

The Hopkinton Planning Board

Held a Hybrid Open Meeting on

Wednesday May 4th, 2022 AT 7:00 PM

Town Hall 1 Town House Road Hopkinton, RI 02833

Call to Order: Chairman Mr. Prellwitz called the meeting to order at approximately 7:00 PM

Roll Call: Present Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Pennypacker, Mr. Wayles, Solicitor Hogan, Town Planner Jalette, Planning Clerk Spellman, and Ms. O’Leary liaison from the Hopkinton Conservation Commission

Pre Roll Call for the June 1st, 2022 meeting: Chairman Mr. Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Pennypacker, and Mr. Wayles will all be in attendance.

Approval of the Minutes: Meeting minutes were available for approval from the February 2nd, 2022 Meeting, the March 1st, 2022 meeting, and the April 6th, 2022 meeting. The meeting minutes were motioned for approval as a group. Ms. Shumchenia made a motion to approve the February 2nd, 2022 Planning Board meeting minutes, the March 1st, 2022 Planning Board Meeting minutes and the April 6th, 2022 Planning Board Meeting minutes. Ms. Light seconded her motion. Chairman Mr. Prellwitz, Ms. Light, Ms. Shumchenia, and Mr. Wayles all voted to approve. Mr. Pennypacker abstained as he had missed one of the meetings in question.

OLD BUSINESS:

Continuance Request – Master Plan- Public Information 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:

Attorney Nicholas Solitro spoke on behalf of the applicant, Skunk Hill Solar via Zoom. (Initially there were issues with the volume of his feed, which was immediately corrected.) Attorney Solitro advised that he was appearing for the applicant in the place of Attorney Craven. Attorney Solitro sought a continuance to the July 6th, 2022 meeting for this project, and the Atlantic Solar project. Attorney Solitro indicated that his applicant was still working with Crossman Engineering, (who represents the Town of

Hopkinton, RI) to address and remediate concerns discussed at previous meetings. Attorney Solitro sought for both to present in “conjunction” after a “consult”. Attorney Solitro sought an extension to the July 6th, 2022 meeting. In discussion with Town Planner Talia Jalette, he further indicated and he believed, that he had to formally agree to an extension to July 13th, 2022 for the Planning Board to report out its decision. This was affirmed by Planner Jalette as the past practice of the Planning Department and the Planning Board with previous applicants. Attorney Solitro indicated that that was acceptable to his client the applicant.

Ms. Shumchenia expressed concerns that the Planning Board had not taken a Pre Roll call for the July 6th, 2022 meeting. Ms. Shumchenia had concerns as to a quorum existing, and time to review all documents as it was close to the July 4th holiday, and vacation season. She advised the Chair she would be unable to attend the July 6th meeting and wanted to defer to a July 13th, 2022 date for a meeting to review.

Attorney S. Paul Ryan spoke for the abutters who wish to speak on this matter. He advised that they were available on July 6th, 2022 and not available on July 13th to give their collective input on this matter.

Chairman Mr. Prellwitz advised he wanted to ensure all parties had opportunity to give their full input in on this application. Solicitor Hogan advised the Planning Board that as to matters of quorum, to ensure that those seeking to decide this matter, were in attendance at all meetings regarding the application to be decided. Attorney Solitro advised in consultation with his team that they were available for either the July 6th or the July 13th meeting. Town Solicitor Hogan indicated that it may be best to move this applications review to the August 3rd meeting and enquired as to how full the projected agenda for that meeting was to Town Planner Jalette. Planner Jalette advised that the meeting was amenable to hearing that project at that date.

