

2 **TOWN OF HOPKINTON**
4 **PLANNING BOARD**

6 **Wednesday, November 1, 2017**
7 **7:00 P.M.**

8 **Hopkinton Town Hall**
9 **One Town House Road, Hopkinton, Rhode Island 02833**

10 **CALL TO ORDER:**

11 The November 1, 2017 meeting of the Hopkinton Planning Board was called to order at 7:00
12 P.M. by Chairman Al DiOrio.

14 **MEMBERS PRESENT:**

15 Al DiOrio, Amy Williams, Tom Holberton, and Josh Bedoya were present.

16 Also present were: John Pennypacker, Conservation Commission, James Lamphere, Town
18 Planner; Kevin McAllister, Town Solicitor; and Sean Henry, Planning Board Clerk.

20 **APPROVAL OF MINUTES:**

21 AS PERMITTED BY THE RULE OF NECESSITY, MR. HOLBERTON MOVED TO APPROVE THE MINUTES OF
22 THE JULY 6, 2017 PLANNING BOARD MEETING.

23 MR. BEDOYA SECONDED THE MOTION.

24 MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

26 MS. WILLIAMS MOVED TO APPROVE THE OCTOBER 4, 2017 PLANNING BOARD MINUTES

27 MR. HOLBERTON SECONDED THE MOTION.

28 MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

30 **OLD BUSINESS:**

31 **Development Plan Review** – Plan submission — Photovoltaic Solar Energy System –
32 AP 3 Lot 53D – Alton-Bradford Road - Anthony DelVicario, applicant.

34 Attorney Vincent Naccarato was present on behalf of the applicant. This application had come before
35 the Planning Board previously, and underwent a review by the Town’s engineering firm, Crossman
36 Engineering. In the interest of brevity, the Planning Board decided to focus on the issues still
37 unresolved from that review, and Mr. Naccarato assented. Mr. Steven Cabral, engineer for Crossman,
38 presented the report of his review of the project. Crossman reviewed many aspects of the project, the
39 first being the decommissioning security amount, which was revised and is considered to be
40 reasonable. Second, the sound questions the Planning Board had were addressed. Because the Town
41 Council set requirements that the sound be measured at three meters from the inverters, he believed
42 that the project did not satisfy that requirement. To explain that aspect, Mr. Naccarato called
43 Mulanophy, engineer for Sage Environmental. She explained that it is typical to measure sound at
44 the property boundary, not a short distance from the inverters. Having done the noise calculations,

2 Ms. Mulanophy explained that 55 decibels (a common standard) was measured to be audible from
as far away from the inverters as 40 feet, well within the property boundary. If the ordinance is to be
4 followed, noise attenuation strategies can be employed to capture the noise and reduce it for the
surrounding area: a concrete box structure, curtain, and chain-link fence are versions of those
6 strategies. They would have to be done around each island of inverters within the project.

8 Questions from the Planning Board:

10 Mr. DiOrio: As presently proposed, does the project meet the ordinance standards?
Ms. Mulanophy: No, it does not.

12 Mr. DiOrio: There are methods of reducing the sound?

NM: There are, at an added expense and use of land.

14 Mr. DiOrio: Does using the box method change the sound?

NM: The walls are constructed to absorb the sound, so it won't be reverberating out.

16 Mr. Naccarato: How high would these walls need to be?

NM: It's unclear, but they would definitely need to be higher than the inverters.

18

Mr. Cabral continued reviewing his report. The next issue yet to be resolved was the vegetation on
20 the northern boundary of the property. The Town Council ordinance mandated that the solar array
cannot be visible from the first floor of any homes on the neighboring properties. To address the
22 issue, Mr. Vaccarato called on David Russo, project manager with DiPrete Engineering. Mr. Russo
explained that a pole on the northern boundary area can be removed and wires directed
24 underground. Kevin Alverson, landscape engineer for the project, addressed the vegetative screening
for that area. He explained that with the power lines going under ground, there will be more
26 screening used there, including along the fence line. The border will feature shrubbery (10'-12' in
height), dogwoods, rhotodendrens, and other shrubs. They will grow at a medium rate, about a foot
28 a year, and will be planted at least 3'-4' high, with trees being 5'-6' upon planting. Mr. Cabral agreed
that based on this additional testimony, the vegetative screening sounds acceptable.

30

Questions from the Planning Board:

32

Ms. Williams: What if a house is built on lot 52?

34 Mr. Alverson: There is at least a 40' sideyard between that lot and the project area.

Mr. DiOrio: There was discussion about the fence snaking through the trees.

36 Mr. Alverson: A small area on either side of the fence will be cleared for construction, but the fence
will snake through the buffer area. The landscaping plan does include additional plantings based on
38 the final National Grid plan for the access road. We sought to use buffers to cover every angle. For
the buffer area near the closest home on lot 53A, we will utilize the existing 40' buffer area and include
40 15' high plantings of mixed deciduous and evergreen.

