

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

6 **Wednesday, July 5, 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 July 5, 2017 meeting of the Hopkinton Planning Board was called to order at 7:01 P.M. by
12 Tom Holberton.

14 **MEMBERS PRESENT:**

15 Frank Sardone, 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 MR. SARDONE MOVED TO APPROVE THE MAY 4, 2017 AND JUNE 7, 2017 MEETING MINUTES.

22 MR. BEDOYA SECONDED THE MOTION

23 MR. SARDONE, MR. HOLBERTON, AND MR. BEDOYA APPROVED.

24 **OPEN PUBLIC HEARING**

26 Major Land Development – **Preliminary Plan Public Hearing** - Cedar Hollow –Plat 4, Lot 13A –
27 Main Street - S.M. Trombino Properties, applicant.

28 Mr. Stano Trombino was present to present the application. The project is a 50' by 200'
30 commercial building comprised of eight units that sits on the corner of Route 3 and Wellstown Road.
31 Each unit is proposed to utilize bay door access for vehicle storage, and have some office space for
32 tenants. The entry doors will be visible from the Wellstown Road side, facing away from Route 3.
33 The building will be serviced by a well and OWTS, and will have two parking areas. The parcel is 3.4
34 acres, of which 1.8 acres will be used. Although there is a 20' difference in elevation between the road
35 and the building's ground level, the building will be tall enough that the roofline is 10' higher than
36 the road.

38 Mr. Anthony Nenna, professional engineer of On-Site Engineering, presented information
39 about the engineering of the project. He described that the lot slopes to the west, where there is a
40 wetland area. The wetlands we delineated in 2008 by RIDEM, and he explained that when preparing
41 the plans, he preserved the 50-foot wetlands buffer. RIDOT discharges drainage from Route 3 onto
42 this property, which will be kept separate from the roof and 20,000 square foot parking area run-off
43 from the proposed project. There will be a berm between the building and the road. Drainage from
44 the roof will be discharged through infiltration systems. Mr. Nenna said that the improvements will

2 encroach about 460 square feet into the wetlands buffer, but the area will then be seeded and trees
planted after construction. The applicant is seeking a variance for the landscaping requirements,
4 based on the size of the parking area, building, septic system, and drainage swales. The applicant
would like to instead plant trees near the entrance. Mr. Nenna added that they plan on mounting a
6 solar array on the roof of the building, and that the components are included on the site plan.

8 Questions from the Planning Board:

10 Mr. Holberton: What kind of signage are you proposing?

Mr. Nenna: We have a handout for the Board members with the details about the sign. The sign and
12 lighting will be LEDs, Dark Sky compliant, and will be added to the plan.

Mr. Holberton: Is the solar array for use on-site or will the power be sold back to the grid?

14 Mr. Trombino: It's intended to be sold back to the grid. The building does not consume very much
power; we've looked into it. We have the company that worked with me on the Bank Street project
16 that could be utilized, depending on what happens tonight. It's a 120Kw system that will be flat to
the roof. It's as least-intrusive as it can be.

18 Mr. Holberton: Talk to us about the landscaping.

Mr. Trombino: The slope of the property is very difficult to plant on and still maintain lines of sight.
20 We will add landscaping, I was thinking some pear trees and some shrubbery along the top of the
property [the Route 3 side].

22 Mr. Holberton: We'd like to see what you're proposing in writing, for landscaping and lighting.

Mr. Sardone: How are you lighting the parking area?

24 Mr. Trombino: There will be at least two, no more than three, lights for the front. We'll use 60W LED
lights that should light all 50' of the parking area.

26 Mr. Sardone: What times will be the lights go off?

Mr. Trombino: They'll be turned off at 11:00pm. They're all on sensors and timers.

28 Mr. Sardone: What kind of transformers are you using for the solar project?

Mr. Trombino: That will be determined in the next phase of the project with the solar company I'm
30 working with on it.

Mr. Sardone: Noise is going to be an issue for solar projects in this town.

32 Mr. Trombino: I can get you information on that. We have the Bank Street project hopefully being
turned on in three weeks. I invite the Board to come out and hear that project, which is about three
34 times the size of Cedar Hollow.