With August 3rd, 2022 meeting as a date to present this application, the date of August 10th, 2022 was given as a decision date. Attorney Solitro indicated that both dates were acceptable to the applicant. Ms. Light indicated to Attorney Ryan that the Planning Board encourages Email and letter communication from all to assist in weighing all concerns before making a decision. She further indicated even in a “bullet point format” indicate their concerns so the Planning Board so that they could have it and include that input in their review process. Attorney Ryan indicated he would speak with his clients as to their receptiveness for alternative forms of testimony. Attorney Ryan remarked as the process appears to be at the near one year mark for this application, he wanted to ensure he had the ability to review the studies available prior to the meeting in question. Planner Jalette indicated it would be the practice of the Hopkinton Planning Department to conduct Hybrid Meetings to ensure all could participate utilizing the technology available to do so.

Ms. Light asked in reference to the 30 day window for submission of the reports, plans and collective information in advance of a meeting to ensure adequate review, she enquired would the applicant be held to a July or an August meeting deadline. Planner Jalette deferred to the applicant as to which

window was better for them to submit their information. Attorney Solitro indicated that the “inside baseball” of his office was that Attorney Craven had been putting pressure on their engineering team to meet the needs of Crossman Engineering reference this application. Attorney Solitro advised that his team would use the 30 day window prior to the August meeting and ensure information needed for review was available in July. Ms. Shumchenia then made a motion to continue the review of the Skunk Hill project to the August 3rd, 2022 meeting, and to extend the decision date to August 10th, 2022. Her motion was seconded by Ms. Light. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Pennypacker, and Mr. Wayles all voted in support with none opposed and none abstaining.

Continuance Request- Master Plan- Public Informational Meeting- Major Land Development Project- **Atlantic Solar**- Plat 7, Lot 31, Plat 10, Lot 87, Plat 11, Lot 35, 0 Main Street. Atlantic Solar LLC., applicant.

Attorney Solitro indicated that this application he would seek to move to the August 3rd, 2022 meeting for the identical reasons of the previous application. He indicated they would waive the decision until August 10th, 2022 and would ensure the respective informational packet would be forwarded to all interested parties ahead of the meeting by 30 days. Attorney Ryan upon hearing this said this would be acceptable to his clients as well. Discussion was made of appropriate dates for submittal of the applicant’s packet for review. Due to the 4th of July holiday the decision was made to have it available on June 27th, 2022, a Monday. Ms. Shumchenia then made a motion to extend the hearing date to August 3rd, 2022 with a decision date of August 10th, 2022. Her motion was seconded by Ms. Light. Chairman Mr. Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles and Mr. Pennypacker all voted to approve with none in opposition and none abstaining.

Objector request- Master Plan- Public Information Meeting- Major Land Development Project- **Atlantic Solar** – Plat 7 Lot 31, Plat 10, Lot 87, Plat 11, Lot 35, 0 main Street . Atlantic Solar, LLC, applicant.

A motion was made by Ms. Shumchenia to extend the objectors request to present at the Public Information Meeting until August 3rd, 2022. Ms. Light seconded her motion, with Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles and Mr. Pennypacker all voting to approve the motion. There were no votes in opposition or any abstentions.

NEW BUSINESS:

Continuance Request- Development Plan review- **Hopkinton Industrial Park General Warehousing**- Plat 13B, 0 Wellstown Road, Hopkinton Industrial Park, LLC., applicant.

The applicant communicated with Planner Jalette via email seeking a continuance to the August 3rd, 2022 meeting. Applicant referenced that they were encountering delays in many of the stages of regulatory review at this juncture. They sought to comply with all preconditions of the Town Planning Office, and ensure they had met all matters set forth to complete on the Planners checklist. Ms. Light indicated her concern for a very heavy agenda on the August 3rd meeting as was. Planner Jalette

indicated she keeps in good contact with all applicants and would reach out should the agenda appear too burdensome. She respectfully reminded the Board that the process with other entities was often slow and this applicant may not have met all items on the checklist and has to seek another continuance. Ms. Shumchenia then made a motion to extend the review to the August 3rd, 2022 meeting. Ms. Light seconded the motion. Chairman Prellwitz, Ms. Shumchenia, Ms. Light, Mr. Wayles and Mr. Pennypacker all voted in favor of the motion with none opposed and no abstentions.

