking about a major substation from the power from, uh, New England, for, you know, from the Grid.”

Mr. Craven: “Yeah.”

Mr. Houle: “I’m not talking about the small substation that would exist on this site. This site, and any substation that will exist on this site is gonna be far overshadowed by the panels themselves.”

Mr. Craven: “So, um, you’re saying that you used as a comparative, a comparison, for appraisal purposes – and this, within the science of appraisal, which is somewhat inexact, but it does have standards -”

Mr. Houle: “It, it is inexact.”

Mr. Craven: “Uh, and you’ve compared this to a major substation, and the properties, or houses, located near it versus a solar array?”

Mr. Houle: “Yes, I have. And I haven’t – I’m not stating that there is a 35% reduction or 40% reduction, which has been proven for a major substation. My point was that, conceptually, we know that these type of industrial uses that are typically, and commonly, entered into residential areas because they have to be, do have an impact on the properties that surround them.”

Mr. Craven: “Again, within the science of appraisal, based on what? What factors do you base them on?”

Mr. Houle: “Well, exactly what I said – on the comparison of other, of other properties.”

Mr. Houle then explained that in Portsmouth, Rhode Island a “major substation was placed right next to residential properties” recently, and that he had had “the luxury of being able to draw those sales and, and note the, um, note the diminution.” He said that “a lot of these studies are published already”. He said that there were “major studies” that were “not just hedonic studies” like the one conducted by Mr. Lang. Mr. Houle said that there were academic studies on the topic, but there were also appraisal studies “that clearly demonstrate this is the kind of diminution that exists when you get into industrial, uh, power uses in a residential area.”

Mr. Craven: “But, typically, when you do your science of appraising -”

Mr. Houle: “Yes.”

Mr. Craven: “You can – you, uh, appraise a property based on, in a large part, comparable sales.”

Mr. Houle: “Yes.”

Mr. Craven: “And did you, did you ex-, explore, or, uh, discover what the comparable sales in this area – over the last six months or so – were?”

Mr. Houle: “Well, I think that I just stated that when we looked, they were, um, this, the, the properties within a tenth of a mile were averaging about \$450,000.”

Mr. Craven: “Is that an increase or a decrease?”

Mr. Houle: “That’s an increase.”

Mr. Craven: “It’s an increase?”

Mr. Houle: “Yeah.”

Mr. Craven: “So, the properties in this area have actually increased in value?”

Mr. Houle: “Has the – is the solar array there?”

Mr. Craven: “No, but it’s -”

The laughter of the audience drowned out the testimony briefly. Mr. Houle said that his “point” was that he “would never state that there’s a diminution unless [he] knew that their final approval had been granted, uh, in an appraisal, because, typically, people don’t purchase – worried about something like that until they see it.” He said that there were “people – obviously here – who are concerned that it’s going to be in their neighborhood, but, uh, when you’re talking about sales of, of real property, uh, it isn’t there – they can’t see it.” He said that it was “very similar” to when “people who have a vacant lot next to their house suddenly get up in arms because a house is being built on the vacant lot.”

Mr. Houle: “They expected it to stay vacant forever. Um, they knew it was vacant. They knew they were in a residential area. But people don’t tend to react until, um, it’s, it’s – and I see that in real estate valuation.”

Mr. Craven: “The two properties involved here – the Gordon property and the Tefft property – what is their zoning classification? Prior zoning?”

Mr. Houle: “Right now, they’re zoned for this. They’re zoned commercial.”

Mr. Craven asked Mr. Houle what the zoning classification had been in the past, and they concurred that it was “residential farming”. Mr. Craven continued.

Mr. Craven: “And residential, by right, allow, is all–, houses are allowed to be built.”

Mr. Houle: “Yes.”

Mr. Craven: “And so if I were to tell you that approximately 110 houses could be built -”

Mr. Houle: “Yes.”

Mr. Craven: “You’re saying that would not have an impact?”

Mr. Houle: “It would probably enhance it.”

Mr. Craven: “It would enhance the value?”

Mr. Houle: “Yes.”

Mr. Craven: “Okay.”

Mr. Houle: “New houses, new houses typically tend to enhance the value of existing houses in the area. Uh, they’re new, they’re, they’re hypothetically more attractive, um, they’re in better condition, so what ends up happening is it sort of elevates, um, it elevates the values around them.”

Mr. Craven: “So, if you were doing a bank appraisal, for Citizens Bank, hypothetically, and it was for a 110-house subdivision, you would say that, uh, that, that the values would be enhanced as a result of that subdivision – that means the values of the surrounding properties?”

Mr. Houle: “But, again, I wouldn’t be dealing in a hypothetical.”

Mr. Craven: “So, if you were doing appraisal for Citizens Bank, and you were -”

Mr. Houle: “And they asked me, ‘Will this impact?’, then I would say yes.”

Mr. Craven: “Okay. So, you’re saying it – you could make an assessment, uh, at the request of the bank, to determine that a 110-house subdivision would enhance, but there’s no methodology unless it’s actually built? For - let me finish -”

Mr. Houle: “Yeah.”

Mr. Craven: “For the appraisal of properties that are gonna be near a solar array? Visually -”

Mr. Houle replied that he thought that Mr. Craven had “mixed two issues in the same question”, and Mr. Craven replied that he did not think that he had. Mr. Houle asked him to repeat the question. He did. Mr. Craven asked Mr. Houle to look at “two situations with Citizens Bank”, one was a “110-house, uh, subdivision, and the other is a solar array that we’re talking about here.” Mr. Craven said that in this scenario, Citizens Bank asked Mr. Houle to “appraise both”. He asked Mr. Houle if he would be “able to say, with any reasonable degree of certainty”

Mr. Craven: “They ask you to appraise both. Are you able to say, with any reasonable degree of certainty, as to your appraisals, that, in reference to the surrounding houses – and this, maybe, is what you’re being asked to appraise – that its valuation would go up, but, in reference to solar arrays, it - you couldn’t render an opinion until it was actually built?”

Mr. Houle: “No. No, you’re mixing a – I, I think you’re confusing some of the things that I said. When you have – when you have hypothetical conditions, would I, if I was appraising a house, and there was a plan – a 110-lot subdivision, that had not broken ground, we have no idea what it is - you would simply note, within the appraisal, ‘We are aware that a 110-lot subdivision is about to be developed next to the subject property.’ We would note that a, a solar voltaic array, a, a large in-, industrial, industrial-sized solar voltaic array is being, is, is planned and/or approved for the, the lot next to it. If the assignment, from the bank, was to – we have a dozen houses that we have foreclosed on, and we’ve taken, and we now have to sell them, are they going to be enhanced by the 110-lot subdivision or are they going, or, or are they gonna be diminished? The end - that I would be able to address that question, if they asked, ‘Would a solar voltaic array, uh, have a negative or positive impact,’ then I would address that question.”

Mr. Craven: “That’s the question you were asked here.”

Mr. Houle: “And I did say it has an impact.”

Mr. Craven: “Negative impact?”

Mr. Houle: “Yes.”

Mr. Craven: “And, again, based on what type of science – what tells you – of the science of appraisal, did that come from?”

Mr. Houle: “From my experience.”

Mr. Craven: “Okay. Not comparables.”

Mr. Houle replied that he thought that he had “tried to answer the question of the, of comparables”, and that they “can’t take what may be 20 houses in various locations” near a solar array “and say, ‘Whatever happened to that particular property happened because of the solar voltaic array.’” He continued.

Mr. Houle: “We need to have sizable amounts of data from which to draw a conclusion, and we don’t have that yet. We just don’t have it because virtually all the installations that I can find have been, have been – now, there are, certainly, new ones that are being built, um, but I can’t find, among the ones that have been existing for a long enough period of time, from which to

draw information – there are very, very, very few that are directly next to solely residential areas, and that, and, and did not previously have an industrial-type use next, um, in their location.”

Mr. Craven: “If I told you there was one in the adjoining town from Hopkinton, in Richmond -”

Mr. Houle: “In Richmond.”

Mr. Craven: “Would that impact -”

Mr. Houle: “I might have testified -”

Mr. Craven: “Your opinion?”

Mr. Houle: “I think I testified for that one.”

Mr. Craven: “Yeah.”

Mr. Houle: “Yes - I mean, I’d like to be able to take the time to draw the data, but I didn’t.”

Mr. Craven: “Okay.”

Mr. Houle: “I mean, I wasn’t able to identify [unintelligible].”

Mr. Craven: “Okay, so you testified that it was a good thing -”

Mr. Houle: “I did.”

Mr. Craven: “In Richmond, but a bad thing in Hopkinton?”

Mr. Houle: “Yes.”

Mr. Craven: “Based on valuations?”

Mr. Houle: “Based on valuations. Based on a number of different factors.”

Mr. Craven: “Okay. Sure.”

Mr. Houle said that “each of these” valuations had different factors involved, but he didn’t “remember exactly, um, the details”, as it had “been a few years” – unless they were “talking about a different project”. Mr. Craven replied that it had appeared in Richmond “less than two years ago.” Mr. Houle then stated that he was not involved in that. Mr. Craven said that it was “close”, and asked Mr. Houle if that would have been a “good comp” for him to “take a look at.” Mr. Houle replied.

Mr. Houle: “Well, if, if, in the two years, we had a sizable, sufficient number of sales, but we, we don’t have a sufficient number of sales from which to draw that conclusion.”

Mr. Craven replied that, “out of an abundance of caution”, he had done “some research”, and that he was going to share his findings with Mr. Houle, the Board, and the objector’s attorney. Mr. Craven asked that it be added as an exhibit. He then asked Mr. Houle if he had been able to “orient himself” to the map he had distributed. He replied that he had. Mr. Craven then asked if Mr. Houle recognized the image on the map of where the solar array was proposed. He asked Mr. Houle if he saw the “surrounding, uh, pinpoints, and the associated table of contents”. Mr. Houle replied that he did. He asked Mr. Houle if he noted “what the trend was, as far as decreasing or increasing properties within the immediate, surrounding roads.” He replied that he “didn’t look at the, um, increasing or decreasing”, so Mr. Craven pointed it out to him. Mr. Houle examined the map for some time. He asked if all of the sales were from 2021, and then noted that there were a couple of listings from 2020. Mr. Houle and Mr. Craven spoke.

Mr. Houle: “So, what did you want me to tell you from this?”

Mr. Craven: “These are surrounding properties that, from your testimony, would be impacted, as far as their valuation – if this solar array was built.”

Mr. Houle: “Okay.”

Mr. Craven: “Am I missing something, or is that your testimony?”

Mr. Houle: “They would - I’m sure be in -”

Here, someone’s cellphone interrupted Mr. Houle’s testimony. Mr. Houle and Mr. Craven continued. Mr. Houle asked Mr. Craven if those were “all the sales that were in that area”. Mr. Craven replied that he did not know. Mr. Houle continued.

Mr. Houle: “So, you have no idea what the median actually was in the area.”

Mr. Craven: “That’s what my research found, as to sales on these streets.”

Mr. Houle: “Your research identified these, but you have no idea from what grouping they were drawn?”

Mr. Craven: “Uh, MLS [Multiple Listing Service] Sales.”

Mr. Houle: “But, the, the point being you have no idea of any of the characteristics of these properties.”

Mr. Craven: “Just valuations.”

Mr. Houle: “Okay. That doesn’t help.”

Mr. Craven: “Well, it does, uh -”

Mr. Houle: “It may help in what you’re trying to achieve, but it doesn’t help in appraisals.”

Mr. Craven: “Well, appraisal, and specifically the diminishment of value that you testified to. 7% within 1/10th of a mile.”

Mr. Houle: “Okay.”

Mr. Craven: “And, uh, 1.5% within a mile. That’s straight math.”

Mr. Houle: “Yes, it is.”

Mr. Craven: “And in all cases, they’ve increased.”

Here, some members of the public began to yell from the audience. Mr. DiOrio motioned to those assembled to settle down. Mr. Houle said that Mr. Craven had “already identified the fact that [the array] doesn’t exist.” He then said that Mr. Craven had “absolutely no idea whether these properties have increased from what - proportional to the rest of the Town.” He then noted that he didn’t “have any data specific to any of these properties.” He said that Mr. Craven had “no idea of what other characteristics are involved.” Mr. Houle then said that “when we talk about an average of 7%, we’re not talking that every single property has a 7% decrease in value.” He continued.

Mr. Houle: “You’re talking median. You’re talking larger numbers. There are some properties in this that may – somebody may buy a property for more because they’ve always wanted to be able to be right next to a solar voltaic array.”

The crowd roared. Mr. Houle continued.

Mr. Houle: “I’m dead serious.”

Mr. Houle could not be heard further over the sound of the crowd. Mr. Craven said that he wasn’t sure if any people who wanted to live next to a solar array were in attendance. Mr. Houle replied.

Mr. Houle: “They may not be there tonight, and, you know, [unintelligible] the data shows they typically don’t exist, but, um, giving them the benefit of the doubt, you just don’t have enough data here from which to draw any type of a conclusion.”

Mr. Craven: “What additional data would I need in order to have you draw that conclusion – one way or the other?”

Mr. Houle said that one would “need to find all of the sales that have existed in the Town”, and that they would “have to be able to take and find what type of property they are, what size they are, what condition they were in, compare them to other houses in - with the same style, size, and the same type of land characteristics, and, and draw some sort of a paired sales analysis from those properties to this property.” He said that they “just don’t have enough here, because we only have the sales”. He referenced one of the properties, and assumed that it was “in very poor shape” based on the sale price. Mr. Craven asked him how he knew that. Mr. Houle replied that it was “purchased because it was in very bad shape at \$133,000, so they could flip it.” He said that that “happens all the time”, and that appraisers “see that pattern frequently enough” to be able to identify it. Mr. Craven asked Mr. Houle if he could make that determination “without any other information at all”, and he replied that he could. Mr. Craven continued.

Mr. Craven: “But the other 14 – having been sold for more than asking, in most cases – that doesn’t mean anything to you? More than asking price?”

Mr. Houle replied that he understood that there were properties that were sold for more than their asking price, and that they were in “an extraordinary time” for property sales. He said that the housing market was “short of 300,000 dwelling units in the State of Rhode Island” – what he called a “huge housing shortage”, and that there were municipalities that were abandoning single-family zoning “to increase density”. He said that the major shortage of housing stock and the increased prices were related to the COVID crisis, and that those conditions were “exacerbated by low, uh, [mortgage] rates, and because of people needing to isolate and change.”

Mr. Houle: “A town like, um, Hopkinton became, uh, you know, a great place for people to escape the cities.”

Mr. Craven: “And did you take that into account, in determining that any property within a mile of this solar array would decrease in value by 7%?”

Mr. Houle: “I just said that there is no way that anybody could make a statement that every property is gonna decrease by exactly 7%. What we have – that’s an average, and it’s an average that is over a longer period of time.”

Mr. Craven: “And that average, would you say, has not exemplified itself in the 14 or 15 properties that are listed there? Yes or no?”

