

**TOWN OF HOPKINTON
PLANNING BOARD**

Thursday, May 4, 2017

7:00 P.M.

Hopkinton Town Hall

One Town House Road, Hopkinton, Rhode Island 02833

CALL TO ORDER:

The May 4, 2017 meeting of the Hopkinton Planning Board was called to order at 7:04 P.M. by Al DiOrio.

MEMBERS PRESENT:

Al DiOrio, Amy Williams, Frank Sardone, and Josh Bedoya were present. Tom Holberton was absent.

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

OPEN PUBLIC HEARING ON APPROVAL OF NEW COMPREHENSIVE PLAN UPDATE:

Discussion of an update to the Town of Hopkinton Comprehensive Plan and recommendation to submit for state approval. The proposed update may be revised by the Planning Board as a result of further study or because of views expressed at the public hearing. The public is invited to attend and be heard. The Planning Board may vote to adopt the Comprehensive Plan after the close of the public hearing.

MS. WILLIAMS MOVED TO OPEN THE PUBLIC HEARING

MR. SARDONE SECONDED.

MR. DIORIO, MS. WILLIAMS, AND MR. SARDONE APPROVE.

MOTION PASSED.

Mr. David Westcott, of Mason Associates, Scituate, RI, was the primary consultant writing the Town's Comprehensive Plan draft. He began the public hearing by thanking the Planning Board for their help, and outlining the changes that were made to the Plan as a result of the workshop on April 12, 2017. Mr. Westcott recommended that the Planning Board, if satisfied with the current form of the draft, approve the draft conditional to the Planning Department verifying that the updated changes have indeed been made. From there, the plan would be submitted to the Statewide Planning Program for review. Once that review is complete, the Town Council would vote whether to adopt the plan.

2 Questions from the Planning Board:

4 Ms. Williams: Thank you for making the changes to the plan. I wanted to talk about the
6 inconsistencies on the Future Land Use Map (FLUM) with regard to open space and
zoning.

8 Mr. Westcott: Almost all of the proposed open space zone property is zoned residential
now. Most of your inconsistencies go away if you make these properties into open space.
10 I recommend open space because it prevents open space property from being chipped
away over time. Easements are a good path as well.

12 Ms. Williams: If a parcel is owned by Hopkinton Land Trust, how would it be re-zoned?

14 Mr. Westcott: The Town Council could do to re-zoning on a town-wide basis, instead of
on a parcel-by-parcel basis, it would make mailings to individual abutting property
owners unnecessary. They would have to create an Open Space zone in order to do that.
16 What is commonly done is that after the plan is approved, the Planning Board can
submit a package of zoning recommendations to the Town Council, who would decide
whether they want to take action.

18 Mr. Lamphere: I concur with the consultant’s recommendation.

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Questions from the public:

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24 Mr. Buford: The Conservation Commission has submitted several recommendations
about a year ago to the Planning Department, many of which were included in the final
plan. I would like to talk about several that weren’t included. On page 17, the
26 Conservation Commission suggest including an accomplishment of improved public
access to preserved lands.

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Mr. Bedoya arrived at the meeting.

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Mr. Westcott: Sounds like a good idea.

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Mr. Buford: On page 19, under Recommendation #11. We suggest a stricter adherence to
zoning use interpretations. We also suggested adding notice to boards and commissions
34 for non-residential use zoning certificates. We’d like to know earlier to have a chance to
include information and protect against poor decisions.

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Mr. McAllister: I’ve worked with zoning certificates issues recently. I learned there’s a
law that requires a 15-day response deadline to applications, which is burdensome to
38 the zoning official and does not provide much time to send notifications to all of those
parties.

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Mr. Buford: What about notification at filing? We’ve had issues in the past with zoning
certificates being granted.

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Mr. Westcott: Could it be handled informally?

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Mr. Buford: I would be amenable to that.

Ms. Williams: Are zoning applications considered to be public records?

2 Mr. McAllister: It is a public record, but not one required by law to be disclosed. They
4 are already burdened by the zoning ordinance. Freedom of Information Act requests go

6 through the Town Clerk’s office if requested.
Mr. Lamphere: In the event that a zoning certificate is approved, based on erroneous

8 information, could that be revoked later?
Mr. McAllister: I think it would require a court action. If it was based on fraud, it

10 probably could be.
Mr. Westcott: Standing would be required for a Zoning Board appeal.

12 Mr. DiOrio: That is a policy that needs to be worked on between the zoning official and
14 the other interested parties.

