

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

6 **December 4, 2013**

7 **7:00 P.M.**

8 **Hopkinton Town Hall**

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

10 **CALL TO ORDER**

11 The December 4, 2013 meeting of the Hopkinton Planning Board was called to order at 7:03 p.m.
12 by Chairman Alfred DiOrio.

14 **MEMBERS PRESENT**

15 Alfred DiOrio, Howard Walker and Hazel Douthitt were present.

16 Donald Simmons, Joseph Escher and Carolyn J. Doyle were absent.

18 Also present were: James Lamphere, Town Planner; Scott Levesque, Town Solicitor; Barbara
19 Capalbo, Town Council Liaison; and, Harvey Buford, Conservation Commission.

20 **APPROVAL OF MINUTES**

21 Ms. DOUTHITT MOVED TO ACCEPT THE MINUTES OF THE NOVEMBER 6, MEETING AS PRESENTED.

22 MR. WALKER SECONDED THE MOTION.

23 Ms. DOUTHITT AND MESSRS. DIORIO AND WALKER APPROVE. MOTION CARRIES.

26 **NEW BUSINESS**

27 Public Hearing/Advisory Opinion – Proposal for Comprehensive Plan/Zoning Ordinance
28 Map/Zoning Ordinance Text Amendment – Megawatt Energy Solutions & Bank Street
29 Holdings, LLC – AP 28, Lot 122 – 45 Bank Street

30 MR. WALKER MOVED TO OPEN THE PUBLIC HEARING. MS. DOUTHITT SECONDED THE MOTION.

31 MESSRS. WALKER, DIORIO AND MS. DOUTHITT APPROVE. MOTION CARRIES.

34 Attorney Vincent Naccarato, represented the applicants of the property owned by Bank Street
35 Holdings, LLC, and Megawatt Energy Solutions, the lessee. There are approximately eight acres,
36 formerly nonconforming uses, which have been inactive for the last ten years. The property is
37 bound on the east by the Wood River. There are substantial freshwater wetlands on the site.
38 Setbacks from the perimeter and the river will be met.

40 Mr. Naccarato said the property will only be used for a solar energy system, shown on the
41 conceptual plan as away from the wetland area. Panels will be located 50 feet from the western
42 boundary, a mini-storage facility. They will not infringe on zoning setbacks and will conform to
43 existing setback requirements. The site has been excavated over the years. Mr. Naccarato
44 presented the Board with Applicant's Exhibit 1, photographs of the site, and Exhibit 2, a photo of
45 a typical ground mount solar array. They will not require water, septic. There will be no
46 maintenance or traffic. They will require some lighting. The panels do not move or rotate. There
47 are no emissions from the panels and no waste products.

2 Mr. Naccarato presented Applicant’s Exhibit 3, a picture showing how a solar system works.
4 They are seeking a zone change with limitations by the Planning Board that the use is strictly for
6 a solar system. There will be chain link fencing around the property. The moving parts are
8 lubricated by a vegetable oil with a container to catch the oil if there is a spill. The Town would
10 first have to change the Comprehensive Plan. The applicants would then return next month with
12 the actual plan for approval of the project.

14 Joseph Lombardo testified as an expert Land Use Planning Consultant. His review of the project
16 was presented as Applicant’s Exhibit 4. Mr. Lombardo said there has never been any real use of
18 the property but there have been proposals that did not reach fruition. He wants to amend the
20 Comprehensive Plan and change the zoning on this parcel from RFR-80. They are proposing a
22 new land use category, number 486, Solar Energy System, with approval specific to this one site.
24 Qualifiers are: setbacks; connection lines underground; six foot perimeter fencing; and, dark sky
26 compliant lighting. The system generates energy; no energy is used. The use table amendment
28 will designate this as a permitted use in the aquifer overlay zone and they would not need a
30 permit from the Zoning Board. The project will generate taxable income while there will be little
32 or no impact to the site or to abutting properties.