Mr. Houle: “It – we have nothing to base it on. We have no idea whether these properties went down or up from the last time they were sold.”

Mr. Craven: “You couldn’t render an opinion?”

Mr. Houle: “I couldn’t.”

Mr. Craven: “Okay. No further questions.”

Mr. DiOrio thanked Mr. Craven and Mr. Houle, then asked the Planning Board members if they had any questions for the latter. Mr. Lindelow did not have any questions, but thanked Mr.

Houle. Mr. Prellwitz asked “when exactly does this depreciation in property value take place”. He said that he was “not trying to diminish” what Mr. Houle had stated, as he was recognized as an expert, but that they had people “say that their property values are gonna decrease by 20%, in some cases.” He continued.

Mr. Prellwitz: “When does that kick in?”

Mr. Houle: “It really – it’ll become noticeable over a period of time. Uh, probably – you really won’t see sufficient data to be able to isolate it for, let’s say, for the Tax Assessor, for a period of four or five years.”

Mr. Prellwitz said that he wanted to “qualify [his] question”, and explained that he is an abutter to “a large array.” He explained that his “property value increased \$77,000 when it went online.” He continued.

Mr. Prellwitz: “When do I get my decrease? If it’s all gonna decrease -”

Unidentified Audience Member: “When the [housing] bubble breaks.”

Mr. Houle: “I mean, there are so many – that’s the point of the long term – is that any isolated – we’re in a market right now – I mean, we’re – well, it’s actually starting to fade now, but we had been in a market over the last year where there were literally no houses. I mean – I mean, my, my, my favorite story is that I went into a house that was truly shabby in South, South Kingstown. It was on the market for \$589[,000]. I said to the real estate broker, ‘Very shabby house.’ And he goes, ‘Yeah, well, it used - it was a drug facility. The, just – their only bid - the whole house was a drug facility. Nobody took care of the house.’ And so he goes, ‘But, we put it on the market. It sold, in five days, for \$789,000.’ So, then, we’re in a situation – we’ve been in a very, very singular situation. We’re, we’re in a singular situation because, actually, if you studied the data – and I don’t mean to bore anybody – though I’m excellent at that – it’s that, is that we have – we have a situation where, in 200-, in 1985 to 1988, we had a huge drop in the real estate values when the bubble collapsed. In, uh, 2008, we had a huge collapse of the real estate market. We also suffered. We know. In fact, if you really do a very careful study, from 2008 until 2020, the values never came back to what would have been – what I term a ‘par value’. In other words, there is, there is a proportional value of, of cost of living, where, you know, a car, a loaf of bread – everything has a certain par value, and real estate is no exception. But, over the last forty years, we’ve had this huge up and down cycle that we have - has clouded what the true value of real property is. If you go back to a date, maybe 1980, and draw the consumer price index on a line of real estate values, you’ll find that in, in this whole surge, from, from 19-, the end of, really, the beginning of 2020, until just the last month or so, you, you have those prices, that huge surge of prices – some communities – Little Compton [Rhode Island], 45%. That huge surge of, of, of values is only - brought it up to the par line. And I asked somebody at Citizens Bank about it, and, and Citizens Bank actually monitors every zip code in the country, and they, they monitor for the ups and downs of real property over the course of time, and what they found was exactly what I - and I asked him. He said, ‘You are 100% correct.’ We’re only back to par value. So, the answer to your question is: real estate has such slants that it’s hard to isolate, in any one point in time, a particular impact to value. You need that long-term. You need a lot of data. That’s why it’s so difficult, with solar voltaic arrays, because it’s only in the last couple years that we’ve had larger solar voltaic arrays that are right next to residential properties. Up ‘til now, they’ve been

primarily prevented from existing in that situation. I don't know if that's – I mean, that's the answer. It takes time.”

Mr. Prellwitz replied “not to [him], it's not”, and said that the Board had “heard a lot of ‘It could happen’, ‘It could not happen’, ‘Maybe’, ‘Maybe not’, ‘Who knows’”. He said that that was “acceptable”, and that he could “understand that – it's just that we hear a lot of ‘Well, this is gonna happen.’” He said, “I haven't seen it. I haven't seen it.” Mr. Houle replied that his point was “that it will.” Mr. Prellwitz thanked him. Mr. DiOrio thanked them. Ms. Light spoke next.

Ms. Light said that “it might be safe” that Mr. Houle “might agree that 2021 might not be a good year to talk about real estate trending, because [he] mentioned the housing shortage.” She noted that the nation is “facing a new stock shortage, because of the raw material shortage.” She said that “as far as a property value is concerned, and what's it gonna be worth, it's worth what it is today when somebody says, ‘I'm gonna give you half a million dollars for your house.’” Mr. Houle replied that that was right. Ms. Light continued.

Ms. Light: “I don't think we can quantify the impact of a solar array during a time like this. They mentioned putting houses in that same community area. Those houses would bring tons of value – but you can't, you can't conclude that a different application – I'm not saying solar, it could be storage facilities put on the property – you can't say that a different application isn't going to negatively impact the real estate market in any community, U.S.A., because of the conditions of the market. Okay?”

Mr. Houle: “You, you do have to take them into consideration. I don't argue that.”

Ms. Light: “Right. So, in consideration, in Hopkinton, this year – it's a great year for real estate.”

Mr. Houle replied that, “for what it's worth”, he cited structures like “power lines” or “substations and things like that” because “that's done over an extended period of time, so you have that luxury of being able to, to see it in, in sort of long-term time.” He said that if someone put a nuclear power plant next to someone's house, that “probably wouldn't be awfully attractive to the next buyer”. He said that “until somebody actually has a use in place, and you've had a long, long enough history of sale and resale, a sufficient number of properties”, Ms. Light was right – “it's very – you can't take one year” – regardless of the market - and make a concrete determination or “extrapolate a definitive number.” He reiterated that “these are taken over long periods of time.” Ms. Light replied that Hopkinton “does have, um, power – a solar field” that has been “active for a few years” in the community. She said that “for, uh, factual purposes, or purposes for making a decision” she said that she “would like to know, um, what was the impact after that solar field went up – in this very community.” Mr. Houle replied that he did not have that information, but that he would be “happy to” return with an answer. Ms. Light said that she was not going to be the one to make that decision, but that would seem, to her, “to be more relevant to what we have to discuss and decide on here.” Mr. Houle replied that he thought that that was good. Ms. Light thanked him, and concurred. Mr. DiOrio added that Mr. Houle had “made the comment” that he “didn't have data about, uh, large scale solar, uh, in the context of residential properties”. Mr. Houle replied that they may find that “there's not sufficient data.” Mr. DiOrio replied, “Well, you might have come to Hopkinton because we've got plenty of them for you to study.” Mr. Houle answered that he did, but that the “problem is, again” that the process is “more intensive than just looking at the sales.” He said that he'd have to “look at

compared sales” as well as the “history of the property”, and “how it compares” to other properties in the area. Mr. DiOrio thanked Mr. Houle, and asked the Board if they had “anything else” for him. Ms. Shumchenia said that she had a question “on that line”. She said that she was very interested in knowing more about “the impact of one town having numerous - of these types of installations in residential neighborhoods”. She said that she could go on a ten-mile bike ride through the Town and “pass five of these things” - and see them from her bike. She continued.

Ms. Shumchenia: “So, is there a way to determine, um, you know, it’s probably not fair to, to ask this cumulative impact question of one project, but that’s part of our Board’s responsibility, I think, to the community – is to consider cumulative impacts for these types of projects.”

Mr. Houle said that he thought that her question was “really valid”, and he said that the first thing one would have to find would be “what the zoning was on each of these, um, when they were installed”. He said that it would matter “if they had been industrial prior to, or commercial prior to” the installation of the array. He referenced a case in Johnston, Rhode Island, where he “testified in favor of the large-scale solar voltaic array.” He explained that it was a “non-conforming commercial property that had been abandoned”, and that it had “significant, uh, environmental issues that were gonna be rectified by the installation.”

Mr. Houle: “You know, you have to isolate that kind of data as well, because in that particular case, they got rid of flooding, which was inhibiting property values in the area. So, oddly enough, because it was behind the former commercial building, and because, uh, they now eliminated some of the flooding, uh, I think, in that particular area, might actually find that – it, it actually helped property values. You have to isolate – that’s the point that I’m trying to make about the larger data. You can’t just target one particular thing and say, ‘Okay, let’s find out about that one.’”

Ms. Light replied that the Town did have “good examples” of properties that had been rezoned for solar that Mr. Houle could examine. He asked how many had been built on such properties Ms. Light named a few, but Mr. DiOrio replied that his head “spins” thinking of the number. They turned to the Planner. Mr. Lamphere began to delineate the properties in question, including a 60-acre solar field off of Alton Bradford Road, as well as the Maxson Hill Solar project. Mr. Lamphere said that his question for Mr. Houle would have been if he had taken “a look at sales in the area”. Mr. Houle replied that he had, but that he “really didn’t, at the time, find [a] sufficient amount of data, um, but, uh, again, based on the whole concept of longevity and, and the, the long-term comparison, prior to and that kind of thing – uh, there wasn’t a lot that really jumped out at [him].” Mr. Lamphere replied.

Mr. Lamphere: “Um, you may, you may not have sales, but, if, if I was attempting to do a project like this, I would at least start by saying how many people attempted to sell their homes around those areas.”

Mr. Houle: “Okay.”

Mr. Lamphere: “And maybe took ‘em off the market because they couldn’t sell them.”

Mr. Lamphere then asked Mr. Houle “what activity did [he] see here”. He replied.

Mr. Houle: “That - the interesting thing about it is, typically, nobody’s going to, um – one of the problems with diminution, proving diminution, is that every property you mentioned didn’t sell.”

Mr. Houle suggested that if someone “had a house on the Love Canal back 30 years ago” that was for sale for a dollar, “somebody would take it just on speculation.” He said that “diminution is a very difficult thing to, again, to target in a single entity”. He said that one would “need to have large data to really be able to determine it”. Mr. Lamphere replied that even if they had large amounts of data, “there’s so many variables that could affect that.” Mr. Houle agreed. Mr. Lamphere said that he would find Mr. Houle’s job “almost impossible to do”, as it’s “pure conjecture.” Mr. Houle said that “there are some things that don’t stand out” until later. He referenced a piece of property that he appraised that was selling for what he thought was “kind of a low value” for the home. He looked at “the previous two sales, and then compared them to all the other sales in the town during that period of time, and found that each time, it sold for about 10% less than all the other properties.” He said that it didn’t make any sense, until he revisited it and noticed that “the kitchen window overlooked a 10-foot wide yard.” He said that the “children’s play area was down [at] the end of the house”, so they could not be seen like they would in more “typical rooms”. He said that he thought that people “didn’t like the idea of isolating their children”, and that he “couldn’t find any other particular factor”. He said that “some of these things seem really odd or obscure”, but that if someone had looked at that “one sale at one time, you would not be able to make any kind of a reasonable assumption that there was something wrong with that house.” He said that it “took two previous sales to be able to come up to that, that type of, um, you know, conclusion.” He said that’s “why it’s very difficult” – “most of the solar voltaic arrays in residential areas are reasonably new”, and, as Ms. Light had mentioned, the country was in a market where “you’re not gonna make a lot of sense out of the data anyway”. Mr. Lamphere replied that the applicant had asked Mr. Houle a hypothetical question, which was whether 110 homes would impact the abutting property owner’s property values, and said that he was “pretty quick – without, without really looking at a lot of data” to state that “the values in the area would be enhanced.” Mr. Houle agreed. Mr. Lamphere continued.

Mr. Lamphere: “Well, being familiar, a little bit, with supply and demand, okay, when you increase your supply, doesn’t that have a, a, an effect on dropping, dropping rates – and also, too, also, too, isn’t it a factor of what type of housing is gonna go there?”

Mr. Houle said that that was right. Mr. Lamphere said he had seen many housing projects, and that “people are afraid of their values when a housing project goes next to ‘em.” Mr. Houle said that if a person was selling their land to a developer, “and makes it known that a developer is, is - it’s now available to a developer – there are a lot of developers that are out there, and they’re very interested in buying this project – the definition of ‘market value’ is when a buyer and seller are reasonably informed, and are working in his or his and her own best interests, so, we have to assume that the seller of the land is going to maximize his return. Therefore, the person buying the property, in today’s world, and do a development, is unlikely to build a cheap development. They’re very, very likely to build, at least, average to near average – if not superior to the area.” He said that it was “not the first time” someone had asked him a question like that. He said that he had a “tremendous amount of data” from “long-term paired sales analyses” that he had completed “to show that in the new development areas, that they tend to raise the value of the

property – the existing, surrounding properties.” He said that there was a “certain energy” that was “brought into new development.” Mr. Lamphere asked if a developer building \$500,000 homes in an area already filled with \$500,000 homes would cause “downward pressure” on homes. He also said that there are “other factors involved here – the market”, and that there are “so many variables in this equation – it’s really tough to, you know, sort it out.” Mr. Houle agreed that it was “very hard”, but that, typically, when asked that specific question, what is being built would “usually be better”. He continued.

Mr. Houle: “The average new house in 1977 was 1,620 square feet. The average new house in 2020 was 2,620, so, you know, we typically are building better and newer all the time.”

Mr. Lindelow jokingly asked when he could use Mr. Houle’s points to go to the Town and ask for a tax abatement. Ms. Light laughed. Mr. Houle explained that he had been approved to “do city-wide pre-valuations” in the past, and that he worked with tax assessors all the time, including on tax appeals. He said that he had done the “full commercial reevaluation” for the city of Hopkinton, Massachusetts on “repeated occasions”, and that he was presently employed by Northeast Reevaluation, “who does a number of the cities and towns in the area”. He said that it was a business he knew “in-depth” – and that he had been the deputy tax assessor in the city of Newport, Rhode Island. Mr. Houle said that he would go with Mr. Lindelow “in a heartbeat to get the abatement”, and that they would find “areas in which they make this kind of a general, uh, diminution”. He said that “all the properties” in the area around Salve Regina University “get a 10% reduction – boom! – just flat out, because they have college in the neighborhood.” Mr. Prellwitz joked if Mr. Houle was available tomorrow. Mr. Houle jokingly replied that it would not be a problem. He then said that he had just completed a “big case” for the city of West Warwick, where he had defended them on tax abatements. Mr. DiOrio had another question.

Mr. DiOrio: “So, uh, perhaps one final question – you use the term, uh, ‘sampling large quantities of data’, so before we go off on a tangent, what’s ‘large’?”

Mr. Houle: “I think you’d really need a minimum of fifty to a hundred that we can, we can put in that category.”

Mr. DiOrio: “Okay. We might be shy on that one.”

