

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

6 **Wednesday, September 6, 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 September 6, 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, and Tom Holberton 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 THE JULY 6, 2017 MINUTES WERE TABLED UNTIL THE NEXT MEETING.

22 **OLD BUSINESS:**

24 None

26 **NEW BUSINESS:**

28 **Development Plan Review** – Pre-application meeting — Photovoltaic Solar Energy System –
29 AP 3 Lot 53D – Alton-Bradford Road - Anthony DelVicario, applicant.

30 Attorney Vincent Naccarato presented on behalf of the applicant. The applicant had previously been
32 before the Planning Board when seeking a Zoning Map and Future Land Use Map change for the
33 property, from RFR-80 to Manufacturing Special (allowing only for the photovoltaic system use).
34 Since that appearance, the applicant went before the Town Council and obtained approval for those
35 amendments. Several conditions were placed on the approval by the Town Council, which were:

- 36
- 38 - The amendments would be subject to final interconnection approval from National Grid
 - 39 - The amendments would be subject to reaching a final agreement with the Hopkinton
40 Land Trust with regards to their adjacent property.
 - 41 - Upon decommissioning, the zoning would revert back to RFR-80.
 - 42 - Requirements of decommissioning are to be complied with, including financial security.
 - 43 - The bottom of the fencing is to be raised six inches to allow small animal migration.
 - 44 - Under operation, noise from the site is not to exceed 55db measured at a distance of 3m.
 - A suitable vegetative buffer will obscure the site from abutting properties.

2 Mr. Naccarato explained that those conditions were a part of both ordinances passed by the Town
Council. He then called his first witness, Mr. Audie Osgoode of Diprete Engineering.

4

6 Mr. Osgoode presented the engineering site plan for the project. He described the site as being
located on Alton Bradford Road, sized at approximately 80 acres. RIDOT has reviewed the
existing curb cut for access, which will be improved upon in order to provide an access road to
8 the site for maintenance. The road may be paved if its required by National Grid, and the
pavement has been accounted for in the stormwater calculations. The Fire Marshal has been
10 contacted and is currently consulting with the State Fire Marshal. The access road running east
to west across the site has been eliminated as being unnecessary. Mr. Osgoode stated that the
12 Hopkinton Land Trust (HLT) has approved of the walking trail and parking configuration for
their parcel. He also stated that all necessary state permits have been obtained, which include a
14 RIPDES permit and Insignificant Alteration permit, both from RIDEM.

16 Questions from the Planning Board:

18 Ms. Williams: I appreciate the changes that have been made since the last appearance. I see the buffer
has been extended from 40 feet to 100 feet.

20 Mr. Holberton: Will the buffer be cur or left alone?

Mr. Osgoode: Some of the larger trees will be removed, but that's a question for the landscape
22 architect.

Ms. Williams: The fencing has been changed. On the previous plans, it was woven between trees.

24 Mr. Naccarato: That can also be answered by the landscape architect, Mr. Alverson.

Mr. Holberton: I feel the conditions from the Town Council should be included on the plans as well,
26 since they become legal documents once they're recorded.

Mr. Naccarato: We will include them on the plans.

28 Mr. DiOrio: While we're discussing the buffer, we were told that the vegetation on the north side
would remain in place and now that's changed.

30 Mr. Alverson (Licensed Landscape Architect: Millstone Engineering, Wickford, RI): The vegetation
will be maintained near the northern wetlands. The north side will be selectively cleared in order to
32 install the fence, which will snake through the vegetation.

Mr. DiOrio: Is specimen vegetation along that line staying or going?

34 Mr. Alverson: They'll be going.

Mr. DiOrio: Why are trees being removed from the north side if the sun is coming from the south?

36 Mr. Osgoode: The concern is that trees could fall.

Mr. Palumbo (Southern Sky Energy): We don't need to take trees down for shade reasons. I feel
38 comfortable saying that we can leave the trees there.

Mr. DiOrio: When do you expect interconnection approval?

40 Mr. Palumbo: We have applied and I don't foresee any issues with the application. I expect the
agreement back in the October-November timeframe, and at that point would require a substantial
42 financial commitment.

Mr. Holberton: We've had another project before us that wound up being reduced in size by National
44 Grid. Why do you expect yours will proceed as-is?

2 Mr. Palumbo: They don't say no, but there can be conditions or requirements that may cause the size to be reduced through negotiation.