Mr. Holberton: I'd love to take you up on that offer.

36 Mr. Bedoya: Could you describe the stormwater drainage system?

Mr. Nenna: There are two catch basins on the east side of Main Street. Right now they collect runoff
38 from across the street, which gets directed into the drainage system that discharges onto this property
and makes its way to the wetlands area. We're keeping that system separate from this project by
intercepting it using a grass swale and riprap as it makes its way down to the wetlands. Because
40 we're disturbing the wetlands, we have to get a RIPDES permit, which requires we treat parking
runoff using an infiltration system. According to the design standards, the roof runoff doesn't need
42 to be treated, and is directed underground. This water system accounts for water quality and for any
peak discharge caused by the impervious surface that we're adding.

44 Mr. Holberton: Do you anticipate any major changes to your permit based on RIDEM's feedback?

2 Mr. Nenna: No. I think the site constraints and what we’re doing for water quality will be satisfactory.
Mr. Lamphere: On the solar array, the Planning Board can add it to the Major Land Development
4 approval, making it conditional to the requirements of the Town’s solar ordinance, if you choose.
Mr. Pennypacker: What would need to change on the site plan in order to meet the wetlands buffer?
6 Mr. Nenna: In order to not intrude into the buffer area, we might have to add a wall. For 461 square
feet, RIDEM has allowed us to go that far in the past. We are putting trees back into that area
8 afterwards, which RIDEM likes to see.

10 Questions from the public:

12 Ms. Capalbo: I’m glad to see this project moving forward. Are both parking areas necessary?

Mr. Nenna: We need space for truck access and overflow parking.

14 Ms. Capalbo: I suggest using warmer color for the LED lights. Is the solar array on the front side of
the building or the back side?

16 Mr. Nenna: It’s on both sides of the roof.

18 MR. HOLBERTON MOVED TO CLOSE THE PUBLIC HEARING.

MR. BEDOYA SECONDED THE MOTION

20 MR. SARDONE, MR. HOLBERTON, AND MR. BEDOYA APPROVED.

22 The Planning Board discussed the travel of the project with the applicant. They agreed that adding
the findings from the solar ordinance to the motion would be a condition of final approval.

24

HAVING FOUND THAT THE SUBDIVISION SHALL BE CONSISTENT WITH HOPKINTON’S COMPREHENSIVE
26 PLAN, THE SUBDIVISION CONFORMS WITH HOPKINTON’S ZONING ORDINANCE, THAT THE PROJECT AS
DEPICTED ON THE PLANS DOES NOT HAVE ANY SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS ON THE
28 PROPERTY, THAT SUBDIVISION AS PROPOSED DOES NOT RESULT IN UNBUILDABLE LOTS IN THE FUTURE,
THAT THE LOT WILL PROVIDE ADEQUATE AND PERMANENT ACCESS TO A PUBLIC STREET, THAT THE
30 PROJECT PROVIDES FOR SAFE CIRCULATION ON THE PROPERTY, AND THAT THE PROJECT PRESERVES THE
TOWN’S HISTORIC, CULTURAL, AND NATURAL RESOURCES, MR. BEDOYA MOVED TO GRANT PRELIMINARY
32 APPROVAL TO THE PROJECT, AND DELEGATE FINAL PLAN APPROVAL TO THE TOWN PLANNER,
CONDITIONAL TO THE SOLAR PROJECT MEETING THE STANDARDS SET FORTH IN THE TOWN’S SOLAR
34 ORDINANCE, CHAPTER 246.

MR. SARDONE SECONDED THE MOTION

36 MR. SARDONE, MR. HOLBERTON, AND MR. BEDOYA APPROVED.

38

OLD BUSINESS:

40 Development Plan Review – Photovoltaic Solar Energy System – AP 4 Lot 13 – Gray Lane –
Hopkinton Industrial Park, LLC, applicant

42

44 Attorney George Comolli was present for the applicants. The project is a 6.1 acre solar array on a 27
acre parcel on Gray Lane. He stated that, after appearing before the Planning Board in June, the
applicants have addressed the concerns that the Board had raised. The noise generated by the facility

2 will be approximately 55 decibels, which Mr. Comolli stated would not be able to be heard from Gray
Lane. Mr. Comolli also added that the applicants have submitted a formal decommissioning plan to
4 the Board, which he said the applicants are prepared to supplement with a bond or other financial
security, as required by the Town Planner and Town Engineer.