Mr. Houle said it would not be “just flat sales”, as there are “so many other factors”. Mr. DiOrio replied that he understood, and thanked Mr. Houle. He then asked the Board if they had any further comments. When they did not, he turned to the Planner. Mr. Lamphere said that he had one last question. He said that Mr. Houle had referenced the Lang study, but that he had not gone into the details of the study. He asked Mr. Houle what the “overall, general characteristics” of the neighborhood were. He asked if they were looking at values “in a predominantly rural area, like Hopkinton”, a more suburban setting, or an urban one. Mr. Houle replied that he did not know the answer to that. He said that his problem with Mr. Lang’s study was related to the fact that Mr. Lang is not an appraiser – he’s an economist. He said that he wasn’t “diminishing” the work that had been done, “but they use a regression analysis that they developed, uh, that takes in all the different types of characteristics of the property that we’re talking about”. He said he was “okay with all of their things”, except he did not remember “the type of solar array that they were adjoining.”

Ms. Shumchenia interjected that she did know, as she read the study “some months ago.” She explained that Mr. Lang and his associates had “sent out surveys to people”, and that it was a “hypothetical, uh, question.”

Ms. Shumchenia: “They said: ‘If you lived next to a solar array, what would you be willing to pay for your house – or not?’ So, what was the difference, in the amount that you’re willing to pay your - for your house, if a solar array, or some other type of development was situated next to it. So, that’s what the ‘hedonic’ means. It’s your enjoyment of the property – what’s the value of that to you?”

She said that it was “a little bit more subjective than the types of studies” that Mr. Houle would conduct, “which are collecting data about observations of property value change.” Mr. Houle agreed. She said that “in a context of this”, maybe Mr. Lang’s hedonic study was “perhaps a little more valuable”, as it was “asking people directly” what they would be willing to pay to live next to a forest versus a solar farm. She said that they could “learn a little about people’s preferences” from a study like the one conducted by Mr. Lang. Mr. DiOrio thanked Ms. Shumchenia for her comments. He then asked Ms. Hogan if she had anything to add. When he did not hear from her, Mr. DiOrio allowed members of the public to ask Mr. Houle questions.

James Dillon, of 23 Lisa Lane, spoke first. He explained that he is an abutter to the propose project.

Mr. Dillon: “You said, to this gentleman, Mr. Houle, that we have large parcels that he could do his – and you mentioned all of them – Alton Bradford – is that the 60-acre one? Okay, we’re a lot bigger than 60 acres, and that’s Point 1, one point about that. Number 2, how many abutters are there on that Alton Bradford? Anywhere near the number we have on this one?”

Mr. DiOrio replied that he did not remember, but before he could finish his sentence, Mr. Dillon said that he “didn’t think so.” Mr. Dillon then said that “those are things that [he’d] like” the Board to examine. He said that if what Mr. Houle had said about the 7% diminution was true, what they were looking at was “big”. He continued.

Mr. Dillon: “What we are looking at is big. Our homes are our investments. It’s the biggest investment any of us make.”

He said that he wanted the Board to “consider that”. Mr. DiOrio replied that he understood, and thanked Mr. Dillon for his comments. He then invited other members of the public to ask questions of Mr. Houle.

A woman who did not identify herself asked Mr. Houle what his “reference was to the housing shortage.” She wanted to know how many “units we are short” in Rhode Island. Mr. Houle explained that it was a study that had been done by the Rhode Island Housing and Mortgage Finance Corporation, and that it was “just a general, um, statement about housing shortages.” He explained that the United State was “experiencing housing shortages” overall, and that, in Rhode Island - prior to the onset of the COVID pandemic – “30,000 new houses a year for ten years” would be needed to meet the demand for housing. The speaker expounded upon that number, and

stated that Rhode Island would need 300,000 homes to meet the demand. Mr. Houle agreed. She then suggested that the State wanted to address that through multi-family housing. He replied that, to his knowledge, “Rhode Island has made no effort” on employing that kind of mechanism, and that, primarily, it “hasn’t changed that single family dynamic”. He cited examples of the push for multi-family housing in other states, including in Oregon, Los Angeles, and Minneapolis. The speaker suggested that those localities were “addressing a homeless problem” in those areas, but Mr. Houle replied that the results were “way exponential.” She then suggested that the “homeless problem” is greater in those places than it is in Rhode Island, but Mr. Houle rebutted that by saying she would “be surprised”. He said that he had had a discussion with the Housing Authority in Newport, Rhode Island, and they had communicated to him that “they have a long list of people who are living in cars, waiting for” housing. Mr. DiOrio interjected and said that he didn’t mean to be rude, but that he wanted to know where the conversation was going. She explained that she wanted to know about the housing situation because she is an Atlantic Solar abutter. She said that at a previous meeting, Mr. Grundy had said that “if he wasn’t gonna be allowed to put in a solar array, he was gonna put in multi-family housing behind [her].” Mr. DiOrio replied that she was “in the wrong application”, as they were discussing the Skunk Hill proposal, not the Atlantic Solar proposal. She continued to reiterate that she wanted to know “the amount of how [the State is] short”, as she is “also interested in the housing, and being short, and if Hopkinton is willing to address that as well, due to the student count and the tax base and all of that.” He said that he understood, but that he thought that she was “still in the wrong application.” Mr. DiOrio asked the speaker if she had gotten an answer to her question. She replied that she had. He then asked if there were any other questions from the public for Mr. Houle.

The next member of the public to comment was Richard Noel, of 39 Lisa Lane. He began to speak before he reached the podium, but he was directed to appear at the podium and state his name for the record by Ms. Jalette. He said that they had been talking “about anecdotal evidence here”, though a study had been done.

Mr. Noel: “And my understanding of the study was that there were very large numbers – we don’t have to talk about these 12 houses in Hopkinton. My understanding was that that was a very large study of several hundred thousand homes. Is that correct?”

He did not receive a response. He then continued. He said that the “second misunderstanding” was related to Mr. Lang’s profession. He said that he was a professor of economics, not an appraiser, so he “doesn’t deal in house appraisals, he deals in sales.” He said that it was his “understanding that the data that they analyzed was 400,000 sales” in Rhode Island and Massachusetts. He reiterated his belief that the study incorporated data about thousands of homes, and that it had been conducted over the course of a “10, 11, 13-year study”. He said that there were “fluctuations in the market”, but that “a professor of economics controls for that data – so he does arithmetic that we mere mortals” could not readily examine or understand. He said that Mr. Lang had looked at “nearly half a million homes, and was able to conclude” that over those 400,000 sales – “not appraisals, not asking prices, not houses that went off the market”- that “this is the fact.” He said that Mr. Lang didn’t need to know information about the property, like if it had a new roof, or about the size of the array because he “controlled” for those variables

“mathematically.” He said that there were “literally hundreds of factors” that Mr. Lang did not “need to take into account” as he “controls for them.”

Mr. Noel: “But, the idea of chasing down this rat hole about, uh – so I just want to make sure my understanding, what I said, is correct – there’s nothing anecdotal about it. There was no – how people felt about it. I didn’t actually go into the detail of the study, and I also don’t think that he’s saying the value of your homes are gonna go down – he’s only saying that relative to other owners, that is, all the homes around you increase, your house will not increase as much. So, even though, for example, there were many sales of houses around my neighborhood, because people were beatin’ feet – they were gettin’ out of dodge, you know.”

He said that he had “three neighbors” who moved out of the neighborhood within six months of the proposal coming to light. He said that he liked and missed them all, and that he had considered moving as well. He also stated that none of them had communicated to their prospective buyers that a solar array was proposed nearby. He then turned back to Mr. Houle for confirmation that the study conducted by Mr. Lang was related to “sales, it is 400,000 sales, over a period of nine years, in Rhode Island and Massachusetts.” Mr. Houle replied that Mr. Noel, or anyone else, could easily find Mr. Lang’s report online, and that he thought that it would be better for them to do that than “trying to dissect it right now.” Mr. DiOrio thanked Mr. Noel.

The next speaker was Alexander Denette, of 19 Frances Barber Drive, who identified himself as a direct abutter to the proposed project. He asked Mr. Houle “what would the rate of sales of abutters of this property have to say about it, uh, as opposed to the number of sales in these surrounding neighborhoods in years past say about it.” Mr. Houle asked Mr. Denette to repeat his question slowly. Mr. Denette asked: “What were the rate of sales in the abutting neighborhood say about the valuation or proposed valuation, understanding that they know this solar, uh, project is coming – um, from the time of proposal and zoning approval, to the number of people who have listed and sold their houses, as opposed to looking at those neighborhoods in years past, prior to the, um, proposal of this solar array?” Mr. Houle replied that he “really hate[d] to say” it, but he was “not quite sure exactly what [Mr. Denette was] asking.” He said that “the previous gentleman brought up a very good point”, which was that, right now, there is not a solar array standing in that location. He continued.

Mr. Houle: “You’re dependent, on the seller, to bring up, to the prospective buyer, ‘Oh, by the way, there’s gonna be a huge, um, there’s gonna be a huge solar development right next to you.’ You know, we deal with - all the time – where appraisers, you know, I, I, I deal with other appraisers, you know, everybody misses things occasionally, even when they’re doing bank appraisals, um, and, and you know, it’s a very common thing. I do appraisals for title companies – that the title examiners have missed, you know, major easements or major property problem[s].”

He continued, by stating that these title examiners can miss “something that is impacting the deed of the property.” He said that the “problem” was that if Mr. Denette was “asking what” a prospective buyer “is going to say, or what they’re gonna think, I, we – we have no idea.” Mr. Denette replied that he was “more referencing the number of people who have listed and sold their houses in those neighborhoods – whether it’s higher or lower than would typically be

expected. Something that shows how many people are moving out who know about it, and not informing sellers.” Mr. Houle replied that he thought that the Planner had “brought up” Mr. Denette’s point. He then said that the previous speaker had also brought up a good point, which was that there were an “incredible number of people who decided to take advantage of the boom, and, you know, suddenly go to Florida forever, so it, it makes it, it makes it really difficult to, um, over the last year, to come up with very specific information.” He asked if that answered Mr. Denette’s question. Mr. Denette replied that he understood that that made it more difficult to get that information. Mr. Houle said that, based what was asked by the members of the Planning Board, he was “definitely going to examine that.” Mr. Denette said that he had one other question. He said that Mr. Houle talked about how he had “to reference something else”, and he wanted to know if Mr. Houle had found anything, even with “small sets of data for, uh, a similar, large-scale solar project in the middle of such a densely populated area, as far as the number of surrounding neighbors and abutters.” Mr. Houle replied.

Mr. Houle: “I, I didn’t – and I wouldn’t want to depend on a small number of sales, because there are too many characteristics that can vary.”

Mr. Denette: “Okay.”

Mr. Houle: “Okay.”

Mr. DiOrio thanked Mr. Denette. He then asked those assembled if they had any further questions for Mr. Houle. Mr. Craven said that he had “one additional question”, “based on the questions that have been asked” since he had appeared before the Board. Mr. DiOrio allowed him to proceed.

Mr. Craven: “I’m looking at Page 10 of your report. Do you recognize it?”

Mr. Houle: “I do.”

Mr. Craven: “And I circled Paragraph 4.”

Mr. Houle: “Yes.”

Mr. Craven: “And, if I can read it into the record, uh, ‘There are 64 residential abutters, located within 200 feet of the site of the proposed Skunk Hill solar project. All of these properties – and many more – fall within the 1/10 of a mile radius’ – which you calculated as 528 feet – ‘identified by Professor Lang as showing an average negative decline in value of 7%. This amounts to an average decline in value of \$21,000 for a \$300,000 home, with some individual homes incurring greater (or lesser) losses.’”

Mr. Houle: “Yes.”

Mr. Craven: “Is that based on your research, or is that based on Professor Lang’s?”

Mr. Houle: “No. I, I would make the statement about the variation, and I think I said that earlier in the testimony – is that we’re not talking 7% if you, if you happen to be within about a 1/10th of a mile. There are too many other factors. Their analysis that, you know, they have an elevation, it goes down – and can’t even see the solar array, they may never be impacted. You have a house that, you know, is up high, and overlooks it – it may have a 13% impact. So, we’re just doing that – but the 95 – the refined number, after I did that, the refined number, which I have, uh, is actually 95 within 1/10th of a mile – and they were a little bit higher, on average.”

Their following exchange was unintelligible, until Mr. Craven suggested that there haven't been a "7% decline [in values]", and, instead, there had "actually been an increase in value." Mr. Houle replied.

Mr. Houle: "No. We don't have it. We don't have it. It's all – no matter how many times I say it, if it's not standing, you can't measure it."

Mr. Craven: "If somebody said they were gonna take 7% of the money out of my wallet -"

Mr. Houle: "Yes."

Mr. Craven: "That would be a real 7% - I'd lose 7% value, correct?"

Mr. Houle: "Yes."

Mr. Craven: "In this instance, that wouldn't happen - based on your testimony."

Mr. Houle: "No. You're, you're, you're absolutely incorrect. Up 'til now, we don't have – we don't have the, the factor that's cre-, generating the diminution. We just don't have it. Do-, doesn't exist. So, up until now, as I said earlier when you brought up the sheet with the number of sales on it, that's irrelevant until we find it here. But that's why we need long-term data, and larger data to be able to make that kind of a statement."

Mr. Craven asked Mr. Houle if he would say that the statement that he had just made, in turn, made his "opinion less accurate, or less definitive, versus more accurate, or more definitive." Mr. Houle replied that his most recent response made his opinion "more accurate." Mr. Craven replied, "You do?" Mr. Houle replied in the affirmative. Mr. Craven thanked Mr. Houle and said that he did not have any further questions for him. Mr. DiOrio thanked them, and asked if there were anyone else had questions for Mr. Houle.

Mr. Bibler appeared before the Board again. Mr. Moreau yelled that he needed to state his name for the record. Mr. Bibler introduced himself, and then introduced Mr. Moreau, who was still seated. Mr. Moreau then asked Mr. Bibler for the "facts only, please". Mr. Bibler asked Mr. DiOrio to "tell Mr. Moreau he's out of order." Mr. DiOrio declined by waving his hand. Mr. Bibler spoke. He said that they had "spent a lot of time churning about whether the project is built or not built, and the effect that might have, but we have one Planning Board member say that his appraisal went up by \$77,000, and we've had, um, Senator¹ Craven repeatedly allude to the massive increases of housing prices everywhere", so he wanted to ask Mr. Houle if he was "making the point about the impact of a large-scale solar installation, after it's built, having relative impact on those properties, versus comparable properties." He continued.

Mr. Bibler: "So, in other words, if a comparable property, over, and over a longer time, timeframe, right, which smooths out all these factors – so I think the point – I wanna ask if I have it right, from the witness – is, isn't the point that, let's say, if comparable properties, that didn't have solar installations increased in value by \$200,000, over some period of time, just to pick a number, that these properties would lag, and that's your diminution of value. If they go up by 100, he's not saying that they'll absolutely decline in value in absolute terms – he's saying in relative terms – if I have his testimony correctly. Could you clarify?"

Mr. Houle thanked Mr. Bibler, and said that he thought that he had "said that earlier". He then said that he had said "exactly that – that we have to look to see what other properties are doing,

¹ Mr. Bibler incorrectly identified Mr. Craven as a State Senator. He is a State Representative.

and we have to compare them”. He said that “the only way that you can draw any kind of a paired sales analysis is to compare it to other properties that are not sharing the same factor.” He continued.