Pre application- Development Plan Review- **Anderson Mixed Use** – Plat 15 Lots 4, 5, and 6A, 916 Main Street. Woodland Ridge, LLC., applicant.

Mr. Jad Anderson business owner of the former Enchanted Forest property and his project engineer Mr. Sam Hemenway appeared before the Planning Board to present in the Pre-application stage. Mr. Hemenway had information to present in a Board meeting and in a hybrid format online. He sought the Board's pleasure in presentation format. An online slide presentation was utilized taking advantage of television monitors in the meeting room. Mr. Hemenway indicated the location in question is the former "Enchanted Forest" site on the east side of Rt. 3. He indicated that there is a significant amount of surfacing on site. He indicated wetlands exist as well, and that the wetlands were utilized as part of the Enchanted Forest theme. Mr. Hemenway indicated that the pavement on site was in poor condition, with a significant amount of vegetation on the parking lot area coming through it. He indicated that there is a solar array on the property and that this portion of the property will not be disturbed. Area they sought to refurbish and develop was the parking field and buildings immediately adjacent to it. He indicated that the small buildings to the South side will be a Saw Mill with a plan for a separate entrance off of RT 3. In other buildings proximal to the previous one, he pointed out that Landscape and Tree Services will be performed in a work shop as it is Mr. Anderson's intention to bring his business into the town of Hopkinton. A building proximal to that one was identified as a storage facility. He discussed that a new improved parking area would be crafted and that it would improve the existing drainage on the facility. The new design would reduce and make more efficient the parking area that exists. He wanted to clarify that the building on the far North of the property would be a Greenhouse. Mr. Hemenway indicated in the phasing portion of this project, the applicant wanted to be transparent and indicate the applicant will approach to put a brewery on the property. Mr. Hemenway indicated that the applicant is anxious to get on this property to house and facilitate as he relocates his business to Hopkinton. The brewery will be a separate application, but he does this now so that there is "no confusion" that this is a long term goal.

On the East side of the property it is the intention of the applicant to bring storm water management and its associated drainage to a "current" status that complies with all existing code. Mr. Hemenway indicated that "channel protection" is included to ensure that this become a reality. He further indicated that the site is being treated as if it's a "wooded site". Reflected in this plan is that the improvements in the parking area will be made nearly immediately. Improvements made are made in relation to the

zoning requirements in the projects phasing. That the Engineering is relatively far along in this plan relative to the plan's status at presentation to the Planning Board. Soil investigation for erosion control, he indicated, has been done as well. As to the existing septic system on site, Mr. Hemenway indicated that they are working with State Wetlands to ensure that the applicant meet all necessary guidelines and regulations. Lighting, he indicated, will be improved on site as well. That the applicant will continue under the development plan review process, and requests of the Board a recommendation that they seek an aquifer protection permit approval. Mr. Hemenway also indicated the applicant was actively working with both Rhode Island DEM and DOT on the project. Mr. Hemenway further indicated that because the applicant is so far into the pre application process, there is an "opportunity" that the applicant can work with the Planning Board and address input as they seek to develop the final engineering design for the site in question. Mr. Hemenway hoped that in later months that they could "circle back" to the Planning Board with an even more defined overall plan.

Chairman Prellwitz inquired of Town Planner Jalette if she had any additional comments at this time. Planner Jalette indicated that she had none, "at this time." Ms. Light indicated that she was concerned that she was being asked to approve a brewery plan at this point in time. She felt much regulatory mechanizations would need to occur before this proposal could hit that stage of approval. Mr. Hemenway responded that they would need to study the existing well and seek a liquor license to get to that point. That the Engineering firm, and he did not "want to put words in the applicants mouth", have proceeded to develop a proposal for "compound movement". It was the intention of the applicant at all phases to seek Planning Board input so as to refine should they come back for further review. Mr. Hemenway indicated that after reducing the existing parking field to accommodate the mixed use, he was confident that the parking in place would be sufficient to address that component. Ms. Light sought to clarify that the building being presented as a potential brewery is the last leg of this project. Discussion was also made as to volume of parking existing on the site.