34 Mr. Naccarato presented Kirt Mayland, a consultant to Megawatt Energy Solutions. This
36 proposal is part of a state program to encourage solar development. Mr. Mayland was originally
38 a consultant with Soltas Energy which had won a contract with the State of Rhode Island to put
40 up this facility. This will be an approximately 450 kilowatt AC project which is roughly a 500
42 kilowatt DC project. The solar photovoltaic panels will be tilted south at approximately 25
44 degrees, stationary, in a series of rows, and east to west. There will be 10 to 12 feet of open space
46 between the rows for habitat and stormwater infiltration. The panels sit on a fixed racking
48 system, to be determined. The panels take in the sun and turn it into DC energy which travels to
50 wires under the panels buried three feet underground in a one-half inch conduit. The wires run
to an inverter near Bank Street that converts the DC energy to AC energy. The energy enters a
transformer, about 10 feet by 6 feet tall, that transforms the electricity into the same voltage as
along Bank Street and up a riser pole to two or three National Grid poles with a meter that will
measure the electricity they are producing. There is another pole called a closer, which isolates
either the system or power lines if there is a fault anywhere. There are a series of protective
devices located within the array. National Grid will be the purchaser of the power. It is
essentially a noiseless facility that hums during the day and shuts off at night. There are no
homes located close enough to hear the humming noise during the day. Lighting switches are in
lock boxes as the entrances to the facility. It is not lit up at night. A Megawatt employee or the
fire or police department will have the combination to get in if a situation arises. They propose
six foot chain link fencing, but are flexible, and can put up higher fencing, strand barbed wire on
top, or agricultural fencing. They would be open to putting hedges around the fence. The
system will provide power for 100 homes in Hope Valley along Bank Street. The system
produces no smoke, makes virtually no noise, uses no water, will not use the roads post
construction, and maintenance is minimal. The system is monitored remotely and has a 20 to 30
year life span. Construction takes one to two months.

46 Ms. Douthitt asked what the panels are made of.

48 Mr. Mayland said the panels are shatterproof glass, steel, and silicone that absorb light and do
50 not reflect it.

2 Mr. Naccarato asked if the panels would be in the wetlands.

4 Mr. Mayland said Rhode Island statute does not permit them to take down trees in the buffer
6 zone to the river. The panels are completely stationary and the racking system will either be
driven into the ground on posts or will sit flat on the ground with cement ballast blocks to keep it
stationary.

8 Mr. Naccarato said he hears that the noise is equivalent to a computer in use and Mr. Mayland
10 agreed.

12 Mr. Naccarato asked if there would be screening for the residential homes along Main Street.

14 Mr. Mayland said they would be amenable to discussions on screening. Access will be from
Bank Street which would stay a pervious surface. Inside the fence line will be an access road for
16 maintenance and emergency personnel, and will be a gravel road. The grass will be cut three to
four times during the mowing season. There is an operations and maintenance team that checks
18 the site to make sure all is working properly. Software inside the inverters is visible on their
computers to monitor the project and lets them know when there is a need to send out the team
20 to check the inverter. The inverter has a 5 to 10 year warranty and panels are warranted for 20
years.

22 Mr. Naccarato asked if they would need any septic, bathrooms or water use.
24

26 Mr. Mayland said no. They will clean the panels, if necessary, with water and organic materials.

28 Mr. Naccarato asked if there is anything hazardous in the panels, should they break.

30 Mr. Mayland said there is not in the panels they use. There is biodegradable oil in the Cooper
transformer they typically use. They will lease two and a half acres of land for the panels and it
would be Mr. McDonald's property outside of that.

32 Kevin McDonald, Bank Street Holdings, LLC, said he has owned the property for about 10 years.
34 He has not been able to sell it for other uses. He also owns 1125 Main Street which abuts this
property. Attempts to sell the property as residential have failed.

36 Mr. Lamphere said that the site plan shows the modules beyond the setbacks for commercial
38 zoning. He asked how they intend to deal with the 100 foot commercial setback.

40 Mr. Mayland said the panels will be pulled back with the next plan and be within the commercial
zoning setback.

42 Mr. DiOrio asked what they are proposing for the surface under the panels.
44

46 Mr. Mayland said it is yet to be determined how the panels will be mounted. They are currently
favoring a ballasted system with the panels on racks, resting on a small tray with blocks to keep it
stationary. They would hydro seed under the panels and between the rows, ideally creating a
48 habitat for open bird species, as example.

50 Mr. DiOrio said, essentially a vegetative surface; not gravel, not crushed stone and not pavement.

2 Mr. Mayland said definitely not pavement. If they choose to go with the ballast, there may be
4 gravel under the ballast so it doesn't heave with the frost. Outside the posts and underneath the
panels would be a natural, permeable surface.

6 Mr. DiOrio asked if there is glare.

8 Mr. Mayland said there is no glare. The panels are a dark navy blue tempered glass. There may
10 be a slight reflection off the metal exterior, but nothing that would be troublesome to the eye.
Glare will not be a problem to abutting property owners.