4 Mr. Holberton: So you're confident that this will be the actual size?

Mr. Palumbo: Very confident.

6 Mr. DiOrio: Is there any reason you would reduce the project?

Mr. Palumbo: Respectfully, I'd like the project to remain this size. Reductions have already been made for RIDEM purposes.

8 Mr. Osgoode: In the decommissioning report, there was a seeding plan for nine acres, but we'll probably revise that to be "as needed".

10 Mr. Pennypacker: I'd like to see a landscaping plan that shows where the different levels of vegetation cutting are taking place.

12 Mr. Palumbo: We have a simulation tool that we use to determine which trees need to be cut.

14

Questions from the public:

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Ms. Capalbo: Because that acreage is currently forested, I have concerns about runoff.

18 Mr. Osgoode: We've met RIDEM requirements for drainage and runoff. Erosion controls state that disturbed areas must be seeded within 15 days.

20 Mr. Palumbo: As operators, we need the erosion controls to function correctly. We're using a national contractor and they'll have performance bonds in place for the work. We're going to hold their feet to the fire.

22 Mr. Buford: The Conservation Commission wants to support renewable energy projects, wind energy as well. We also don't want to lost the agricultural soils there. It would be unfortunate if the property reverted back to housing developments, I would like to see farms instead.

24 Mr. Lamphere: I would like someone to elaborate on the phasing of this project. The plans indicate there are phases.

26 Mr. Osgoode: The phasing relates to the soil erosion and soil disturbances at any one time. Best practice would be to stabilize soil as it is being built.

28 Mr. Lamphere: From commencement, how long do you anticipate construction will take?

Mr. Palumbo: Six months.

30

Mr. Naccarato called his next witness, Kevin Alverson, registered landscape architect.

32

Mr. Naccarato: The conditions of the ordinances stipulate that neighbors should not be able to see the project from the first floor of their home, correct?

34 Mr. Alverson: From the road, there should be a minimal visual impact. In addition to the fencing, there will be supplemental vegetation installed, like shrubbery.

36 Mr. Naccarato: Where will that be done?

38 Mr. Alverson: Along the edge of the access road shoulder, near the HLT parking area, and the fence near the HLT property. In order to shield the project from the neighbors, we'll supplement with shrubbery and small trees. The property to the east on Alton Bradford Road would be screened by the wetlands.

40 Mr. Naccarato: The fence will be snaked through the vegetation, correct?

42

44

2 Mr. Alverson: We can get the fence a little in from the road, clearing selectively in a three foot area in order to install the fence.

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6 Questions from the Planning Board:

8 Mr. DiOrio: How did the buildings get onto the plans?

Mr. Osgoode: I can re-check, but I believe they were placed based on the RIGIS aerials.

10 Mr. DiOrio: What is the mechanism by which you'll determine how effectively the project has been screened from the homes?

12 Mr. Alverson: We'll determine that on-site, and correct things as needed.

14 Mr. DiOrio: The neighbors could raise a concern that you might not know about. Since the screening is a condition of approval, I think it needs to be addressed.

16 Mr. Palumbo: We had a similar discussion with the Town Council. We have committed to talking with each neighbor to ensure that they're satisfied.

Mr. Holberton: What type of fence are you using?

18 Mr. Palumbo: Standard fencing for this project would be a six foot chain link fence. It will be visible, but we will use vegetative screening. We're willing to negotiate on color specifics.

20 Mr. Pennypacker: What perimeter is required to be fenced in?

Mr. Naccarato: The perimeter of the project area.

22 Mr. Pennypacker: Does the Town have any data on the effects of a perimeter fence of this size?

Ms. Williams: I don't think so.

24 Mr. Holberton: The only indigenous species that would probably be impacted would be deer.

26 Mr. Lamphere: Because the applicant owns the parcel, they could put the fence on the property line if they chose to. The Manufacturing zone setbacks would be trumped by the Chapter 246 ordinance.

28 Mr. DiOrio: As someone who works on property lines, I would recommend against putting it on the property line.

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Questions from the public:

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34 Ms. Capalbo: If the fence on the neighbors' side could be green, that would help with the visibility. I think it matters less for the other sides.

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38 Mr. Naccarato called his final witness, Mr. Ralph Palumbo of Southern Sky Energy. Because Mr. Palumbo had already spoken to several questions, he proceeded to taking questions from the Board immediately.