Mr. Pennypacker had a concern as to the use of a building existing on page 8 of the plan. Mr. Hemenway indicated that the building was a containment fuel tank, and would be used to fuel heavy machinery on site. At the conclusion of the construction it is their (the applicant's) intention to remove it. Planner Jalette qualified that she recommended at this point the Planning Board focus on an Aquifer Protection Permit that focuses on the lumber and garden portions of the plan before them, and not the brewery phase of the project. Ms. Light then indicated that she had a question reference the solar field existing on site. Ms. Light wanted to know if the Solar Field was "contained, and or fenced in". Mr. Hemenway indicated that it was. Ms. Shumchenia then asked specific to granting an Aquifer Protection Permit, in order to do due diligence, the Board had to ensure that steps are taken to ensure

Mr. Ronald Reynolds of 11 Garnet Lane Hopkinton, RI spoke and indicated his property abuts the back of the applicants. He indicated he liked the concept of a berm, but inquired as to exactly what was a bio swale berm? Mr. Anderson advised him it was for storm water runoff. Mr. Reynolds asked Mr. Anderson

as to how big it was in the front portion of the property. Mr. Anderson indicated it was about 6.5 acres up front and then his further comment was inaudible. Mr. Reynolds asked how big it was, and Planner Jalette sought to clarify if that was to the parcel overall. Mr. Reynolds stated he knew it was about 30 acres. Mr. Reynolds stated that the only question he had was if they did get the brewery, and he liked what he was seeing overall, he hoped that they did not keep it open too late. Planner Jalette advised Mr. Reynolds that if they did return for a brewery application he would be advised and could appear for that application as well.

Ms. Candus Reynolds of 11 Garnet Lane Hopkinton, RI then spoke and stated that there was ledge everywhere on the applicant's property. She was concerned that during construction that the applicant would do "demo" on the grounds and potentially damage her well. She indicated that her well was only 110' deep, and was very concerned about fracking causing damage. She asked the applicant directly "is that a possibility we have to worry about?" Mr. Hemenway indicated that there was a potential of blasting to remove ledge or large rocks. That the intent of the applicant was not to be large in scale and indicative of normal construction activity. Ms. Reynolds was concerned that cracks in her foundation could occur, as a result of massive explosions that were used to address massive rocks on the property. Mr. Hemenway stated that unequivocally he could state that no massive explosions were going to occur during their work on site. Chairman Prellwitz than indicated that he has served on the Planning Board for years. That he has heard previous concerns and that they are justified, however and he prefaced that he did not intend to sound "snippy" here, but that the demolition contractors are professionals and do no damage often with much larger projects. Ms. Reynolds stated that she was concerned for her well, which was not that deep. Mr. Pennypacker asked if there was actual intention of doing any blasting on this property by the applicant. Planner Jalette indicated that it was within the Planning Boards purview she believed to make conditions on using alternative means to extract ledge from the property if that option became necessary, perhaps as a means to address concerns of those abutting the property. Ms. Light commented further advising that there were projects in the past where blasting was prohibited as a means of removing rock. Mr. Hemenway said he did not anticipate movement of rocks by anything other than mechanical means; however it was a large piece of property.