12 Mr. Buford said this change is creating a process for solar that will apply in any commercial and
14 manufacturing district. The changes that would be made to zoning would apply to anything that
fell into the broader category of solar. That particular site is in the aquifer for that area and is a
16 very sensitive site. There is a transformer and oil. He has not seen that a special use permit is
required or if hydrocarbon or hazardous materials are on site or used on site. With the aquifer,
18 they would expect to get an aquifer protection permit. This testimony was about this one
project but this zone change could affect numerous other properties in town. Within that
category, solar should be more clearly specified.

20 Mr. DiOrio asked, for the proposed District Use Table, number 486, instead of a P under
22 commercial, it should be an S to provide for municipal oversight as other projects come
forward.

24 Mr. Buford said solar could include a solar heating system that would use antifreeze. If
26 you were to go before the Zoning Board for an aquifer protection permit, they might ask
you to put a little silt protection underneath the transformer, a curbing or something
28 that would catch a spill. If it includes the broad category, he would want to make sure
we don't have an issue we hadn't thought about.

30 Mr. Walker summarized, the only thing that is on the table tonight is whether we create
32 this new use, number 486, Solar Energy System, and change the Zoning Map to make
only this property zoned for that use. The applicant, assuming that we recommend this
34 change and the Town Council adopts it, is going to come back before us with an
application for development plan review to build this array, at which time, there will be
36 questions about liquids inside these panels, potential spills, consequences and
conditions that we would impose on the approval of an application before they actually
38 build this project. What is before us tonight is really a very narrow proposal.

40 Mr. Lamphere said the applicant's proposal has four subsections: 1) amend the Future
Land Use Map in the Comprehensive Plan; 2) a zoning map change from RFR-80 to Commercial;
42 3) create a new use, 486, Solar Energy System; and, 4) a new Section 5.3 in the Zoning Ordinance
that pertains to solar energy systems and lists four criteria that they have to meet. These
44 proposed changes will apply not only to this parcel but to all commercial and manufacturing
zones throughout town. He provided the Board with a handout to use as a guide and the
46 proposed solar ordinance which the Planning Board and the Town Council have from several
years ago, to be used as background, and may want to add to Section 5.3 of the Zoning
48 Ordinance. Mr. Lamphere is concerned with what will be visible from the roadways.

2 Mr. DiOrio said this is going to be townwide. If I own commercial property somewhere, I can
4 utilize this segment of the district use table. If that is the case, and it is not specific to this site,
6 there needs to be more overview because we are not just looking at this application. He would
advocate a special use permit, rather than permitted by right, and may feel the same way about
aquifer permit as well.

8 Mr. Lamphere said if the Town Council decides to change the zoning on this property to
10 commercial, and as the applicant has intentions just doing the solar project on this site only, we
will have an amended use table which someone else could take advantage of for a solar project.

12 Mr. DiOrio added, and a completely different arrangement.

14 Ms. Capalbo asked the size of the panels.

16 Mr. Mayland said approximately three feet wide by six feet tall.

18 Ms. Capalbo asked if they are on stanchions and if that is a flat plate under the panel, or is there
20 just a stanchion so that there is grass under the solar panel itself.

22 Mr. Mayland said they need to dig holes and determine the water table. If they are on posts, they
24 are driven or screwed five feet into the ground or they place the post going into a small plate
with cement blocks on top. Everything outside of that would be grass.

26 Ms. Capalbo asked if there are many homes in that neighborhood. She understands that
although the property is zoned RFR-80, it is surrounded by commercial, neighborhood business.

28 Mr. Lamphere said there are few homes with most residential uses on Main Street. The state
30 garage is across the street. Carriage Barn Mini Storage is a neighbor to it and is zoned RFR-80
as well. He does not think this would be a great impingement upon residential uses.

32 Ms. Capalbo said she is also concerned with how much of the panels will be seen. She asked if
34 the panels will be rotated seasonally.

36 Mr. Mayland said some systems are manually rotated which is cost prohibited for a site this size.
The panels will be south facing and even in winter catch some sun. The ideal tilt is 36 degrees
38 which will not be obtained here because they do not have the room. They will be at roughly 25
degrees that will give them 95% of what they would get at 35 degrees. It is minimal in the winter.

40 Ms. Capalbo would like solar energy in our Zoning Regulations for the entire town, not just for
42 this one specific property, but a little broader so that the town can take advantage of the solar.

44 Mr. Mayland said Rhode Island has a very small solar program for systems this size. They won a
contract through an extensive bidding process so there is a very small risk in the short term of
46 these popping up. They are under a strict deadline. If they don't have this fully constructed and
operating in National Grid's standpoint by the end of February, they will lose the contract and
48 the project won't happen.