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42 Ms. Williams: We still have no data on sound and noise coming from this project. Are we going to be able to require anything?

44 Mr. DiOrio: I would say that if someone was going to represent that "the sound will be x", I think that the Town needs to be able to measure that.

2 Mr. Palumbo: We've hired Sage Engineering to do a projected and as-built noise study, which we'd
4 be happy to share with the Board. We're using string inverters, which are smaller, and I think we've
addressed it.

Mr. DiOrio: Are they certified in Rhode Island?

6 Mr. Palumbo: Yes, they're RI-based.

Mr. Holberton: What happens if a neighbor makes a complaint?

8 Mr. Palumbo: We'll continue to maintain the system as needed, but we don't want any disgruntled
neighbors, so we'll address it. The maintenance plan consists of maintaining the vegetation and the
10 system. Someone walks the site monthly, and it's monitored electronically as well. In addition to the
annual maintenance, every 7-11 years the inverters are replaced.

12 Mr. Holberton: No snow removal is included on the plan.

Mr. Palumbo: That means off the panels. The parking area isn't addressed in the plan. The access
14 road is plowed as needed. Not a lot happens with these projects in the winter.

Mr. Holberton: I'm very impressed with the presentation and level of expertise that has been put into
16 it. I thought the Town Council conditions were generous, I'd like to talk about tax revenue.

Mr. Palumbo: The RI Office of Energy Resources has set compliance standards for tangible taxes.

18 Mr. Holberton: Does the Town get electricity credits?

Mr. Palumbo: The Town has a very small load, about 1 MW. We've allocated credits but we don't
20 have a formal net metering agreement in place, which could be a 25-year agreement to offset the
Town's electricity load. It would require a cooperative agreement, but we'd be happy to allocate
22 credits for the Town.

Mr. DiOrio: What about the decommissioning plan and escrow funds? How much is required to be
24 placed in the bond? What if the amount needed totals to be more than the bond?

Mr. Palumbo: The bond is put in place in case of abandonment. We've hired an engineer to estimate
26 the amount needed, but we don't have any data on decommissioning because these systems haven't
been around for 25 years. We generally account for \$10k-15k per megawatt.

28 Mr. McAllister: The Town will have access to the escrow funds, and in the event that more is required,
the Town can seek reimbursement from the owner.

30 Ms. Williams: Is 1% inflation rate typical for these projections?

Mr. Palumbo: It's a guess. The hope is that it will grow over time.

32 Mr. Holberton: Would you allow us to have another engineering firm review the amount?

Mr. Lamphere: Crossman Engineering, the Town's in-house engineer, has given us a quote of \$535
34 for a decommissioning report review.

Mr. DiOrio: I think the larger project has to be reviews. It could be classified as a Major Land
36 Development.

Ms. Williams: Would we be slowing the project by taking more time for review at this point?

38 Mr. Palumbo: As the developer, levels of uncertainty occur when the project is extended.

Mr. Naccarato: What would the independent review seek to find? Considering the Town has
40 approved the project in the form of an ordinance, I don't think the review should be open-ended.

Mr. DiOrio: While we're not rendering an approval tonight, we need to determine the travel of this
42 project.

44 The Planning Board discussed the potential travel of the project and items that they deemed needed
further review. Ms. Williams and Mr. Holberton did not feel that the project rises to the level of a

2 Major Land Development, but agreed there were some details that needed to be worked out which
include: drainage plans, fire marshal review, clarification of cut areas, adding the Town Council
4 conditions to the placed, the mechanism for determining the adequacy of vegetative screening, and
several other items. The Planning Board determined that the project would continue under
6 Development Plan Review, and provided the applicants with their list of items to consider.

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

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SOLICITOR’S REPORT:

12 None

14 PLANNER’S REPORT:

None

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CORRESPONDENCE AND UPDATES:

18 None

20 PUBLIC COMMENT:

None

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DATE OF NEXT REGULAR MEETING: October 4, 2017

24

ADJOURNMENT:

26 MR. HOLBERTON MOVED TO ADJOURN THE MEETING

MS. WILLIAMS SECONDED THE MOTION

28 ALL MEMBERS APPROVE. MOTION PASSES.

30 The meeting adjourned at 9:05.

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Attest: _____

34 Sean Henry, Planning Board Clerk