6
8 Questions from the Planning Board:

8 Mr. Holberton: Was this project originally much larger?

10 Mr. Comolli: We originally proposed 5 MW. Based on what National Grid is accepting for solar, this
is the size project that we could have allocated.

12 Mr. Holberton: Will the applicant seek to return to this Board in the future and expand the project?

Mr. Comolli: National Grid hasn't moved since we amended our application.

14 Mr. Lamphere: I'd like to get a little more direction from the Planning Board on the financial security
requirement. It will be important for this and other applications in the future how this is applied. The
16 ordinance says that it is up to the Planning Board to decide what form the security will take.

18 Mr. Comolli: In the decommissioning plan, we state that we'd like to continue the solar use in
perpetuity, and that even if it needs to be decommissioned, the salvage value will more than cover
the cost of the decommissioning. If we need to submit a letter of credit, we will do so.

20 Mr. McAllister: What I can suggest is that a letter of credit be required, and something that cannot be
collateralized, in order to protect the Town in the event of a bankruptcy or other situation.

22 Mr. Lamphere: The Town does have two engineering firms on call that we can ask to evaluate these
estimates. If the applicant would be willing to pay for that, we can come up with a good estimate.

24 Mr. Comolli: We can submit our estimate with a letter of credit, and would be happy to pay a
reasonable fee to have the Town Engineer evaluate it.

26 Mr. Pennypacker: How many yards of loam do you plan to remove from the site?

28 Mr. Quinlan: We have that being done now. We've estimated it to be about 3,000 yards. Some of it is
going to go back into the landscaping on the property.

30 Mr. Pennypacker: The reason I bring it up is because, as part of the Planning Board review standards,
it calls for minimum disturbance of soil.

32 Mr. Comolli: The property was a field and will remain a field, and is buffered on three sides. It's not
a suitable soil for this purpose.

34 Questions from the public:

36 Ms. Capalbo: I think where we have industrial and manufacturing uses, loam is going to be removed
so it can be built upon. It should be protected in RFR-80 and residential zones.

38
40 HAVING MADE POSITIVE FINDINGS OF FACT WITH REGARD TO THE PROJECT'S CONSISTENCY WITH THE
COMPREHENSIVE PLAN, THE HEALTH, SAFETY, AND WELFARE OF THE TOWN, THAT THE PROJECT WILL NOT
INJURE THE USE OF THE PROPERTY OR THE SURROUNDING AREA, THERE ARE NO SIGNIFICANT NEGATIVE
42 ENVIRONMENTAL IMPACTS FOR THE PROPOSED DEVELOPMENT AS SHOWN, THE DEVELOPMENT WILL HAVE
ADEQUATE AND PERMANENT LEGAL ACCESS TO A PUBLIC STREET, MR. BEDOYA MOVED THAT THE
44 PLANNING BOARD APPROVE THE DEVELOPMENT PLAN REVIEW APPLICATION, SUBJECT TO THE

2 APPLICANT WORKING WITH THE TOWN PLANNER AND SOLICITOR TO SUBMIT AN ESTIMATED COST OF
4 REMOVAL AND FINANCIAL SECURITY FOR THE DECOMMISSIONING OF THE SOLAR SYSTEM.

4

MR. SARDONE SECONDED THE MOTION.

6

MR. SARDONE, MR. HOLBERTON, AND MR. BEDOYA APPROVED.

MR. HOLBERTON OPPOSED THE MOTION.

8

10 Mr. DiOrio arrived to the meeting and joined the Planning Board.

12

Development Plan Review – Photovoltaic Solar Energy System – AP 15 Lot 5 – 916 Main Street –
14 Econox Renewables, applicant.