Mr. Bruce Remington of 900 Main Street spoke and indicated that he had two primary concerns. His first concern was the water part, that it being a brewery, there was a potential to draw down on the wells. His second concern was as to working hours as the saw mill was proximal to and within 100' of three domiciles. He wanted to know if the applicant would draw back his hours as to the businesses end time to keep the neighborhood quiet. Mr. Anderson advised he expected to work from 7:30 AM to 3:30 PM or about 8 hour days. He indicated the noise level was about 85 decibels. Chairman Prellwitz indicated that at 85 decibels that hearing protection was recommended, but at 92 decibels it was required. Mr. Prellwitz stated that with the field, distance and shielding the noise would not reach that high off site. Mr. Remington was concerned as to noise carrying and asked that specifically. Mr. Pennypacker asked if there were any sound mitigation tactics being considered by the applicant. Mr. Anderson answered that

he would consider doing so if it became an issue at a later time. Ms. Light discussed the ability to use vegetation to muffle noise and it was obvious the applicant was amenable to working with and addressing the concerns of the abutter's property owners. Ms. Light also advised the abutters that the Planning Board is very receptive to feedback and addressing the public's concerns. Chairman Prellwitz who has an extensive career experience in construction indicated that the normal forest activity day to day will generate 55 decibels of noise. He referenced leaves rustling and "critters doing critter things".

Ms. Light complimented the applicant for being amenable to the concerns of the abutting property owners. Ms. Marnie MacNamara spoke (she did not give an address) she asked the applicant if he was going to cut all the trees down or would he leave some of them up. She indicated she was opposed to total deforestation. Mr. Anderson indicated that recent gypsy moth activity had been tough on trees present on the property. He indicated those would be coming down. Some would be utilized for his business, but there were many ornamental trees located on property he was committed to conserving.

Ms. Light enquired if Mr. Anderson had any ten year plans for what was present on other parts of the property. Mr. Anderson did indicate that he did not. A query was made of Zoom listeners to see if they wanted to comment at this point at the meeting. No one chose to do so. Deb Z. O'Leary the liaison to the Planning Board from the Conservation Commission spoke, and gave her input. She indicated first that any digging into the property appeared to be done for the purposes of drainage. She noted that trenches exist on the property, and that they were narrow and not wide. This she believed would preclude the need for blasting. She also was concerned with water use should the brewery come to be. She indicated technology exists where recycled water is utilized and hopes this applicant will pursue that option. Planner Jalette indicated that the Board could indicate how they chose to move forward and under what level of Planning Board review. She also indicated after that was addressed they could make an advisory to the Zoning Board as to an aquifer protection permit. She reminded the Board they are not approving the application at this time. All would have to move after appropriate Board motion and vote.

Ms. Shumchenia made a motion to address this application under development plan review. Her motion was seconded by Ms. Light. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles and Mr. Pennypacker all voted to approve the motion with none opposed nor abstaining. Planner Jalette then indicated a date to continue review was appropriate. She further stated that the applicant may want to review the size of the agenda and the coming meetings to govern themselves accordingly. Mr. Hemenway indicated that he would need to acquire multiple permits from RIDOT and RIDEM to get an approval. He did not think it was inappropriate to give them at least 3 months to acquire these permits he mentioned. Discussion was made amongst the Board with the input of Solicitor Hogan as to when and in what stage to next appear before the Board. Concern was made for the August meeting which would be an agenda with two large solar projects on it. Mr. Hemenway indicated he could appear at the July meeting and seek to gain approval as they sought the appropriate permitting from State entities. Ms. Shumchenia made a motion to extend the application to the July 6th meeting which was seconded

by Ms. Light. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles and Mr. Pennypacker all voted in favor with none opposed and no abstentions. Ms. Shumchenia then motioned to indicate that the Board is not approving the first stage of the Development Plan Review, but they have heard competent testimony and evidence that the proposal will not pollute the groundwater on site, and the Planning Board is making an advisory recommendation to the Zoning Board that an Aquifer Protection Permit be issued for this proposal. That review showed that lumber, garden and saw mill use is all within accepted use and code. Ms. Light seconded the motion. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles and Mr. Pennypacker all voted to approve the motion, with none opposed nor abstaining.