Mr. Houle: “So, if you have a raised ranch – and I use this specifically in the, in my earlier testimony - if you have a raised ranch that sells for \$400,000, and it’s right next to the solar array, and the last time it sold, it sold at \$200[,000], and you go across town, and you find a house that sold at the same time, that looks exactly the same, is sold at the same time as the first house sold for \$200,000, and it’s now selling at \$500[,000], then you clearly have a diminution of value.”

Ms. Light: “Not to be funny, but wouldn’t a true comp – if there was a solar project behind my house – a true comp would be getting an evaluation conducted on a true comp, which would be similar, similar home, with that industrial solar farm next to it?”

Mr. Houle replied that if he was “appraising a property”, he would “wanna have any many houses that look exactly like that house, that are as close to the solar farm as possible”, because he would “wanna prove, to whomever is the reader of this report, and user of the report, that [he was] comparing eggs to eggs.” He said that he had “seen appraisals where they, you know, have a colonial house in Hopkinton, and they compare it to a house in Martha’s Vineyard – not quite the same.” He said that he had “really seen things like that”, but that the “whole point is that what we’re – what we’re trying to get is the diminution, not the value”. He continued.

Mr. Houle: “In other words, if I was trying to, to demonstrate what the market value of a property is, I’d want all my comparable sales to be twins, to have come out of the same peapod, okay, but when it comes to making, um, uh, factor how much is a garage worth, what’s the diminution of value – you wanna find houses that are identical, that don’t have garages or don’t have a solar array right next to them – compared to yours, and the difference, the delta – you get enough of those deltas, you start to find a pattern that then allows you to, to opine a diminution of value.”

Mr. Houle then joked that he could “bore anybody” with his testimony, and Ms. Light told him that he was doing a “great job”. Mr. DiOrio noticed that there appeared to be someone in the audience who wanted to ask Mr. Houle a question. He invited him to speak before the Board. It was John Marsella, of 18 Lisa Lane, who stated that he was an abutter to the project.

Mr. Marsella: “Um, to make this simple, I’ll ask all of you a question. I have a 2,300 square foot home, valued \$450,000. If, uh, I offered you that house now, would you pay \$450,000? In one year’s time, would you pay \$450,000, or would you go down the road, three, four miles, find the same exact square footage, 1-acre lot. Would you give me the same value for my house, or would you give me the same value for that house? I don’t think you would. I think my house would not be sold. I think you would be asking less for my home, and I think you would probably go three miles down the road, and buy that comparable house that’s not overlooking a solar farm.”

People in the audience clapped. Mr. Marsella returned to his seat. Mr. DiOrio asked if there were any other members of the public who wanted to ask “this particular expert” any other questions.

People in the audience clapped again. Mr. Ryan appeared before the Board. He explained that, in July, the objectors had “presented a witness on planning” – Peter Friedrichs – who had been given the opportunity to speak around 9:45 p.m. Mr. Ryan then stated that to refer to Mr. Friedrichs at that time as being “caught flat-footed would be a massive understatement.” He explained that Mr. Friedrichs was now a law student at New York University, “so he is obviously not available to attend any more hearings on this case.” He said that he had asked the Board to incorporate Mr. Friedrichs’ opinion “by reference” in July, which was done. He said that a great deal of Mr. Friedrichs’ opinion “related significantly to” the Comprehensive Plan, “and he went through highlights as to what he thought, uh, violated the Comp Plan, as to this specific application.” He referenced a “legal issue [that] then arose” – namely, that “the Council changed the Comp Plan”, which called into question “how relevant” Mr. Friedrichs’ testimony was. Mr. Ryan “suggest[ed] to the Town” that the changes to the Comp Plan “permitted com-, condustrial, or industrial, commercial solar on this property”, and that what he would “suggest to the Board, actually, is that the configuration – specific configuration of this project, um, approved by the Council, is still subject to [their] review and approval.” He continued.

Mr. Ryan: “And one example that was classic – and you’ve heard testimony on it tonight – is that the DEM’s [Department of Environmental Management] notice of deficiency – I’m gonna take the other hypothetical. Let’s presume that DEM [Department of Environmental Management] holds fast to all the points they raised in their deficiency letter. This project unravels like a ball of yarn. In fact, it won’t even be similar to what the Council approved back in – when this was passed. It’s always been my position that the Planning Board, as a Planning Board, in dealing with Planning Board regulations can deal with the specifics of the project – the engineering, the environmental impacts, uh, the 12-foot berm, uh, because we know from that DEM [Department of Environmental Management] letter, not from you, that, that DEM [Department of Environmental Management] really disagreed in their deficiency letters – letter - with some of the points that the Council placed in the ordinance itself, in those 20 conditions. So, given that, I had a couple of suggestions. Going a step further than earlier in the evening, I suggest to the Board that the DEM [Department of Environmental Management] review, and/or the peer review occur before you vote on Final – on Master Plan. Ordinarily, everybody’s right – it’s done right before Preliminary. But, in this case, again, if that project changed significantly, it’s not gonna look anything like what you have before you tonight, and so, I respectfully ask that the Master Plan approval, or disapproval, be delayed until you have more information related to issues that are gonna potentially, substantially change this project from what you have before you tonight. And with that, uh, I’ll conclude. I just have one issue, uh, that I have to admit – that many lawyers miss things – and, unfortunately, the lawyers – and including me, for the first umpteenth months of been involved in this case – the leading case that Judge Taft-Carter used against us was this case of *Hall v. the Town of South Kingstown* – I discovered only in the month of July that the footnotes in the decision were, for some reason or another, not included in most of the publications that related to the decision, and Judge [Edwin J.] Gale, in his decision, on Page 2, uh, Number 3, and I’m just gonna read the first sentence – ‘An amendment to the Comprehensive Plan requires approval by both the Planning Board and the Town Council.’ I wanna repeat that – ‘An amendment to the Comprehensive Plan’ itself ‘requires approval by both the Planning Board and the Town Council.’ As you’re all aware, this Board voted unanimously to not approve the Comprehensive Plan, um, specifically, uh, this Board found that certain elements of the Comprehensive Plan were not met in the proposal. Goal #1 – now, I’m not gonna

read it all to you, ‘cause it’s your decision, you’ve seen it many times, but the issue at hand is whether a Planning Board, in derogation of another case, which is *Monroe v. the Town of East Greenwich*, can be supplanted by the Town Council in this kind of a proposal, with the Town Council deciding all the issues, and then handing it to the Planning Board, in effect saying, ‘You can’t do anything with this. Now, you can change the petunias, or ask for a six foot higher, um, evergreen trees, but there’s nothing else you can do. You’re stuck with this project, as is.’ And my position is obviously you’re not stuck with it, and, again, I still ask, respectfully, that, before the Master Plan approval is granted, we at least find out, from the peer review, and DEM [Department of Environmental Management] whether this project is gonna look anything like what it looks tonight. Thank you.”

Mr. DiOrio thanked Mr. Ryan, and began to confer with the Planning Board Solicitor, Ms. Hogan. Their discussion could not be heard. Mr. DiOrio then began to offer “a thought on that” when Ms. Hogan interjected that Mr. Craven could have wanted to respond. Mr. DiOrio asked Mr. Craven if there was “a thought” that he had. Mr. Craven replied in the affirmative. Ms. Light jokingly asked if it was “just one.” Mr. Craven appeared before the Board again.

Mr. Craven: “He’s incorrect. That’s not the law of this case. The law of this case was decided by, uh, Judge Sarah Taft-Carter, with these facts, on this issue, and the footnote that is contained in a redacted portion of the full opinion – I think it’s on a page, Page 2, where it says ‘Facts and Travel’. Judge, uh, Gale refers to that quote – ‘Amendment to the Comprehensive Plan requires approval by both the Planning Board and the Town Council’ – we don’t know what the facts of that case are. More importantly, we do know that Judge Taft-Carter said that the, that the theory that was set forth by the abutters in this case was incorrect, and not only did she decide that – she decided that on summary judgement. She said there are no facts. On the law, they’re wrong – and granted my motion to dismiss their appeal. You can’t have any more of a definitive answer from the Superior Court Judge, who’s the same level as this Judge, and is not bound by his opinion. I think your counsel will tell you that. In this case, there’s a Latin term that is used in law school, and some of you may have heard it – ‘*res judicata*’ – ‘the matter has been decided’. And, in this instance, it was decided by Taft-Carter, and, uh, I don’t believe that any of this will be relevant in the context of, ‘Maybe DEM [Department of Environmental Management] is gonna make substantial changes and stick to their guns’, or whatever the anecdotal, uh, information Mr. Ryan was laying out for you as a possibility. We agree to a peer review, and we certainly have to agree, and intend to agree, and are looking forward to reviewing this application with – uh, poor choice of words, DEM [Department of Environmental Management]’s vocabulary – ‘deficiencies’ in the application – but that’s the words they use. So, they are suggestions, they are, uh, what the State regulators are supposed to do – that’s their job, uh, and that is routine in a project of this nature. So, that process is gonna continue. I suspect that we’re gonna get an appraisal from, or an additional appraisal of some sort, from Mr. Houle, of, uh, uh, maybe even of the project in Richmond, maybe some of the projects in Hopkinton, and we’re gonna have some more information that’s gonna illuminate the two witnesses, the two experts that the, uh, objectors presented before you tonight for your consideration. But, in that instance, I have a rebuttal witness, if the Chairman wouldn’t mind me, uh, to, uh, Linda [Steere]², and if I could present that witness now – or you want to take a break?”

² Mr. Craven referred to Ms. Steere as “Ms. Steele”.

Mr. DiOrio: “Let, let’s just put that second request on hold for a minute, and let’s deal with your first comment. So, I just wanna be clear, for folks in the audience – is there any question about the representation that’s being made here, because I don’t want anyone to walk away, thinking, like, working under the misconception that the Planning Board is a Court of Law. We are not here to adjudicate these two opinions. That is not our job. We do not have that latitude. And if someone thinks that we have it, now would be a good time to talk about it. So, I don’t want folks to be disappointed. The Planning Board has a role here. It’s not really about petunias, but we are not in a position to overturn what your previous Town Council put on the table for us. If you think that we can, you’re in the wrong room. Comments? Questions? This is the time. It’s a very important issue. I’m not seeing any hands. Okay. Good.”

Mr. DiOrio told Mr. Craven that he could bring forth his witness. Mr. Craven called Edward Avizinis to the podium. Mr. Avizinis was asked to speak on the topic of environmental science. Mr. DiOrio asked for Mr. Avizinis to introduce himself. He explained that he is a “professional wetlands scientist”, as well as a “certified professional soil scientist.” He stated that he had “over 10-years’ experience, uh, dealing with wetland issues [and] permitting issues”, and that he had testified as an expert “in front of this Board” as well as other Boards and Commissions in Town and beyond. He said that he has a Master’s Degree in Environmental Science with a “specification in soil science” from the University of Rhode Island, as well as a Bachelor’s Degree in Wildlife Biology. Mr. Craven then began to question Mr. Avizinis. He asked him if he had testified before Courts in the State of Rhode Island. Mr. Avizinis replied in the affirmative. Mr. Craven then asked if he had appeared before other Boards and Commissions. Mr. Avizinis replied in the affirmative again. Mr. Craven asked if that had been in the capacity as an “expert in this field of endeavor”. Mr. Avizinis replied in the affirmative a third time. Mr. Craven asked Mr. Avizinis if it was a “scientific field”, and Mr. Avizinis replied in the affirmative a fourth time. Mr. Craven then stated that Mr. Avizinis had had “previous work experience” – that he had “worked for, actually, a pretty prestigious firm that’s, uh, in this field of endeavor, and has been for a long time.” Mr. Avizinis confirmed that, and explained that Scott Rabideau was the principal associated with the firm, Natural Resource Services. Mr. Avizinis said that he had worked with Mr. Rabideau for about 10 years before starting his own firm, Avizinis Environmental Services, “approximately a year ago.” He explained that for this project, he did “all of the field work”, and that he was the “basically [the] project manager” for “wetland delineation, and, uh, uh, site visits”, so he “did all the, all the wetland flagging, in, uh, early to mid-2018.” He said he had spent “a number of days out there” on the site, and that he was “very familiar with the area.” He also said that he “grew up about two miles away” from the site, and he went by it “every day on the school bus.” Mr. Craven jokingly confirmed that he had not done any site work at that time. Mr. Craven said that Mr. Avizinis had done the “scientific investigation, uh, that was part of the DEM [Department of Environmental Management] applications”, like the Rhode Island Pollutant Discharge Elimination System (RIPDES) permit. Mr. Avizinis said that that was true – that he had been involved in the “preliminary determination application that was submitted to DEM [Department of Environmental Management]”. He said “there’s been a lot of talk about the, uh, findings of that letter, because, uh, you know, it’s four pages long”, but he thought that it was a “good letter, in [his] opinion.” He continued.

Mr. Avizinis: “We get these letters all the time, when we submit applications like this, and, um, so, I put up 640 wetland flags on the property. The DEM [Department of Environmental Management] reviewer asked that three get moved 20 feet each, so that’s, that’s a big win for someone in my – in the field, you know, trying to get out that many wetland flags, and, uh, you know, trying to be efficient, and as accurate as possible, and DEM [Department of Environmental Management] comes back and says, ‘Yeah, basically all of ‘em are correct,’ so?”

Mr. Craven: “Okay. Um, there was some testimony that you had an opportunity to read a little bit about, and hear from Linda [Steere].”

Mr. Avizinis: “Yeah, uh, Linda Steere.”

Mr. Craven: “Steere.”

Mr. Avizinis: “Yep.”

Mr. Craven: “Do you have any reaction to that, in reference to the work that you did, uh, on this project?”

Mr. Avizinis: “I have a lot of respect for Linda Steere. She’s been in the industry for a long time, um, and, you know. There’s a few things she said that weren’t accurate, um, and things that she said that, I, you know – she just maybe didn’t have the information for, and some things that I just disagree with – and there’s also things that I do disagree with, um, but – for example, she references with Wildlife Action Plan, which, you know, it is classified as an ‘ecological land unit’ in the Wildlife Action Plan. The Wildlife Action Plan is not a regulatory document. There’s, there’s no regulations behind it. The regulations don’t refer to it. Um, there’s nothing we can do to it, do with it as, uh, planners, environmental scientists. So, it’s nice information, but, as far as regulatory implications are concerned, DEM [Department of Environmental Management] did not map any Natural Heritage areas by the Rhode Island Natural Heritage and Endangered Species Program. There’s no mapped critical or uncommon habitat out there either. Um, I have a few things to say – do you want me to just kind of go down my list?”

Mr. Craven: “Yes.”