50 Mr. Lombardo suggested making use 486, Solar Energy System, Electric Only, then you could
address any other type of solar energy system where there are moving parts, liquids, or potential

2 hazardous materials. Tonight you are to decide that a solar energy system for electric only is
4 permitted, or could it be a permitted use in a commercial zone. This is a primary use, not on a
6 rooftop of a building, which would be part of the normal review and fall under a Zoning Board
8 category or aquifer category. If you separate this as a primary use, electric only, could you allow
it as a permitted use anywhere there is a commercial zone in the town. If you can, then you can
move forward as presented with photovoltaic electric, so it is specific that it has to be a benign
system that doesn't have any moving parts, or hazardous materials. If you want to add 486A or
487, Solar Energy Systems, All Other, you could make it a special use permit or aquifer permit.

10
12 Mr. Naccarato said the Council is allowed to apply to a zone change, a special category and any
14 type of limitations. They want permission to do solar on this site and make it site specific. It can
legally be done with an approval with limitations and then you can develop a solar energy
ordinance.

16 Mr. DiOrio said he does not have a problem with Mr. Naccarato's final statement but is leery of
18 opening the door to this use anywhere in town without much more consideration. If we can find
a vehicle for you and your applicant to do this thing on this site, they would have his support.

20 Mr. Walker said he would support that also, now that things are becoming clearer as to what
22 exactly we are being asked to do and on what timetable. He asked if this project has got to be
built and ready to go by February.

24 Mr. Mayland said the end of February. Their construction period is as fast as a couple of weeks.

26 Mr. DiOrio said we are in December. You need to come back to the Planning Board for Major
28 Land Development or for Development Plan Review. How do you plan to do that and get in the
ground by February?

30 Mr. Mayland said if they get all town approvals in place by February 1, they could pull this
32 together.

34 Mr. Lamphere said if the applicant gets a favorable opinion from the Planning Board tonight,
December 16 they will go to the Town Council for public hearings on the Comprehensive Plan
36 change and the zoning change. The Council will not adopt the ordinance the night of the
hearing, so that will be carried over at least until the first Council meeting in January. If they
38 require a building permit from the town, they will have to apply for that and then come back to
the Planning Board in February. Our January meeting could be the 8th. We could conceivably
40 put it on that agenda for development plan review. He is not sure this would have to go the
route of a major land development project.

42 Mr. Walker said he shares the other's concerns that this would be a townwide change, a change
44 to the District Use Table and a potential change to the Zoning Ordinance. The Board hasn't had a
chance to think through what the potential consequences of that might be. This project, as
46 presented for this particular site, sounds like a sensible and beneficial thing to do but the
question is, what is the vehicle for accomplishing this, what exactly can we do that would be
48 legal and would not open us up to potential problems that we would create by adopting an
ordinance provision that would have townwide application?

2 Mr. DiOrio questioned if that was the Planning Board’s problem or does the Board need to just
4 offer an advisory opinion to the Town Council. It could be as simple for us as we like this project
on this site.

6 Mr. Levesque said this project is not before you tonight so comments on this project are not
8 appropriate at this point. In this instance we are taking the broad approach because the town is
10 not able to spot zone any particular area. Photovoltaic may be a logical limitation on this
12 particular use category at this point. The Board should be thinking about the broad approach
and how to narrow it so it addresses your concerns. If you can’t get there and you need the
special use permit and the aquifer protection as your backup, that is what you need to
recommend to the Town Council.

14 Ms. Capalbo said we are in the process of rewriting our zoning use tables and the zoning
16 regulations. If you do something that is too broad, we can, as we are now, correct the zoning use
tables. Literally, we have a consultant on board that could narrow and correct it.

18 Mr. Levesque said the broad application of the ordinance would be applicable to this project
20 permitting them to do much more.

22 Mr. DiOrio added, subject to the Planning Board’s review.

24 Mr. Mayland said the economics of doing this for any project other than a behind the meter,
26 residential rooftop, virtually makes the possibility of somebody coming through the door, never
28 happen. They will sell electricity to National Grid for 31 cents a kilowatt hour. A project,
without going through that program, would be limited to what is called the avoided cost and
would be selling power at around four cents per kilowatt hour. In the short term, there is
virtually no risk of anybody doing this anywhere else in a commercial zone.