16

18 Scott Milnes and Andrew Vardakis were present for the applicant. The project had appeared
20 before the Planning Board the month before, and they had made the revisions to the plans asked by
22 the Planning Board. Nearby houses were added to the site plans, along with their distances from
the project. Mr. Milnes also added that the decommissioning bond required by the Town would be
provided in the form of an escrow account, and that the decommissioning plan will be stamped by
their engineer.

24 Questions from the Planning Board:

26 Mr. DiOrio: What information did you use to add the house to the plans?

Mr. Vardakis: We used GIS.

28 Mr. DiOrio: Was there was a maintenance plan revision?

30 Mr. Milnes: We submitted a revised operations maintenance plan, which now includes maintaining
the landscaping and buffers.

32 Mr. DiOrio: You've laid out an operational maintenance task frequency. What is the Town's
recourse if the maintenance plan is not followed?

34 Mr. McAllister: If they fall short of the maintenance plan, they would be subject to citation by the
Town's building inspector as long as the plan and Board are both clear enough in their instructions.

Mr. DiOrio: If we adopt the maintenance plan as presented tonight, would that be clear enough.

36 Mr. McAllister: Yes, it would.

38 Mr. Holberton: This project is in a Commercial zone. We've had concerns about noise on several
applications from your company.

40 Mr. Milnes: We've submitted information, and have invited the Board out to one of our locations
that's in operation. These are all micro-inverters, so a system like this will make less noise than a
larger system.

42 Mr. Holberton: According to you. How do we know that?

44 Mr. Milnes: We talked about this issue last time, that the Town doesn't have any guidance in the
solar ordinance relating to noise. Our components have been documented to put out 50 decibels at
a distance of three meters.

2 Mr. Holberton: Tell me the process of how the plan is reviewed by the Fire Department.

Mr. Milnes: We have to get the fire marshal to approve the plan before we can get a building
4 permit. We'll make any design changes based on what he wants.

Mr. Sardone: I think the Town needs to review the solar ordinance to address the noise issue.

6 Mr. McAllister: If the Town Council were to adopt a new ordinance that addressed noise, it would
not apply to this project. This project is evaluated based on the ordinance that was in place when
8 they applied. I think the Board's responsibility is to make a decision based on the ordinance as it
exists today.

10 Mr. DiOrio: If the Planning Board were to impose a condition on the approval, would that be
allowed?

12 Mr. McAllister: It depends on how the condition is phrased. If the applicant is representing a
decibel level at a specified distance, that could be allowed. I'm concerned about making a
14 determination of what is or is not acceptable, because I'm not qualified to do so.

Mr. Lamphere: Does the applicant have any information on the transformers that will be used on
16 this project? These parts also make noise, not just the inverters.

Mr. Milnes: We can supply data for the transformers as well. The ones we use are very quiet. We
18 use top-line components because we want them to last for the 25-year life of the project.

Mr. Pennypacker: Do you know if there have been any issues with wildlife migration, with respect
20 to the fencing?

Mr. Milnes: In South Kingstown, they raised the fence about six inches off the ground to allow
22 smaller things to pass under it.

24 The Planning Board discussed whether adding a condition of noise levels as stated by the applicant
to the approval would be appropriate, and the process of decommissioning at project end.

26

28 Questions from the public:

30

Mr. Reynolds: I live on the rear side of the Enchanted Forest property, off of Mechanic Street. We're
32 concerned about fires that happen as the systems age, due to ground fault.

Mr. Milnes: We maintain the systems twice a year, as well as monitoring them constantly online.

34 It's very critical they stay operational, so we watch them closely. The inverter would automatically
shut off in the event of a ground fault, so we would know that almost immediately.

36 Mr. Reynolds: I've also read about people doing a lightning strike calculation, that would let people
know the chances of a lightning strike for an area.

38 Mr. Milnes: In the event of lightning strike, it would probably trigger a ground fault and shut the
system down immediately.

40 Mr. Reynolds: Does the system need distilled water?

Mr. Milnes: No.

42 Mr. Reynolds: And the roadway access is maintained normally?

Mr. Milnes: Yes, we maintain it year-round.