Mr. Avizinis: “Okay. So, yeah, as an environmental scientist, I just wanna, you know, kinda explain why I support a project like this, and she talked about carbon sequestration. Um, there’s a lot of carbon sequestration in forests like this, um, but a lot of the, the actual activity happens in the soil microbes, so there’s, uh – pasture soils are great sinks for carbon, so -”

Mr. Craven: “Why don’t you describe what carbon sequestration is?”

Mr. Avizinis: “So, that’s when you have CO₂ in the atmosphere, which there is too much of – CO₂, CH₄, and it gets bound up into long-life carbon molecules in the soil, so microorganisms that live on soil particles break down the organic matter, which is, uh, brought into the soil, uh, it, it’s - actually can be breathed in by the microbes and processed and converted to, uh, humic substances, they’re called, so it’s kind of long-chain, complicated carbon molecules that are gonna stay in the soil for a long time, so it’s more beneficial to have them bound up in the soil than free out in the atmosphere.”

Mr. Craven: “And how does that relate to, uh, Linda [Steere]’s testimony?”

Mr. Avizinis: “Well, she emphasized the fact that the forest is a sink for carbon.”

Mr. Craven: “Yep.”

Mr. Avizinis: “So are pasture soils, so, this site is still gonna be a sink for carbon. Um, in addition, there’s research out there that, uh, old growth forests actually – the older the forest is, the less carbon is, uh, sequestered, as compared to, to young growth forests. Not sure how it compares to pasture land, but, you know, the other reason I support solar projects, from an environmental[ist]’s per-, perspective, is that, on a site like this, uh, the topsoil’s gonna be

retained. It's not gonna be sold, as she said. It's gonna be held on-site, kept on-site, disturbed as minimally as possible, and, at the end of the life of the solar field, they could take the solar panels out, farm it again, so, 30 years from now, when you realize you can power your house with rhubarb, they can clear the whole lot, out to the wetland edge, and plant rhubarb, so they could do that today, if they wanted – that's kind of the other side of it. You're talking about the loss of upland habitat, which is true, but, if they're a farm, farms don't have to respect the 50-foot wetlands, uh, perimeter wetland. They can farm right up to the edge of the wetland. So, if they wanted to go out there tomorrow and plant rhubarb, they don't have to have a meeting about it, you know? This doesn't happen. They just go do it."

Mr. Craven: "And your first, uh, comment, in your last, uh, uh, answer to my open-ended question was that the, uh, use is not permanent. It's 30 years."

Mr. Avizinis replied that that was "right", as it was "not houses, it's not foundations, [and] it's not pavement" – essentially, that there were not "impervious surfaces" that would serve to "disrupt the soil." Mr. Craven continued.

Mr. Craven: "And, in 30 years, by, by the Ordinance, by the decision of the Town Council, the panels come down -"

Mr. Avizinis: "Right."

Mr. Craven: "They're gonna be removed, and it has to be replanted."

Mr. Avizinis: "Right, correct."

Mr. Craven: "Okay, so, the farm will be back."

Mr. Avizinis: "Right."

Mr. Craven: "It's been land banked, in a way."

Mr. Avizinis: "Right, and a hundred years ago, it - all this forest was open land, so, a hundred years from now, it could be the same as it is today. It's, it's – you kinda have to look at the large scale. You know, out there, basically everything was tilled. There's indicators in the soil where it's – basically, you can see the till line, so I can tell that, when I auger into the ground, where it had been plowed a hundred years ago, and it's, essentially, the entire site. So, if there's stone walls out there, um, it's also evident by the numerous white pines, which are kind of an early successional species, so if you have a farm field, you let it go fowl, fowl, fallow, the white pines are gonna kinda come up and take over first, so, if you've got a white pine forest, it means it used to be a farm field. So, that, in combination with what's called an Ap horizon, which is a plowed line in the soil, and the stone walls out there, it's evident that it was all farmed at one point."

Mr. Craven asked Mr. Avizinis if he was aware that "this project has a reforestation plan" in place. Mr. Avizinis replied that that was "fantastic." Mr. Craven said that the applicant would "remove the panels, [and] reforest" the area. Mr. Craven then asked Mr. Avizinis if he had anything else from Ms. Steere's testimony that he wanted to respond to. He replied that Ms. Steere had "referenced four crossings", though there were only "two crossings to [his] knowledge". He said that those two crossings were "essentially existing cart paths, that go through the, the entire lot, and can be seen in historic aerial photos in the 50s", as well as a 1939 aerial photo. He said that he did not know what the "final design will be for the crossings", but he knew that they would be "to DEM [Department of Environmental Management] specifications" – specifically "the open bottom, uh, design, where, essentially, the substrate of

any crossing is natural material, which is important if it's, um, you know, if there's a stream going through there, you want to maintain that gravelly, cobble-y, sandy substrate, so that there's no disruption, and it, um, facilitates wildlife passage, um, all that good stuff." Mr. Craven then asked if he had anything else. He replied that there was "no blasting" to his knowledge, as there "would be no need for blasting" on the site. He said that he wanted to "emphasize" that Department of Environmental Management letter.

Mr. Avizinis: "I, I don't know why there's a lot of concern about that. I don't see any drastic plan changes based on that letter."

Mr. Craven: "And you're aware of the content of the decision of the Town Council?"

Mr. Avizinis: "Yes."

Mr. Craven: "And you are obviously aware of the content of the DEM [Department of Environmental Management] deficiency letter."

Mr. Avizinis: "Right. Yeah, I, I addressed, uh, portions of the comments that were in my realm of expertise. Which are -"

Mr. Craven: "Based on your realm of expertise, you don't see any significant changes that would deviate from the Council's original approval, from the use of this property?"

Mr. Avizinis: "That's right. Yeah."

Mr. Craven: "Great."

Mr. Craven then asked if there were any questions for Mr. Avizinis. Mr. Lindelow spoke first. He said that he had seen some of Mr. Avizinis' work firsthand on a site walk. He then said that he was going to play devil's advocate, and asked Mr. Avizinis if he would purchase Mr. Marsella's house if he was buying a house tomorrow – or would he buy a different house miles away from the array. Mr. Avizinis replied.

Mr. Avizinis: "I would have no problem buying a house next to a solar field. I, from my understanding -"

Here, there was a great deal of noise from the crowd. Mr. Avizinis continued.

Mr. Avizinis: "From my understanding, is that there's not gonna be – it's not really gonna be visible. Uh, it - they don't make a lot of noise -"

Here, Mr. Avizinis was interrupted again. Mr. DiOrio asked those assembled to not make him "drop the hammer." Mr. Avizinis continued.

Mr. Avizinis: "Again, it's – it, it could be farmed. It could be cleared, and, and be corn. Um, corn is no benefit to the environment. Um, a monoculture, a plant species that's sprayed with herbicides – uh, not herbicides, but pesticides, um, nitrogens, phosphates. Yeah, uh, I'd rather have a solar field, for sure."

Mr. Lindelow: "Thank you."

Mr. DiOrio said that he had one question, which he had posed to Ms. Steere. It was about "the issue of water quality." He said that there was a "concern about storm water erosion in the cleared areas." He asked Mr. Avizinis if he had heard that discussion. He replied that he did. Mr.

DiOrio said that his question was that he “wasn’t quite certain” if Ms. Steere was “concerned about the storm water erosion simply because it was being cleared, or the storm water erosion after the panels were constructed.” He asked for Mr. Avizinis’ thoughts on that. He said that he had “read that paragraph as well”, though he couldn’t remember exactly what Ms. Steere said. He said that, to him, it sounded like “it was a concern during construction because of steep slopes.” He continued.

Mr. Avizinis: “She referenced 35% slopes, which I don’t believe there’s gonna be any construction on 35% slopes. Um, furthermore, she – I believe she said, uh, that they were a concern if not properly mitigated – something to that effect, meaning, yes, erosion controls have to be implemented, they have to be checked. There has to be an approved erosion and sedimentation control plan. Um, nobody disagrees with that – that erosion will be a concern that will be mitigated. And, and water quality, as far as the long-term life of the panel, um, there’s no pollutants, contaminants, coming off the panels. Uh, there are storm water mitigation measures proposed that will mitigate any increase in runoff from the site, to maintain, uh, you know, a net zero change in watershed effects, essentially, so, storm water running off the panels will be collected, and, uh, held in some type of basin to, uh, attenuate the water, promote infiltration and treatment, um, and then infiltrate into the ground, back into the water table to, to maintain pre-project characteristics.”

Mr. DiOrio replied that he understood, and that he was not trying to put Mr. Avizinis “on the spot”. He said that his understanding was that “during the construction, as with most of these projects, appropriate storm water management controls will be in place.” Mr. Avizinis replied in the affirmative. Mr. DiOrio said that “subsequent to construction” and after “vegetation has been established, those storm water management practices probably don’t need to be as rigorous, simply because the site will have revegetated.” Mr. Avizinis replied that that was right. Mr. DiOrio continued, and asked if there would “still be some, uh, treatment measures in place for the long-term.” Mr. Avizinis replied in the affirmative. Mr. DiOrio then asked if anyone else had any further questions for Mr. Avizinis. Mr. Ryan did.

Mr. Ryan asked Mr. Avizinis if he would agree that a “significant amount of forest [is] being removed” for this project. Mr. Avizinis said, “Yeah.” Mr. Ryan asked Mr. Avizinis if it was his testimony “that, after 30 years, when the panels are removed, it’ll be reforested.” Mr. Avizinis nodded. Mr. Ryan asked Mr. Avizinis “how long in the reforestation will it take for those trees to be of a significant height”, and suggested that it may be ten years. Mr. Avizinis replied that he didn’t know what Mr. Ryan would define as “significant”, but “to get to as it is today” would take “probably close to a hundred” years. Mr. Ryan said that “130 years from now, this forest will be back to its – what it is today.” Mr. Avizinis replied that would be the case “if, if that’s the intention of the property owner at that time”, but that he was “not sure”. He said that the property “could also be cleared and become farmed” in that timeframe. Mr. Ryan said that he had no further questions for Mr. Avizinis. Mr. DiOrio thanked Mr. Ryan, and asked if anyone else had any questions for Mr. Avizinis. Mr. Marsella, of 18 Lisa Lane, appeared before the Board.

Mr. Marsella: “How many solar fields in the area, or in general, have gone through the entire process of having soil removed, and then having vegetation grow, without pollutants, over the 30 years? How long have the solar fields – or how much experience do you have with studying solar

fields, solar farms, to this extent, that, over 30 years, we know, conclusively, that the soil's not gonna be impaired, harmed? Um, I have deer, going through, back and forth in my yard – I have video of it. I have wild turkeys going back and forth. How conclusive are you that, in 30 years, and how many other solar fields have been around 30 years that we know, for sure, that that land will be restored?"

Mr. Avizinis replied that solar was "obviously a newer technology, so there aren't a lot of 30-year-old solar fields around", and that he hadn't "been involved in any of the conclusionary ends of tho-, these projects". He said he didn't know if there were any 30-year-old solar fields in the state had come to a conclusion. He continued.

Mr. Avizinis: "Um, but, you know, you bring up a concern of soil disturbance, whereas this has all been plowed, and the soil, when you plow a soil, the, the intention is to disturb it. Um, I, I don't, I, I – yeah, I have no concern that it wouldn't revegetate. Um, as far as the deer and the turkey – deer can hop over that fence no problem. Turkeys can go through the wildlife cutouts if those are what's proposed. Um, there's an adjacent tract of State conservation land in Arcadia and Pachaug Forest that is vast and those animals are gonna come into that solar field."

Mr. DiOrio thanked Mr. Avizinis. He then asked if there were any other people who had questions for Mr. Avizinis. Mr. Craven interjected that he wanted to add to the record. He wanted Mr. Avizinis to be qualified as an expert. Mr. DiOrio replied that that was a "foregone conclusion", but thanked him for his thought. The Board accepted him as such. The next member of the public to appear before the Board was Lynn Lapierre, of 100 Maxson Hill Road.

She said that while she did not have a Master's in hydrology or environmental engineering, she and her neighbors "knew enough that when you took down all the trees at the solar farm" that she lives next to, there would be "water problems". She referred to herself as "an expert witness on living next to a solar farm". She continued.

Ms. Lapierre: "There, there are springs there. We were told there's gonna be no soil erosion, my – this, this solar farm is costing me money. It has destroyed my driveway from the st-, from the water runoff. I heard all these promises before about how everything's gonna be retained, and things are gonna be diverted. It doesn't happen. So, what – what's your confidence in this actually coming to fruition?"

Mr. Avizinis said that he was not sure which solar project Ms. Lapierre was referring to, and that he did not believe that he was involved in it. He said that he was "confident in this group, and in this design team". He said that "emergencies happen", and he apologized to Ms. Lapierre for what happened to her property, but noted that her experience "has no real bearings on our planning going forward, other than to ensure that it's done properly". He then said that he believed that it has been done properly. Ms. Lapierre replied that it did not happen during emergencies – the flooding "happens consistently." She continued.

Ms. Lapierre: "There's consistent water runoff every time it rains. I get anxiety when the weatherman tells me it's gonna rain."

She then explained what some of her neighbors were experiencing, including “water coming up through their driveway” and “soil eroding out of their own property”. She said that that applicant promised that that water was going to be “retained” in retention ponds. Mr. DiOrio interjected to state that what Ms. Lapierre had said had not been captured on the record, and that if she had something to say, she would need to approach the podium. She said that she understood. Mr. Avizinis replied that the project was going to be “peer reviewed, and that’s what we can do”, but that he could not address “problems of another project.” Mr. DiOrio replied that he understood, and that that was correct. He then asked if there were any other people who had questions for Mr. Avizinis. Mr. Bibler appeared before the Board.

Mr. Bibler: “So, um, Linda Steere testified that this, these parcels lie within an unfragmented forest. Is that correct?”

Mr. Avizinis: “Uh, she did.”

Mr. Bibler: “And how large is that parcel of unfragmented forest?”

Mr. Avizinis: “She said it was 250 acres, which is, uh – I don’t believe that’s correct. Uh, someone else from – uh, let’s see – I have 39 acres will be cleared.”

Mr. Bibler: “No, that’s -”

Mr. Avizinis: “And 89 acres will be preserved.”

Mr. Bibler: “That’s not what she said. She was talking about – it’s within an unfragmented forest that’s not on the property, that is over 250 acres because -”

Mr. Avizinis: “I see.”

Mr. Bibler said that the “unfragmented forest doesn’t care about property lines”, and that it was “about being contiguous.” Mr. Avizinis replied that he understood. Mr. Bibler said that Ms. Steere “did not know how many acres would be cleared”, and asked Mr. Avizinis what that figure was. Mr. Avizinis that his understanding that 39 acres would be cleared, before retracting that, as that number “includes the fields”. He said that Sergio Cherenzia might have more accurate numbers than he did, but that his understanding was that it was “39 total acres will be cleared at the conclusion – 23.59% of the lot.” Mr. Bibler noted that Mr. Cherenzia was nodding, and said that he understood that to mean that 39 acres would be cleared. Mr. Avizinis said that was correct, and that it included the fields. Mr. Bibler continued.