42 Mr. Cabral continued his report. The third item was a clarification of the setbacks. Mr. Lamphere
explained that, in consultation with the Zoning Official, it was determined that the setbacks from
44 Ordinance Chapter 246 would apply to the project, 75' front/50' side/75' back setbacks, superseding
the Manufacturing zone setback requirements. Perimeter fencing, parking, and detention ponds are

2 exclusive of the setbacks. There were several issues that had been resolved in discussions with
4 Diprete Engineering during his review: onsite lighting, the operations and maintenance plan, and the
6 issue of easements with the Hopkinton Land Trust. The Planning Board discussed the issue of the
8 decommissioning security at length. There was concern about what should happen should the costs
exceed the amount secured, but the amount was considered to be reasonable by the engineering
review. Mr. Pennypacker also asked that the maintenance of the vegetation be included in the
maintenance and operation plan for the project.

10
12 After a series of Development Plan Review meetings that included expert testimony presented on behalf
14 of the applicant, after obtaining public input, having found that the granting of approval will not result in
16 conditions detrimental to the public health, safety, and welfare; that the granting of such approval will not
18 substantially or permanently injure the appropriate use of the property in the surrounding area of zoning
20 district; that the plans for such project comply with all the requirements of the Zoning Ordinance and these
22 Regulations; that the plans for such project are consistent with the Comprehensive Plan; and that any
24 conditions or restrictions that are necessary to ensure that these guidelines have been met have been
26 incorporated into the written approval, and having accepted the required decommissioning security in the
amount of \$316,664.00, as being reasonable and based upon expert opinions, Ms. Williams moved that the
Planning Board approve the Development Plan Review plan submission, subject to the applicant applying
appropriate sound attenuation consistent with the conditions set forth in Town of Hopkinton Ordinance
Chapters 252 & 253, subject to the applicant moving the power lines running along the boundary of Lot 52
from utility poles to underground, subject to successfully resolving the zoning setback distances with the
Town’s Zoning authorities, subject to the developer adding obtaining all required state and local permits,
and subject to the developer adding maintenance of the vegetative buffers to the facility’s Operations and
Maintenance Plan.

28 Ms. WILLIAMS’ MOTION WAS SECONDED BY MR. BEDOYA.
Ms. WILLIAMS, MR. HOLBERTON, MR. BEDOYA APPROVED THE MOTION.
30 MR. DIORIO OPPOSED THE MOTION.
MOTION WAS PASSED BY THE PLANNING BOARD ON A 3-1 VOTE.

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34 **NEW BUSINESS:**

None

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SOLICITOR’S REPORT:

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None

40 **PLANNER’S REPORT:**

None

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CORRESPONDENCE AND UPDATES:

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Presentation of Wood-Pawcatuck Wild & Scenic Study Committee progress

2 Sean Henry and resident Maureen Kennelly, Hopkinton’s two members on the Wood-Pawkatuck
Wild and Scenic Study Committee, presented an update of the project to the Planning Board.

4

Since 2010 the Wood-Pawcatuck Watershed Association and its partners have been working to get
6 federal recognition of the Outstandingly Remarkable Values of seven rivers in southeastern New
England – the Beaver, Chipuxet, Green Falls, Pawcatuck, Queen, Shunock, and Wood Rivers. These
8 amazing rivers offer exceptional recreational opportunities for paddlers, birders, fisherman, and
anyone who enjoys scenic waterways. A grassroots group of environmental organizations and local
10 towns in cooperation with the National Parks Service are conducting the three year study. The
Wood-Pawcatuck Wild and Scenic Rivers Study Committee is made up of town-appointed
12 representatives from Charlestown, Exeter, Hopkinton, North Kingstown, Richmond, South
Kingstown, West Greenwich, and Westerly in RI; and North Stonington, Sterling, Stonington, and
14 Voluntown in CT. The partners are Save The Bay, The Nature Conservancy, Audubon Society of
Rhode Island, RI Natural History Survey, RI Department of Environmental Management, and CT
16 Department of Energy and Environmental Protection. During this study the committee will
document and report on the values of these seven rivers so that they may become part of the National
18 Wild and Scenic Rivers System. At the end of the process, the Committee will produce a Rivers
Stewardship Plan, which will be adopted by the towns in the watershed for future protection of the
20 rivers.

22 Mr. Henry and Ms. Kennelly asked the Board to provide a letter of support for the Wild and Scenic
designation for the rivers, and answered several questions from the Board and the public. The
24 Planning Board was supportive of the project, but wanted to see a draft of the Stewardship Plan
before they would commit a letter of support. The committee members expected a draft would be
26 available in February or March of 2018, and they would return to the Board at that time.

28

PUBLIC COMMENT:

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None

32 **DATE OF NEXT REGULAR MEETING:** December 6, 2017

ADJOURNMENT:

34

MS. WILLIAMS MOVED TO ADJOURN THE MEETING

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MR. HOLBERTON SECONDED THE MOTION

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MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

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The meeting adjourned at 8:30 P.M.

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Attest: _____

Sean Henry, Planning Board Clerk