Division of Responsibilities Discussion: Discussion was made among Board members as to areas of technical expertise each brings to the table. Examples were made from previous meetings where this came into play and was helpful in guiding the Board. Ms. Shumchenia in particular described this as a safety net for the Board and its members. Chairman Prellwitz indicated that between the current Board and how it was configured, and staff a very strong team exists for the Planning Board. He encouraged the Board to focus on strong points, and “watch each other’s back a bit”. Planner Jalette asked if Ms. Light sought to formalize or “codify” this type of process, enquiring as to what she was seeking. Ms. Light indicated she was not seeking to codify the process. Solicitor Hogan interjected and recommended communication through the Planner or Chair as best practices. This being done to avoid and real or perceived violation of open meetings regulations in Rhode Island. Chairman Prellwitz summarized that the Board appeared to be in consensus on the topic and would take time to ascertain who had strengths in what areas. He believed the Board was headed down the right path. Ms. Light indicated that she was pleased the Board addressed the topic in question.

SOLICITORS REPORT: Solicitor Hogan indicated that the Stoneridge appeal is on the May 19th Zoning Board meeting agenda, with arguments concluded; and she is expecting a decision to be rendered.

PLANNERS REPORT: Planner Jalette indicated to the Planning Board that she reviewed the final plan for a five lot subdivision plan for Kenyon Southeast Farms, and it was certified complete.

REPORTS AND CORRESPONDANCE: Mr. Spellman indicated to the Chair that there was nothing to report.

PUBLIC COMMENT: Mr. Joseph Moreau of Old Depot Road spoke and indicated he wanted to welcome

Mr. Spellman to the Planning Department of Hopkinton, and did agree with Chairman Prellwitz that the Town of Hopkinton had a strong team. He indicated that he was very impressed with Town Planner Talia Jalette who had impressed him with her work. Chairman Prellwitz also welcomed Mr. Spellman to his new position within the Planning Department. Mr. Spellman thanked both, and indicated that it was his "honor to serve in the Town of Hopkinton." Mr. Moreau indicated he would like to see the Pledge of Allegiance at Town of Hopkinton Planning Board Meetings. He stated it was a practice as a veteran he appreciated. He discussed flag etiquette and difficulties he had encountered seeing the twentieth anniversary of 9/11 recognized. Chairman Prellwitz concurred and indicated he would support a move to the Pledge of Allegiance being held at all Hopkinton Planning Board Meetings. Planner Jalette indicated to Chairman Prellwitz to give her a call to discuss further the coming week, to which he agreed. One called in from ZOOM. She was identified as Carol Desrosiers of 16 Pleasant View Drive and she asked questions for Town Planner Jalette and Town Solicitor Hogan and did experience some technical difficulties getting on line to ask her question. She was concerned as to how long an approval exists for a project from its approval date to actual construction. She was enquiring specifically for solar projects that have been approved. Specifically she asked if these Solar Projects that have been approved have an "expiration" date that they have to commence construction before. She enquired as to a 2025 timeline expiration date for construction to commence after approval of the project. Planner Jalette offered to answer a question with more specificity by email. She indicated that this was so that she could address specific projects and answer more comprehensively. The caller said she did not believe she could not get more specific. Ms. Jalette indicated her concern was that she wanted to answer her question with thoroughness and accuracy. The caller wanted to know if Solicitor Hogan wanted to add in. She indicated that she agreed with Planner Jalette's approach and could give some input as to timelines (and did so) but would need more specific information to give a more accurate answer and not in a generality. The caller indicated she would forward an email to Ms. Jalette. With no further input or public comment and the agenda completed, Chairman Prellwitz called for a motion to adjourn the meeting. Ms. Shumchenia made a motion to adjourn the meeting that was seconded by Ms. Light. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles and Mr. Pennypacker all voted to adjourn with none in opposition nor abstaining.

Meeting adjourned at 8:54 PM.

Michael Spellman

Senior Planning Clerk

Town of Hopkinton, Rhode Island