Mr. Bibler: “So, um, you agree that unfragmented forest, contiguous habitat, in the form of unfragmented forest is, in fact, considered valuable and rare. Linda [Steere] said there’s six tracts in Hopkinton. There’s one less now, after this summer, or will be, because, uh, you know, [a] large solar project in an unfragmented forest was approved by the Planning Board, but, um, so, my question then is, um, is it an environmental benefit or detriment to clear 39 acres within an unfragmented forest? Is that an environmental benefit or detriment?”

Mr. Avizinis: “I – that’s not, uh, a really clear question to answer, because the question is: #1, it could be cleared tomorrow, right? So there goes your unfragmented forest. It’s fragmented. No meetings, no abutter notification, cleared. It’s a farm. Um, in my opinion, clearing the forest to put in solar field, an early successional forest, that’s only a hundred years old, to, uh, allow solar, um, generation of energy, uh, is a benefit, a vo-, a – to deny a solar field is to approve continued burning of fossil fuels.”

Mr. Bibler: “Okay. So – but you are aware that the Rhode Island Department of Energy – the solar siting guidelines, uh, say to avoid, uh, clearing unfragmented forests, and you are aware

that the State recently issued RFP [Request for Proposals] for energy, uh, decided to preclude sources of energy that came from rural areas that were previously uncleared, um, areas of forest and rural farmland, for the express purpose of not incentivizing the clearing of forests for, uh, solar energy. You're aware of that, right?"

Mr. Avizinis: "I'm not aware of any of the, the monetary implications of buying and selling solar energy, but I do know that the DEM [Department of Environmental Management] does not regulate that portion of upland outside of their DEM [Department of Environmental Management], uh, defined wetlands and jurisdictional areas."

Mr. Bibler: "Do they have solar siting guidelines?"

Mr. Avizinis: "Yes."

Mr. Bibler: "And do those guidelines recommend against clearing forests in re-, rural areas for solar?"

Mr. Avizinis: "I honestly don't know, but they will approve that – they will review, they've commented on, on the proposal, and uh, they did not make mention of that."

Mr. Bibler replied that he believed that there were "solar siting guidelines" that had been issued. He believed that they were created in "conjunction with [the] Department of Energy", and he advised Mr. Avizinis to "look into that", as he believed that they "recommend against" developing in the aforementioned areas. Mr. DiOrio thanked Mr. Bibler before inviting the next person up to the podium.

The next person to speak before the Board was Town Council Liaison Sharon Davis, of 100 Cedarwood Lane. She said that she had one question. She said that they had walked the property as part of a site walk, and she wanted to know what they were going to do about the stream crossing on the Gordon property. She asked if the applicant was going to "build it up" to access the Gordon property. Mr. Avizinis replied that he was not one of the engineers, but, as an environmental scientist, he had "input into that design, and it's not fully designed at this point, and at this, uh, stage of the game, essentially, um, but it will meet DEM [Department of Environmental Management] requirements". He said that based on the "discussions we've had, it's going to be a spanning, like a spanning bridge, to maintain the, uh, existing substrate in that area, for environmental purposes, but provides stability and decrease any potential of erosion, breakdown of the soils into the wetland or anything like that." Mr. DiOrio replied that that was a "good response", and said that when he was on the site, he asked that question. He asked the applicant if they wanted to expand on that explanation. Jason Tefft, of 33 Fenner Hill Road, appeared before the Board.

Mr. Tefft: "The bridge that's in there right now's a log bridge. Everybody keeps talking about the wood on these projects – I own 'em. I own all the wood on both [of] these projects. I can clear cut them tomorrow. I have the intent to cut 'em. I can show you that. Before I – it came from my father to me, but Donny Gordon – I bought the timber rights. So, everybody wants to say, 'Oh, you can clear cut it', 'You can't -' – I can clear cut it all the way up, almost [to] the wetlands, and take 40% of the wetlands. Marc Tremblay's a forester – he can explain that to you. I can cut it tomorrow."

Mr. DiOrio: "No -"

Mr. Tefft: "You guys are worried about clearing for just the solar field? I can clear more than the solar field. I can go there tomorrow and start cutting."

Mr. DiOrio: “All I care about is the bridge right now.”

Mr. Tefft replied, again, that it was a log bridge. Mr. DiOrio replied that Mr. Tefft had given those who had attended the site walk “a more, uh, elaborate explanation” – “even though it’s not designed - of how you’re gonna cross that stream.” Mr. DiOrio said that that was the question he was asking Mr. Tefft. Mr. DiOrio referred to it as a “box culvert”, and Mr. Tefft said that was correct. He then said that he was replying to Ms. Davis’ question about the bridge. Mr. DiOrio asked Ms. Davis if Mr. Tefft had answered her question. She replied in the affirmative. Mr. DiOrio thanked Mr. Tefft. He then asked if there were any other members of the public who had questions for Mr. Avizinis.

Mr. Denette appeared before the Board again. He wanted to know “what the effects of blasting would be” if the applicant had to conduct blasting on-site. Mr. Avizinis replied that that was “outside of [his] wheelhouse”, but that it was his understanding that there would not be any blasting on the site. Ms. Light interjected that the Ordinance stated that “no blasting on this project will be permitted”, so it was “not gonna happen”, and Mr. DiOrio concurred. He said that it was a “great question”, but that he thought it was “moot.” He then asked if there were any other questions from the public for Mr. Avizinis. Mr. Marsella appeared before the Board again. He said that Mr. Avizinis had mentioned “that you’re not gonna remove any of the topsoil on that” property. Mr. Avizinis corrected him.

Mr. Avizinis: “It will not be sold, and it will not be removed from site, and it will be preserved in terms of, uh, no topsoil will be displaced on-site if it doesn’t need to be.”

Mr. Marsella: “But you are gonna clear the top portion of it off?”

Mr. Avizinis: “There’s certain areas that there’s going to be some grading required, where it will be, yeah.”

Mr. Marsella asked if, “down the road, 30 years from now”, anyone would “be able to plant trees on that site.” Mr. Avizinis replied that the soil would be “preserved on-site”, and that it could be “re-topped once graded to the appropriate elevations”. Ms. Light interjected, and said that she could help explain. She said that it was her “understanding that the topsoil has to be retained, and redistributed” on the site. Mr. Avizinis replied that he did not think it had to be, but that they were going to do that. Ms. Light said that that was a “good financial investment – repurposing” material from the site on the site. She then said that they were “also told that some of the soils were going to be used to build the berm.” Mr. DiOrio said that that was correct. Ms. Light said that they couldn’t “take [the soil] away from its neighborhood, and they can’t sell it.”

Ms. Light: “They need it, but it’s also a requirement. Okay.”

Mr. DiOrio thanked Ms. Light. He then asked if there was “anything else for this expert”. There were not any other members of the public who had questions for Mr. Avizinis. Mr. DiOrio thanked him. He then asked if they were “done, for the time being”. No one in the public objected. Mr. Ryan did not object, either. Mr. DiOrio then turned to Mr. Lamphere, and asked if Board would need “to address an extension” on the project. He said that that was correct. Mr. Craven approached the podium. Mr. Lamphere explained that in his memo to the Board, this matter could be continued to November 3rd. He explained that they were going to send the

proposal out for peer review with Crossman Engineering, and that he didn't know if Crossman Engineering was "going to have enough time to get up to speed on this". He said that he didn't know what the applicant had in mind. Mr. Craven replied that he did not think that Crossman Engineering would "get up to speed" on the project in two weeks, and suggested a date later in November or December. Mr. Lamphere asked the Board if they were "inclined" to have a second meeting in the month of November. The Board was against that suggestion. Mr. Lamphere explained that they were still in the midst of a Public Informational Meeting, so if any members of the public wanted to comment on the proposal, they could still do so. He said that if the applicant wanted to bring forth other experts, they could still do that. Mr. DiOrio said that he did not mean to "conclude efforts" if there were people in the audience who wanted to speak, but that he did not want to "inadvertently lose a deadline". Mr. Lamphere said that they would need an extension, as the current extension was until November 3rd. Mr. DiOrio asked if they could agree to an evening beyond the December meeting. Mr. Craven asked if that limit was in reference to the statute of limitations on the Board's review of the project, and suggested December 7th. Mr. DiOrio replied that that was not going to be sufficient. Mr. Lamphere said that, first, they would need to continue the Public Informational Meeting "to a date certain". Mr. Craven agreed to November 3rd, which had been proposed by Mr. Lamphere. He said that the second thing was to establish an extension for the decision period. Mr. Lamphere asked if he wanted to go to December 2nd when Mr. DiOrio interjected that that was "not good enough." Mr. Craven asked Mr. DiOrio what he would like. He said "at least December 18th or 15th" would be workable, and that it would be used in the event that a "glitch occurs". Mr. DiOrio asked Mr. Craven to choose one of those two dates. Mr. Craven picked the 8th of December. Mr. DiOrio reiterated that he did not "mean to clo-, close anyone down." He continued.

Mr. DiOrio: "If there's going to be further comments, that's perfectly okay, but, at the conclusion, we're gonna continue this to November 3rd."

Mr. Lamphere: "At 6 p.m."

Mr. DiOrio: "At 6 p.m."

Mr. Craven asked if it was going to be held in the Town Council chambers. Ms. Light jokingly asked if it was going to be held at his house. He replied that the location had to be included to avoid the "aggravation" of re-advertising. Mr. DiOrio then said that he was reminded that the applicant would not be able to provide the results of the peer review for the November meeting. He said that if there were parties who wanted to be heard on the application, they could participate at the November meeting. He said that there was a December 1st meeting, and he said that at that point, Crossman Engineering could have "something ready to review", but he noted that there was a possibility that their report would "not be ready." He told those assembled that they would need to "stay tuned" to be aware of when the project would be discussed before the Board. Mr. DiOrio then asked if there were any other members of the public who wanted to comment "on this application this evening." LouAnne McCormick, of 9 Lisa Lane, appeared before the Board.

Ms. McCormick: "And I'm also a retired real estate agent. Um, I practiced real estate in California, southern California, for over 20 years, and I can tell you that if I had people in my car, going out, looking for real estate, in a certain price range, and I showed them a house that

was next to, uh, a solar array, and then I showed them a house that was not next to a solar array, they would pick the house that wasn't next to a solar array. It's that simple."

She then said that she knew, "for absolute certain", that the buyers of properties that Mr. Craven had referenced "were not told of this solar farm comin' in." She said that the sellers were "perfectly aware of it, but, unfortunately, uh, Rhode Island real estate law does not have a disclosure of material facts." She said that California does, and that those sellers "couldn't have gotten away with it in California, but you can get away with it here." She said that as she walked through her neighborhood and told her new neighbors about the proposal, "they were just beside themselves that they had purchased these properties from people that knew that the solar fie-, you know, the solar thing was being, you know, proposed." She said that the sellers "left because of it, and didn't tell the buyers." She said that this was a "situation that's happening over and over and over again in our neighborhoods", where people were "moving in and finding out after the fact." She rhetorically asked if those buyers would have "paid that for their properties", or if they would have even bought them at all. She said that she thought it was "pretty easy to say that, you know, there would have been different choices made, had they had a full picture of what was going on, behind their houses and next to their houses." She said that she was grateful to the Board that they "initially, um, had a negative opinion on this proposal", and "for the fact that [the Board] could see, you know, the big picture". She continued.

Ms. McCormick: "You know, the fact that the Town Council made this decision, even though we showed up in record numbers, night after night, for these hearings over at the Town Council – I mean, people pleaded, they reasoned, they brought reasonable questions, they brought reasonable concerns – more than one person cried, you know, as we were going through this. They received countless e-mails and letters and it, it's like – it's hard to imagine a worse siting position – other than Maxson Hill, mind you. Um, I think that they're, you know, they certainly have, um, you know, have had, also, a very, very difficult situation, and a raw deal, in my opinion. Um, but the Town Council approved it anyway, so here we are. Um, the fact is, is that – and I have read the Comprehensive Plan, and nowhere in there does it legitimize the rezoning of residential land to com-, to commercial to facilitate any private, industrial-scale electrical utility. It talks about, um, using solar for the Town, for the Town's usage, potentially, you know, looking into developing that. It talks about people being able to put solar panels on residential property for their own use, but it, this, this whole thing has just been perverted into this bizarre solar, you know, utility, plunked into the middle of a residential neighborhood. Um, you know, we've been forced to spend our time and money to defend our homes and neighbors from the threat of enc-, you know, this encroachment – by the actions of our own Town. That, that's just – I mean, I don't, I don't get it. We're the taxpayers, you know? We, we detailed our safety concerns, uh, the environmental impacts, the effects on the surrounding property values, and, and it's like, I just - I feel like we're, um – it's just very frustrating. I, I, so, that, that's the best way to put it. It's very frustrating. And to have somebody question whether or not it would impact property values is just – I, I don't get it. How could it not? You know? Um, com-, this commercial – no commercial - this is, this is my opinion, and obviously I'm extraordinarily biased – but I don't believe that any commercial plan should be allowed to impact, or interfere, with the quiet and peaceful enjoyment of the surrounding properties that were purchased in a wholly residential neighborhood, without a commercial zone in sight, when those properties were purchased. Zones are separated for a reason, and putting a commercial zone directly abutting homes is asking for

trouble. How about kids? I mean, we - we're talking about something directly abutting a neighborhood where kids are out playing. What's gonna keep a kid from climbing, uh, a chain link fence, and going to, you know, play, play f-, you know, forts in the middle of a solar field? Okay, so what could go wrong there, right? I mean – it just doesn't belong against our homes and against our neighborhoods. No, no homeowners – no property owners should be forced to have any property value decline in order to facilitate someone else's gain. Not one home should take a hit based on someone else's gain. There shouldn't be any line of sight. There shouldn't be any noise. No water runoff. No change in natural light – which a berm would definitely do – nor should they have to look at a 12-foot dirt wall. So, I mean, we're – we're coming to you. You guys know we're frustrated. You know what we've been through. You know how long this has been. You know the fact that we've been out, we've been talking to people. You know, this has probably been goin' on three years now, and, um, the fact that, you know, that we're, that we're at this stage, and that there are questions of whether or not, you know, this is, this would impact our neighborhood just blows my mind. Of course it's gonna impact our neighborhood. You know, and, and we're counting on you guys, you know, our Planning Board, to, you know, to apply your knowledge, your expertise, and, quite frankly, your common sense, to protect us, protect us from this. Thank you."

Mr. DiOrio thanked Ms. McCormick. Those in the audience clapped for her. He then responded.

Mr. DiOrio: "So, listen, I don't wanna rain on your parade, but you realize that many of the concerns that you raised – there's not very much that I, as a Planning Board member, am gonna be able to do for you. You know that, right? As much as my heart would like to, that horse has left the barn. This Planning Board did what it was supposed to do at the outset of this project, which was say, 'This is not a good idea.' Our concerns were overridden, and we are left holding the bag, and there's only so much that we can do. I think I made this statement just a few minutes ago. So, I hear everything you're saying - my heart bleeds – but, I don't want you to expect that we can turn lead into gold. That – that's just not gonna happen here. So, just want to make sure that that's on the table. Anyone else that wishes to be heard on this application? I see no hands. This is supposed to be a controversial project. Nobody cares?"