44 Mr. Reynolds: I like the idea of people being down there often to keep it maintained.

Mr. Reynolds: What would happen if the company were to go out of business?

2 Mr. Milnes: The escrow account in place would provide the funds for decommissioning and the site would be returned to its prior state of being a field.

4 Ms. Capalbo: I think the idea of raising the fence a little bit for wildlife is a good idea, and I think asking about the quality of the components is a valid question. Where is the location for the
6 monitoring of these systems?

Mr. Miles: We have an office in Newport.

8 Ms. Capalbo: Would the snow be removed during the winter?

Mr. Milnes: The access road will be maintained.

10 Mr. DiOrio: How often will the road be plowed?

Mr. Milnes: According to the maintenance plan. It doesn't mean necessarily every time it snows,
12 but will be as needed.

Mr. Holberton: Nothing in the maintenance plan talks about snow removal.

14 Mr. DiOrio: I suggest you speak with the emergency personnel and put they require into the plan.

Mr. Holberton: What's in the maintenance plan about leaf and debris removal from the fenced in
16 area?

Mr. Milnes: That would be taken care of as part of the grass cutting.

18 Mr. DiOrio: Please include removal of debris as part of the written plan.

Mr. Reynolds: Will someone at the Town level be around to monitor these projects?

20 Mr. Holberton: There is a zoning official and part-time building inspector that watches these things for the Town.

22

24 MR. BEDOYA MOVED THAT THE PLANNING BOARD, MAKING POSITIVE FINDINGS OF FACT WITH REGARD
26 TO THE PROJECT'S CONSISTENCY WITH THE COMPREHENSIVE PLAN, THE HEALTH, SAFETY, AND WELFARE
OF THE TOWN, THAT THE PROJECT WILL NOT INJURE THE USE OF THE PROPERTY OR THE SURROUNDING
28 AREA, THERE ARE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS FOR THE PROPOSED
DEVELOPMENT AS SHOWN, THE DEVELOPMENT WILL HAVE ADEQUATE AND PERMANENT LEGAL ACCESS
30 TO A PUBLIC STREET, CONDITIONALLY APPROVE THE DEVELOPMENT PLAN REVIEW APPLICATION, SUBJECT
TO THE APPLICANT ADDING THE REMOVAL OF DEBRIS TO THE MAINTENANCE PLAN, SUBMITTING A
32 DECOMMISSIONING PLAN AND BOND TO THE PLANNING DEPARTMENT, PROVIDING THE NOISE
SPECIFICATIONS FOR THE INVERTER AND TRANSFORMER COMPONENTS, AND ADHERING TO ALL STATE
AND LOCAL ZONING ORDINANCES. FINAL APPROVAL IS TO BE DELEGATED TO THE TOWN PLANNER.

34

MR. HOLBERTON SECONDED THE MOTION.

36 MR. DIORIO, MR. SARDONE, MR. HOLBERTON, AND MR. BEDOYA APPROVED.

38

40

42

44

2 NEW BUSINESS:

4 Planned Unit Development – **Pre-application** - Photovoltaic Solar Energy System – AP 4 Lot 61M – Collins Road – Soltage, LLC, applicant.

6

8 Mr. Vardakis, registered engineer of Bard Foster Wheeler, presented for the applicant. He described the project as a 2.47MW project occupying approximately nine acres of fenced area on an 18 acre RFR-80-zoned parcel, and would require clearing of trees on the west side of the project of about four acres. Mr. Vardakis stated that there are wetlands on the property that they would need to work around, and the configuration of the project could change as more data is collected. He noted that **10** the closest residence was about 450' to the southwest. The applicant was seeking the Board's opinions on the project and on proceeding under the PUD ordinance. **12**

14

16 Questions from the Planning Board:

18 Mr. Holberton: The ordinance states that 30 acres is required for a PUD project, but you've come to us with an 18-acre parcel. Are you seeking a waiver for that?

20 Mr. Vardakis: We would seek a waiver if that is required.

22 Mr. Holberton: Where do you think this fits within the PUD ordinance? I've read the ordinance and don't see how this project fits those objectives.