16 Mr. McAllister: There’s also exposure to risk when the Town narrowly denies an
18 application. Doing so would limit the Town’s ability to defend its decisions if required
20 to define the ruling narrowly.

22 Mr. Lamphere: The Comprehensive Plan is also not that specific, it would be more
24 appropriate to deal with that through the zoning ordinance re-write.

26 Mr. Buford: On page 19: acknowledge that limiting population growth helps preserve
28 the town’s rural character.

30 Mr. Westcott: The town is not even close to build-out. I don’t think it would be
32 appropriate at this stage to support a policy of limiting population growth.

34 Mr. Buford: There was a proposed 300-unit subdivision a few years ago. I think the
36 Town should recognize soils as unsuitable for development.

38 Mr. Westcott: Suitability of soils was considered in the buildout analysis under
40 Recommendation #13.

42 Mr. Buford: We suggested allowing access by right for Conservation Commission to
44 project sites for the purpose of reviewing site conditions for other Town boards and
commissions.

Mr. McAllister: Its my understanding that property rights in Rhode Island do not
preclude rights of way to the town. Easements are sold to compensate property owner
for access by right because they are considered to be a burden, but the Town cannot
adjudicate property rights in that way. Eminent domain arguments would have to show
a public benefit and would have to compensate the land owner.

Mr. Westcott: The Building Official and police are the only entities allowed onto
property. They could ask a Conservation Commissioner to accompany them, under their
authority, for advisement.

Mr. Buford: In the application process, applicants have their own experts, but the Town
doesn’t have those resources to verify the information.

Ms. Williams: The Planning Board can obtain the services of their own experts if they
want another opinion or review.

Mr. Westcott: The Planning Board can also require the applicants to pay for it. We’ve
conducted those types of reviews for planning boards in other towns. Applicants don’t
usually mind because they welcome professional reviews that verify their plans.

Ms. Capalbo: I’d like the Town to consider establishing a Town Historian as a volunteer
position to help preserve the town’s cultural resources. They could work with the
Hopkinton Historic District Commission or the Hopkinton Historic Commission. I’d like

2 something in the plan that states that we want to continue to preserve town documents,
that way we can ensure it stays in the budget year to year.

4 Ms. Capalbo: Several other small things: Richmond has already installed the water tank.
Hopkinton has purchased LED street lights, at a net savings to the budget. We are in the
6 process of replacing all of the street lights in town.

8 Ms. Capalbo: On page 50, Public Services & Facilities Goal #4; recommendation to
support Chariho Alternative Learning Center.

Mr. Westcott: Will insert into text.

10 Ms. Capalbo: We’ve accomplished the Recommendation #18, it should be moved to the
accomplishments. We also support making amendments to the Low-Moderate Housing
12 Act to include actually affordable homes in Hopkinton that aren’t counted, like the
mobile homes.

14 Ms. Capalbo: The inventory of Town facilities should at the Chariho Career and
Technical Center and the Alternative Learning Center.

16 Mr. Pennypacker: The rosters of Town boards and commissions is out of date, it should
be updated.

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CLOSE PUBLIC HEARING

20 MR. SARDONE MOVED TO CLOSE THE PUBLIC HEARING.

MS. WILLIAMS SECONDED.

22 MR. DIORIO, MS. WILLIAMS, MR. SARDONE, AND MR. BEDOYA APPROVE.

MOTION PASSED.

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**DISCUSS, CONSIDER, AND POSSIBLY VOTE TO ADOPT THE COMPREHENSIVE PLAN
DRAFT UPDATE:**

26 MS. WILLIAMS MADE A MOTION TO APPROVE THE DRAFT COMPREHENSIVE PLAN,
28 CONDITIONAL TO STAFF VERIFICATION OF THE CHANGES DISCUSSED AT THE PUBLIC HEARING

MR. SARDONE SECONDED.

30 MR. DIORIO, MS. WILLIAMS, MR. SARDONE, AND MR. BEDOYA APPROVE.

MOTION PASSED.

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DATE OF NEXT REGULAR MEETING: June 7, 2017

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ADJOURNMENT:

36 MR. SARDONE MOVED TO ADJOURN THE MEETING

MS. WILLIAMS SECONDED THE MOTION

38 MR. DIORIO, MS. WILLIAMS, MR. SARDONE, MR. BEDOYA APPROVED. MOTION PASSED.

40 The meeting adjourned at 8:40.

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Attest: _____

44 Sean Henry, Planning Board Clerk