A woman, later identified as Lisa Huftalen, of 13 River Meadow Drive, joked that Mr. DiOrio had "made [her] afraid to speak". Those in the audience laughed. Mr. DiOrio replied that he was just trying to "speak candidly." Ms. Huftalen then appeared before the Board. She explained that she "a mile past" Lisa Lane, "where [her] property can be affected, but not quite so greatly." She explained that she lived on the river, and cited a number of animal species that she had seen – turkeys, deer, and "a bear this week – or last week" on and around her property.

Ms. Huftalen: "Um, and the people who use the river – I mean, it's, you know, the fishermen who come through. It's the kayakers who come through. It is such a resource for this Town, that could be taken advantage of, but I'm afraid - if you're putting in solar arrays around the river, that it's going to hurt it, and it's gonna hurt everything that goes along with it. So, you know, I realize what you're saying is it's a little late now to, to do anything, but, by golly, to me, the Wood River is one of the greatest resources we have, along with some of our hiking trails, and people come from all over the State to enjoy what we have in Hopkinton, so I just hope that there's something you can do to preserve some of that, and wrecking the, the way the deer walk

through and the turkeys come through, and I know, I was told, ‘Oh, there’s a lot of animals in Pascoag’, or whatever. You know, it’s like – yeah, but that’s pretty far away. That’s not here. So, that’s all I have to say. Thank you.”

Mr. DiOrio thanked Ms. Huftalen. He spoke again.

Mr. DiOrio: “And please don’t misunderstand my comments. I didn’t say there was nothing that we could do.”

Ms. Huftalen: “Okay.”

Mr. DiOrio: “Okay.”

Mr. DiOrio then asked if there was anyone else who wanted to comment on the proposal. Joann Serydinski, of 19 Malo Drive, appeared before the Board. She began speaking before she reached the podium, and Mr. DiOrio reminded her to speak into the microphone. She explained that she is not an abutter, but that her “family is.” She said that they were “probably the largest abutter, as a next-door neighbor, on 173 Skunk Hill Road.” She continued. She said that she was “concerned, as a future grandparent” about the environmental impacts of the proposal that would be “felt greatly, by [her] grandchildren”. She said that 173 Skunk Hill Road was “in the topography, uphill” from the array. She said that if they didn’t “look at the top of the solar panels, they’re gonna look at the top of a, a berm.” She said that she couldn’t “imagine what that will look like.” Mr. DiOrio asked Ms. Serydinski to identify where her property again. Ms. Serydinski reiterated that she lived on Malo Drive, and that it was her daughter who lived on Skunk Hill Road. He asked if she had “the plat and lot, perhaps”, so they could identify the parcel in question. Ms. Serydinski said that the last name would be “Johnson”. Ms. Serydinski’s daughter, Johnna, then appeared before the Board. Ms. Serydinski stated that her daughter did not know about the proposed array when they purchased the property, and that a neighbor told them. She said that she was “getting also nervous” based on Mr. DiOrio’s comments, and asked what her daughter could do. She wanted to know “what recourse do they have”, as the “kids bought that house.” She said that the house that they purchase “was not livable, and they’re turning it into a beautiful place, and their property values will decrease”. She said that she agreed with Mr. Houle. Ms. Hogan asked Ms. Serydinski to point out the property on the map. Ms. Jalette interjected that it was the former Jacques H. Delaporte Irrevocable Trust property. Ms. Hogan thanked her. Mr. DiOrio spoke again.

Mr. DiOrio: “So, again, don’t, don’t misunderstand my comment. The, there’s – the Planning Board can do everything within its jurisdiction, okay? But for those folks in the audience – and I know that they’re out there – who think that the Planning Board can overturn, and undo the actions of the Town Council – that’s not happening. That’s not our authority. If we try to do this, we’re just gonna get whipped. So, we’re not going there. So, I don’t wanna disappoint anyone who has a misunderstanding of what the Planning Board can do at this stage of the game.”

Ms. Johnna Serydinski: “Okay, so, I hear a lot about a vote. So, at the end of all of this, there’s a ‘yes’ or ‘no’ vote if I’m understanding correctly. So, I guess, what exactly is the ‘yes’ – what is happening if it’s ‘yes’, and what is happening if it’s a ‘no’?”

Mr. DiOrio: “Well, we don’t know that. We are a long way from a decision on this project.”

Unidentified member of the audience: “No.”

Ms. Joann Serydinski: “So, the project is approved, is what I’m hearing from the gallery.”

Mr. DiOrio: “No, the project is not approved.”

Ms. Joann Serydinski: “That’s what he just said. He said ‘project’s approved’.”

Mr. DiOrio: “He’s not at the podium. I have no idea what he’s saying.”

Ms. Joann Serydinski: “Okay.”

Mr. DiOrio: “The project is not approved.”

Ms. Joann Serydinski: “Okay. Okay. So, there is some mitigation that might happen for these folks that are the closest abutter -”

Mr. DiOrio: “Absolutely.”

Ms. Joann Serydinski: “Whose name does not even appear, um, so there’s been no consideration as to what would happen between their property and the solar fields, which I, again, arguably think, are the largest abutter, um, so, I’m just wondering -”

Here, Mr. DiOrio and Ms. Hogan were conversing about the map. They asked if there was a house on the property. Johnna Serydinski replied that there is a house, and that it is close to the road. Mr. DiOrio asked Joann Serydinski what her question was.

Ms. Joann Serydinski: “My question is, um, because they were very late in the game, they didn’t know a solar field’s going in until a neighbor told them, um, after they had already purchased the house, and this project is where it is, and what is the mitigation between their property and if, if, if they object, and they don’t even know what it looks like – it’s hard to tell, um, so what does it look like, for them? Do they have any – I, I’m worried that this is a kinda done deal -”

Mr. DiOrio: “It’s not a done deal.”

Ms. Johnna Serydinski: “I guess that’s the confusion, then.”

Ms. Hogan: “So, I would suggest – this is Mr. Craven right here. He’s the attorney for the applicant. I’m sure that he would give you his business card, and if you’d like to reach out to him, to discuss what your concerns are, and what mitigation measures might be appropriate for your property, I am sure that Mr. Craven will talk to you.”

Mr. DiOrio: “Thank you. And I will add that, so far, this applicant has been to, to their credit, this applicant has been receptive to addressing concerns, so, if there’s something that you’d like to see done, you wanna talk to the applicant, and then the two of you want to come before this Board to see if we can implement those, that thinking. But you’ve gotta make your requests known. If we don’t speak up, I don’t hear anything – nor does the applicant. So, take advantage of that invitation.”

Mr. DiOrio then asked if there were any other members of the public who wanted to comment on the proposal. Ms. Johnna Serydinski appeared before the Board again. She explained that she had sent a letter to the Planning Department. Ms. Jalette added that they had received that letter, and that “it would be included in [the Board’s] next packet where this will be heard”, as she knew that the Board isn’t “crazy about getting material, like, right before a meeting.” She reiterated that Ms. Johnna Serydinski’s letter would be disseminated to the Board. Mr. DiOrio said that that was good. Ms. Johnna Serydinski had another question. She said that in her letter, she did “address the fact that there is no vegetation screening”, and that she wasn’t sure what the reasoning was for that. She said that there was “nothing planned” for the area of the subject property that abutted her property. She wanted to know if what she brought up in her letter would be “automatically addressed at the meeting”, or if that was “something still separate” that she should ask about. Mr. DiOrio replied that he was only speaking for himself, but that he would

“open up conversation with the applicant’s counsel immediately”. He said that it was “great” that she had sent the Board an e-mail, but he said that they should get her “concerns to the applicant, and give them the opportunity to assess whether they can implement it”. He said that he was “confident that if they can, they will” – and said that if they did not, she should “come back here and tell us.” Ms. Johnna Serydinski thanked Mr. DiOrio. He then asked if there was anyone else in the audience who wanted to be heard. Ms. Shumchenia weighed in. She said that it wasn’t “normal, right, for a homeowner to have this happen to them when they buy a house for the first time, and have to deal with these issues”. She said that she “encourage[d] people to come to these meetings and learn about” the process, and that they “don’t explain [the process] at the beginning of every meeting”. She said that people weren’t familiar with the Planning Board process, and that they didn’t have “a packet in your mailbox that explains how this goes”. She then encouraged people to ask questions, and said that she wanted people to “feel like they can ask”, which she wanted to be clear about. She said that she didn’t “feel the need to apologize, ‘cause [she’s] just a Planning Board member”, but that she thought that it was “really unfortunate” that “half the people in this room, probably, have had to hire a lawyer, as a resident of this Town, to just address normal issues that they encounter as a homeowner”. She said that she had considered hiring legal counsel herself, and that “a lot of people have, just because of the actions of, of the previous Town Council and other things that have happened.” She said she “just wanted to express that”. She thanked those assembled for attending, and reiterated her encouragement for those who wanted to ask questions. Mr. DiOrio thanked Ms. Shumchenia. Ms. Davis spoke next. Ms. Jalette asked Ms. Davis to speak at the podium. Mr. DiOrio thanked Ms. Davis for approaching the Board.

Ms. Davis said that she thought that it was “a little confusing when you say something like, ‘The Planning Board’s hands are tied because of what the Town Council voted.’” She continued.

Ms. Davis: “You have to take this project as far as it can go. That is your charge - and to make sure that, along the way, it, it adheres to the, the guidelines that are in the Planning section, of all the statutes, as etcetera – and, that you take into consideration what the abutters are looking for. But, the bottom line is – this is going to go forward. It just – you know, you - the only thing you can do is shape it. You cannot get rid of it. And so when you say, ‘It’s not a done deal’, but in a way it is – so don’t tell them that it’s not a done deal.”

Mr. DiOrio: “Wait a minute – we - I think we have a disagreement here. You folks voted to change the zone.”

Ms. Davis replied that she did not vote to change the zone. Mr. DiOrio replied that he understood that, and that he was using the collective “you”. He continued.

Mr. DiOrio: “I don’t have to vote to approve this project.”

Ms. Davis: “No? Not, not ever?”

Mr. DiOrio: “I can say no. Now, I’m sure that they’ll be in Court the next day, but I can say no. If I buttress my argument properly, I can say no. This is the Planning Board. All you did was change the zone.”

Ms. Davis: “Okay!”

Mr. DiOrio: “So, I’m gonna stand by my position that this is not a done deal.”

Mr. DiOrio then said that he was “not predicting that that’s going to happen – don’t, don’t misunderstand.” Ms. Davis replied that she “really thought that all you could do was kind of shape it.” Mr. DiOrio replied.

Mr. DiOrio: “Change the color of the fence? No, that would not be correct. Not in my opinion.”

Ms. Davis replied that she thought that it was “more than changing the fence”, and Mr. DiOrio said he understood what she was getting at. Ms. Davis expressed surprise, and said that if Mr. DiOrio said that they could “say no”, she was “amazed.” Mr. DiOrio reiterated that that was his position. Ms. Davis thanked him. Mr. DiOrio replied.

Mr. DiOrio: “Otherwise, why would we have a Planning Board here? You should have just – the Town Council, the Town Council should have just approved the entire project, and they would be building by now. That’s not the way the process works. My opinion. I have my Solicitor here. She hasn’t hit me yet, so...”

Those assembled laughed. Mr. DiOrio continued, and asked if there were any “last minute” comments. Mr. Bibler appeared before the Board again. He said that he was “glad” that Mr. DiOrio had said that, and that he thought it was “crystal clear.” He continued.

Mr. Bibler: “I had to step out for a moment, and I just passed a couple of people who left the room in tears – who felt that your previous dis-, statement, um, that, ‘My hands are tied’, ‘I can’t change this’, implied that the – it was the belief, your belief, that the, the opposite – that the Planning Board was obligated to approve this project, so, um, as you can see, you know, a considerable amount of expense has been, has been laid out, and people are here, you know, pleading their case for the opposite, and the way we read those [Land Development and] Subdivision Regulations are that you have to make a series of findings that the Town Council can’t dictate your findings for you on, you know, um, the environmental issue, the Comp[rehensive] Plan issues and so forth, so, um, I guess I just wanna be totally clear that the Planning Board has the authority to approve or deny this application, correct? And then the, and then the – either side has the, has the, uh, right to appeal, but it’s really important that people in the neighborhood who may or may not come back to the next meeting, or people in Town to express their views, understand, very clearly, that this Board is open-minded, and this Board has independent authority, and this Board has separate authority from the Town Council, and that they may either approve or deny – based on the specific criteria, laid out in the Town ordinances, and the State statutes – is that correct?”

Mr. DiOrio: “Well, listen – that’s my understanding. If folks misinterpreted – my comment was more along the lines, and I, I’ve been approached many, many times – folks think that we can undo what the Council did, and that is -”

Mr. Bibler: “Zoning?”

Mr. DiOrio: “Not accurate.”

Mr. Bibler: “But that’s zoning you’re speaking of.”

Mr. DiOrio replied in the affirmative. He said that zoning was “pivotal to our discussions.” He continued.

Mr. DiOrio: “Uh, one of the experts spent a lot of time this evening educating us about what the Comprehensive Plan said, and how this doesn’t fit into a residential – that is moot. That’s gone by. I can’t do anything about that. But, can I address the specifics of the project? Yes, I believe as a Planning Board member, I can do that.”

Mr. Bibler: “But can you make a determination, based on the criteria that require positive findings? Can this Planning Board come to a conclusion that they’re unable to make the requisite positive findings, and, therefore, they’re going to deny the application outright? That’s possible, correct? Not just how high is the berm and so forth, right?”

Ms. Light: “That’s what you said earlier.”

Mr. DiOrio said that he believed that that was the case. Mr. Bibler replied.

Mr. Bibler: “I want to be clear on that, because I think if, you know, there, there may be an awful lot of people that are never gonna come back if they feel that you’re not gonna – you don’t feel you can -”

Mr. DiOrio: “Well, I mean -”

Ms. Light: “We can -”

Mr. Bibler: “Including me.”

Ms. Light: “We could use that positive marketing from you. Send some e-mails out, and communicate to that community, just like you did yesterday, that the meeting was coming out, coming up.”

Mr. Bibler: “Right.”

Ms. Light: “We could use that positive marketing - if you want to share that updated information.”

Mr. Bibler replied that he would “try to make that point clear”, but that it needed to be clear to him first, as that was a “very critical point.” Ms. Hogan interjected.

Ms. Hogan: “What is also critical is that, to the extent that the Town Council has ruled, on this application, the conditions, whatever they might be – this Board has absolutely zero authority to overturn. A challenge has already been mounted against that decision. It has been dismissed by the Superior Court. Al [DiOrio] made it very clear earlier – we do not sit – this Board does not sit as the Superior Court – has no authority to do so. So, his hands are indeed tied to a degree. To the extent that there’re issues that the Town Council did not cover, and that are requisite for the Planning Board to decide – we don’t know which way that’s gonna go.”