24 Mr. Vardakis: I've had a discussion with the Town Planner and the applicant. We didn't think that a re-zone was possible with this project, so we wanted to try the PUD route.

26 Mr. DiOrio stated that, in the interest of being candid for the pre-application meeting, he is not going to support the project moving forward. He described the project as a bad fit in a rural area, being in the middle of wetlands, and a prostitution of the PUD ordinance. While remaining open to the idea of solar generation being a component of a PUD application, the PUD ordinance has objectives and definitions that this project did not meet. The Board concurred that the project would not be supported as a Planned Unit Development. **28**
30
32

34 THE PLANNING BOARD DOES NOT VOTE ON A PRE-APPLICATION.

36

38 5- Lot Minor Subdivision - **Preliminary Plan** — Galipeau Plat – AP 5 Lots 67 & 67A – Collins Road & Tomaquag Road – Richard P. & Karen L. Galipeau, applicants

40 Attorney George Comolli presented on behalf of the applicants. The applicants own two lots, 10.2 acres (lot 67A) and 8.6 acres (lot 67). The applicants are proposing the creation of four lots, in addition to their existing lot, for a total of five. The land was described as flat and containing one wetland feature, which is away from the proposed development areas, and there are no existing walls or cemeteries. All homes would have OWTS and individual wells. Ms. Galipeau also stated that her **42**
44

2 existing home was on one lot, and that she recently purchased the other lot from her aunt. She would
4 like to see the other lots developed into family homes, and they would remain in their existing home.

6 Questions from the Planning Board:

8 Mr. DiOrio: I'd like to request that the client not cut the trees on the front of lots 2, 3, and 4. I think
10 that would help to preserve the scenic view of the corner of Collins and Tomaquag Roads. Not a
comprehensive no-cut, but just the significant trees.

Ms. Galipeau: We would be amenable to that condition.

12 Mr. Lamphere: We may want to detail a size for the no-cut area. In the past, 50' has been the standard.

14

Questions from the Public:

16

Ms. Capalbo: Collins and Tomaquag Roads are very scenic roads.

18

Mr. Brocato: Are you planning to sell the build on the new lots?

Ms. Galipeau: The lots would be for sale.

20

22 MR. HOLBERTON MOVED THAT THE PLANNING BOARD, MAKING POSITIVE FINDINGS OF FACT WITH
24 REGARD TO CONSISTENCY WITH THE HOPKINTON COMPREHENSIVE PLAN, THE HOPKINTON ZONING
ORDINANCE, THAT THERE ARE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS FOR THE PROPOSED
26 DEVELOPMENT AS SHOWN, THAT THE PROJECT WILL NOT RESULT IN UNBUILDABLE LOTS, THAT THE
DEVELOPMENT WILL HAVE ADEQUATE AND PERMANENT LEGAL ACCESS TO A PUBLIC STREET, THAT THE
28 DEVELOPMENT PROVIDES FOR SAFE PEDESTRIAN AND VEHICULAR CIRCULATION, THE PRESERVATION OF
HISTORICAL, CULTURAL, AND NATURAL FEATURES, THAT IMPROVEMENTS WILL MINIMIZE FLOODING AND
EROSION, APPROVE THE PRELIMINARY PLAN FOR THE PROJECT AND DELEGATE FINAL APPROVAL TO THE
30 ADMINISTRATIVE OFFICER.

32

MR. SARDONE SECONDED THE MOTION.

MR. DIORIO, MR. SARDONE, MR. HOLBERTON, AND MR. BEDOYA APPROVED.

34

36

SOLICITOR'S REPORT:

38

None

40

PLANNER'S REPORT:

None

42

CORRESPONDENCE AND UPDATES:

44

None

2 PUBLIC COMMENT:

None

4

DATE OF NEXT REGULAR MEETING: August 2, 2017 or August 9, 2017

6

ADJOURNMENT:

8

MR. HOLBERTON MOVED TO ADJOURN THE MEETING

MR. SARDONE SECONDED THE MOTION

10

ALL MEMBERS APPROVE. MOTION PASSES.

12

The meeting adjourned at 9:00.

14

Attest: _____

16

Sean Henry, Planning Board Clerk