Mr. DiOrio: “But I am correct in that we have some latitude in making an independent decision?”

Ms. Hogan: “Some.”

Mr. DiOrio: “Within the confines of the Town Council’s ordinance.”

Ms. Hogan: “Correct. You, you don’t get to overrule the Town Council’s determination of consistency with the Comprehensive Plan, and we’ve heard that drumbeat a lot of times – and you do not have the authority to overturn the Council’s decision in that regard. Simple as that.”

Mr. DiOrio: “Right. So, good – I hope I made that point clear. And if folks left prematurely, thinking that, I don’t know, I was saying something else, that is really what I was alluding to – that we’re boxed in by what the Town Council did, in terms of their setting the ordinance.”

Ms. Shumchenia: “I, I just wanna be, like, 100% clear, for my own benefit. Are you saying, Maggie [Hogan], that we have to - we must find this project consistent with the Comprehensive Plan, because the Town Council modified the Comprehensive Plan to ensure that the project was consistent with the Comprehensive Plan?”

Ms. Hogan: “I’m saying that your obligation, based on the fact that the Town Council passed an ordinance, and changed the Comprehensive Plan in order to do so, that there’s very little left on the table for you to say, ‘It’s not consistent with the Comprehensive Plan.’ Council all ruled. Council’s the one that adopts Comprehensive Plan, and the Zoning Ordinance. If you’re to find a reason to deny this application, I wouldn’t anticipate that it would be on those grounds.”

Ms. Shumchenia: “Okay.”

Mr. DiOrio asked Ms. Shumchenia if she was “clear on that one.” She nodded. He then asked if there was anyone else “wishing to be heard on this application this evening”. Mr. Lamphere said that the applicant had “assented to a continuance to December the 8th.” He said that they would need a motion to “definitively continue the Public Informational Meeting to November 3rd”. The Board then discussed whether or not they had made a motion on that already. They came to the conclusion that they hadn’t, and that they were “still taking testimony”. Mr. DiOrio asked if there was anyone else who wanted to weigh in. There were not any other comments.

Ms. Shumchenia made a motion to continue the Public Informational Meeting to November 3rd at 6:00 p.m. in the Town Hall, and to continue the review of the project to December 8th. Mr. Prellwitz seconded the motion.

In Favor: DiOrio, Prellwitz, Light, Shumchenia, Lindelow

Opposed: None.

Abstain: None.

5-0, the motion passed.

Mr. DiOrio thanked those assembled for their discussion. Mr. Prellwitz said that he wanted to throw his “two cents worth in here.” He said that he felt “very bad” for Ms. Serydinski, as she had purchased a house, and it seemed “like the real estate agent treated her unfairly”. He encouraged her to contact Mr. Craven “and do what you gotta do.” He continued.

Mr. Prellwitz: “Second of all, if people are so upset because they misunderstood how the laws are written, and they left and they say, ‘Well, I’m not coming back’, that’s up to them. Get involved. Come back. Voice your opinion. Talk to the attorneys involved. If you’re gonna sit home and cry about it, you’re gonna get nothin’ done. That’s just my opinion. Get involved, or get out of the picture. Thank you.”

Mr. DiOrio thanked those assembled again. They then moved on to the next agenda item.

NEW BUSINESS:

Master Plan – Public Informational Meeting – Major Land Development Project – Atlantic Solar – Plat 7, Lot 32, Plat 10, Lot 87, Plat 11, Lot 35, 0 Main Street. Atlantic Solar, LLC, applicant.

Mr. DiOrio recused, and Ms. Shumchenia served as the Chair. Ms. Jalette accepted Mr. DiOrio's recusal form. Mr. Craven appeared before the Board. Ms. Shumchenia then introduced the project. She mentioned that, as it was nearly 10:00 p.m., she wanted to note that the Board's "timeline to render a decision on this Master Plan is by October 28th, which is next week". She said that, as they did not "expect to make a decision in the next half hour", the Board would "need to continue, talk about continuing, this Public Informational Meeting to a date certain, and continuing the review of the project", like they had done for the previous project. She asked Mr. Lamphere if he had "any guidance about openings in future agendas for continuing" the Public Informational Meeting for the project at hand. He said that he would suggest that the Board open the Public Informational Meeting, continue it to November 3rd, "and then ask the applicant to agree to a, consent to an extension on the, uh, review period." She said that they were going to do what they had done for the previous project – discuss the project and then the continuance. She asked what a "recommended date for the extension of the review period" would be, "since this is one of the first, um, sessions of this Public Informational Meeting". She said that she would assume that they would want to "continue at least a few months". Mr. Lamphere asked Mr. Craven what he was "willing to offer." Mr. Craven asked for December 8th, but Ms. Hogan asked to make it into January. They discussed when the meeting in January would take place. Ms. Jalette interjected that it would be January 5th. The Board and the applicant discussed a few more dates. Mr. Craven suggested January 5th, but Ms. Hogan said that the Board would "need more time" to make a decision. She said that even if the Board heard it on the 5th, "it wouldn't be ready for a decision." They came to the conclusion, in conjunction with the applicant, that the review period would be extended to January 19th.

Ms. Shumchenia opened the Public Informational Meeting, and invited the applicant to speak before the Board. Mr. Craven asked how much time they had that evening, and asked if they wanted to "just open it for purposes of having it opened", and continue the discussion to the next meeting. Mr. Craven said that the Board could "go home and cry because the Red Sox lost 9-1". Ms. Shumchenia jokingly said: "Denied!" Those assembled laughed, and Ms. Shumchenia jokingly asked where the gavel was. Ms. Hogan joked that it wouldn't be the first time that the Chair would have to use the gavel. Ms. Shumchenia then explained that they would hear the applicant's presentation until 10:25, as they would be in session until 10:30, and there were a few minor things left on the agenda, like the Public Forum. She then reiterated how the Board would handle the application. Mr. Prellwitz said that they would need to arrange some site walks. Ms. Shumchenia said that that was a "great point". Mr. Prellwitz joked that they could use some of his snowmobiles, but that he was not sure how that would work out for those involved. Ms. Hogan encouraged the applicant to confer with Ms. Jalette "assemble dates" like they had done for the Skunk Hill project. Mr. Craven said that that was "a good process". Ms. Jalette agreed. Ms. Hogan said that it would have to be done sooner rather than later, to avoid inclement weather. Mr. Craven said that they would get a schedule together like they had done in the past.

The Board decided that they would get through as much as they could that evening. Mr. Cherenzia began arranging the maps on easels before the Board. Mr. Craven introduced Mr. Cherenzia, and said that he was the engineer for the project. He asked to have Mr. Cherenzia accepted as a "licensed engineer in the State of Rhode Island." Ms. Shumchenia replied that that wouldn't be a problem, and that the Board knew "Sergio [Cherenzia] well." Mr. Cherenzia began.

Mr. Cherenzia explained that the plans had been prepared by his office, Cherenzia and Associates, as well as Woodard and Curran. He introduced Denise Cameron, of Woodard and Curran, who was “pretty much the lead on the engineering”. He said that his office had “prepared the base survey plans”, and that he had “done, um, some work” in reviewing the engineering site plans.

Mr. Cherenzia explained that the subject properties were three parcels, “located on Main Street in Hopkinton.” He said that, cumulatively, the parcels totaled “approximately 30 acres”. He said that the site was “situated and accessed off of, uh, Main Street” and that Interstate 95 was to the south and southeast. He said that there were “other abutting, uh, residential properties” to the north and the south. Mr. Cherenzia said that the properties had been rezoned by the Town Council “as of March 2nd, 2020” from RFR-80 to commercial, “with restriction on the land use, um, through the Zoning Ordinance and the Comprehensive Plan Future Land Use Map amendments.” He said that photovoltaic solar energy systems are allowed within the commercial zone. He said that he was going to keep his comments brief on the existing site plan. He said that the site slopes from the north to the northeast to the southwest, and there is a “relatively significant wetland complex on the southwestern” portion of the site. He said that the shaded areas on the map indicated where the wetlands were. He said that there was a “small wetland complex, uh, to the north” as well, which had been flagged and delineated by Natural Resource Services, Inc. He stated that Scott Rabideau is the principal of that outfit. He continued. He said that “generally, the site drains in those directions”, and that some of it drained towards the wetlands in the north, while some of it drained towards the wetlands in the south and southeast. Ms. Shumchenia interjected. She asked Mr. Cherenzia to focus his presentation on orienting the Board to the “important features of the proposed plan” so that they could have a “mental image” on their site walks. Mr. Cherenzia replied, “Absolutely.” He said he would “jump right into the, the proposed plan.”

Mr. Cherenzia explained that the areas shaded in blue on the plans were where “the solar panels are situated.” He said that the site was going to be accessed by an “existing path, uh, that was on the survey plan”, which was off of Main Street, in the “northern corner”. He said that the access route would go through the property “along the northern boundary” and into the site, and that there was a turnaround “about halfway up, um, two-thirds of the way up” in the triangular parcel. He said that the storm water on the site would be “collected in swales”, and then “conveyed to, uh, detention basins – one of which is at the south” portion of the site. He noted that “the site does need to be cleared” to allow for the installation of solar panels, “however, as a function of that clearing, this site will be changed from a wooded area to a grassed area, and, uh, anything under those panels will, will be revegetated, the soils will be stabilized, the soils will remain on-site, um, with the minimal earth-moving that needs to take place”. He said that “all that storm water will be treated, uh, both for, uh, for quantity and water quality” before it would be “allowed to discharge, and metered out into the wetlands, in the same, more or less in the same, uh, fashion, the same rate, and, uh, to those, to those wetland complexes.” Mr. Cherenzia said that they were “mimicking the, uh, conditions from pre- to post-development on the solar facility.” He said that there was “not a lot of impervious area”, and that, typically, they would use “gravel and stone drives, uh, access ways - interior to the site.” He said that the panels themselves were impervious, but that any water that would run off of the panels would be able to get into the ground below. He said they would need to “mitigate the impacts” from the change in

the site from a wooded one to a grassy one, as that “does create slightly more run off.” He said that the design he was presently would provide those mitigation measures. He stated that the project would have to go through the wetlands permitting process with the Rhode Island Department of Environmental Management “to, uh, make sure that all those impacts are mitigated appropriately.” He said that those were “the highlights”. He asked Ms. Cameron if she knew “the area of the development”, and then found the answer as he reviewed his notes. He said that “10.4 acres is going to be, um, developed, with the, um, uh, solar facility – that’s the fenced in area”. He said that they “anticipate[d], um, creating buffers”, and that “there should be a substantial buffer left” between the array and Interstate 95 “so it won’t be seen from the highway.” He said that they did “intend, and have proposed, uh, landscaping and berms”, like their other project, which would “mitigate any visual impacts of the facility from neighboring properties.” Mr. Cherenzia then asked how much time he had left. Ms. Jalette replied that he had ten minutes. He said that he didn’t think that he had “too much more” to say on the proposal at that time, and that it was a pretty general overview. Ms. Shumchenia said that they would go to Planning Board members to see if they had questions about the plan that was proposed. Mr. Prellwitz had a question. He said that when the application had appeared before the Board “a year or so ago” that a different panel configuration was proposed. He asked if that was still correct. Frank Epps, of Energy Development Partners, who was sitting in the audience, indicated that that was incorrect. Mr. Lindelow concurred with Mr. Epps. Mr. Epps appeared before the Board to explain. He said that Mr. Prellwitz was correct – that they had initially talked about “doing it east-west, uh, configuration”. As the “size of the panels have changed”, the applicant would be able to meet their requirements with a “south-facing, um, orientation.” Mr. Prellwitz thanked Mr. Epps. Ms. Shumchenia spoke again.

Ms. Shumchenia: “Okay. Um, recognizing that we are going to next continue this Public Informational [Meeting], I’m inclined to just move on to that phase here, and not take public comment on this project tonight. The time to do that will be to come back on November 3rd, um, hear any more detail that the applicant wants to share. We, perhaps, will have questions after walking the site, and we’ll allot time for the public to ask questions and make comments. So, at this point, we’d like to entertain a motion about continuing the Public Informational [Meeting] – if that’s agreeable to other Board members.”

Mr. Prellwitz made a motion to continue the Public Informational Meeting to November 3rd at 6:00 p.m. in the Town Council Chambers, and to extend the project review period to January 19th, 2022 at this location at 6:00 p.m. It was seconded by Ms. Light.

In Favor: Shumchenia, Prellwitz, Light, Lindelow, Wayles

Opposed: None.

Abstain: None.

5-0, the motion passed.

SOLICITOR’S REPORT:

Ms. Hogan said that the Zoning Board of Appeals would have a meeting where “the appeals of Revity – we expect a decision – and all argument on the appeal for Stone Ridge” would be heard.

PLANNER’S REPORT:

Mr. Lamphere said that he did not have anything to report.

CORRESPONDENCE AND UPDATES:

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

PUBLIC FORUM:

Betsy Alvarez, of 574 Main Street, appeared before the Board. She explained that she is an abutter to the Atlantic Solar project, and that she had been there all night. She said that it was “fine” that she “wasn’t able to speak” on the proposal, and that, as an Advanced Placement American Politics teacher, she thought that the Board’s delineation of what they could or could not do was “great”. She said that she hoped that she wouldn’t “sit here for four hours again” so she could speak. She said that she had spoken with the applicant in the past, and she was “surprised that it wasn’t built, because [she] didn’t really know the process”. She said that she was “probably the only one here” from the public for the Atlantic Solar project, and she just wanted to make sure that she could be heard, without having to “sit through four hours of the Skunk Hill project, just to get suggestions to kind of work with them.” She said that it was “going in”, and that “it is what it is”, and that she had expressed that sentiment before. She reiterated that she did not want to have to sit in the chambers, and that it was a very long time for a person to wait to comment on a project. She said that she didn’t know how the Board did things, but that she felt that a lot of people would speak on the Skunk Hill project. She reiterated that she wanted to make sure that her voice was heard. Ms. Light suggested that Ms. Alvarez could write a letter to the Board ahead of their meetings, to give them “food for thought”, or “things [they] could ponder”. She said that Ms. Alvarez could use that as an avenue to have her concerns heard while working around her schedule. She replied that she was more curious about the proposal, and that she wanted to know more information about. She said that it was “just a long time to be waiting, to even hear about the plan.”

DATE OF THE NEXT REGULAR MEETING: November 3, 2021

ADJOURNMENT:

Mr. Prellwitz made a motion to adjourn. It was seconded by Ms. Light. There was not any further discussion.

In Favor: Shumchenia, Prellwitz, Light, Lindelow, Wayles

Opposed: None.

Abstain: None.

5-0, the motion passed. The meeting was adjourned at 10:26 p.m.

By: Talia Jalette, Senior Planning Clerk, 1-6-22 (Extension Request for filing minutes granted by the Planning Board at their November 3, 2021 Meeting).