30 Mr. Levesque said you can redefine 486 for photovoltaic solar energy, not just general solar.

32 Mr. Buford asked if we would we learn more about transformers and oils at site plan review.
34 Could we ask for spill containment?

36 Mr. Mayland said they would help to put together a solar byline for the town.

38 Mr. DiOrio said we could issue a favorable opinion this evening on what is before us, allowing
40 this project to move forward, presuming everyone else is in favor of what we are hearing.
Refinements to the ordinance would then be captured by the rewrite that is currently underway.

42 Mr. Lamphere said the zoning rewrite should be completed by next summer. He asked if the
44 Board is comfortable with those four conditions and those four conditions only. He asked Mr.
46 Mayland, if he gets all the approvals he needs from the Town of Hopkinton, the Council, and the
Planning Board, is there anything else standing in your way? Do you need federal or state
approvals? If you had everything you need from the town right now could you go out and build
this tomorrow?

48 Mr. Mayland responded no. They need to apply for a permit through DEM, to ensure that they
50 are not within a buffer zone or wetlands of the Wood River. He was told that they could get in
and out of DEM in 30 calendar days and they are prepared to get that to them next week. The

2 more complicated process is to go through RIPDES for the stormwater and runoff; that would be
4 in 30 days. Pending tonight, they will have to pay National Grid half of their upgrade costs to
6 start their construction process which is two or three telephone poles and the installation of
8 meters. They are to be put in this week.

10 Mr. Lamphere asked if National Grid has approved their design and if what they are proposing is
12 feasible for the site.

14 Mr. Mayland said Nation Grid’s only concern is what amount of electricity is coming out of the
16 converter and where to position the telephone poles. They went through the process, which was
18 fully studied by National Grid, and now is a matter of getting them the check so they can start the
20 engineering and placing the poles.

22 Mr. DiOrio said he is comfortable with the additional layer of the Planning Board’s review.

24 Mr. Lamphere said if this passes as is, we do not know the height or the configuration. The way
26 this is proposed right now, there is no height limitation beyond what is in the Zoning Ordinance
28 which is at 35 or 40 feet.

30 Mr. DiOrio said that is an engineering call, dependent on more site data, which could be at the
32 Planning Board review level. The applicant will come in at that point and tell us the height of the
34 panels and why they need to be there.

36 Mr. Lamphere said the minimum conditions say front yard, side yard and rear yard depth, and
38 the maximum building height applicable to the permitted uses in this zoning district shall apply
40 to solar energy systems. If that is there legally, on what basis are we going to say we want
42 something shorter than that?

44 Mr. Naccarato said the Council could adopt a height limitation.

46 Mr. Mayland said they are looking at the same footprint if it is 7 feet or 12 feet.

48 Mr. DiOrio asked, in your proposed ordinance, item A, would you be amenable to striking
“maximum building height,” and Mr. Naccarato responded yes.

Mr. Mayland said they would be ready for development plan review for January 8.

Mr. Levesque said you are changing the Future Land Use Map and you are changing the Zoning
Map for this property so it will be commercial on both maps. You are creating a new use by an
ordinance which would be for this photovoltaic solar use, and then you are creating under the
Use Table, a reference to that use and where it will be permitted.

Mr. Walker added, and we would be proposing this new Section 5.3, for the Zoning Ordinance,
which are the requirements that will apply to use 486.

Mr. Lamphere would rather replace A with the maximum height of these solar modules being set
by the Town Council.

2 Mr. Levesque said that can't happen. This is an ordinance change and you would be opening up
4 the door for the Council to determine the height for solar panels on any particular project that
6 may come under that ordinance. You can strike A entirely if you want to. The minimum front,
side and rear setbacks will apply. You may want to recommend to the Council whether there
should be a limitation on height, or you can determine what you want to do with it.

8 Mr. Lamphere asked what the applicant thought was the maximum height they would need, and
Mr. Mayland responded, 12 feet.

10 Mr. Lamphere suggested replacing A with, "the maximum height of all modules will be 12 feet,"
12 and will apply to everybody.

14 Frank Epps, with the development company rTerra, said he has built two solar systems which are
16 operating and two more are being built under the program. This proposed system is not unlike a
18 system that he built in Middletown. He wrote the ordinance for the Town of Middletown and
20 used a 12 foot maximum height for the panels. However, the panels that they have installed are
no more than seven and a half feet high, they are at a 25 degree angle, and have left enough room
for up to three feet of snow. That project is already in the ground, is running under this program,
and is very successful.

22 Mr. DiOrio asked if the Board members were so inclined, could they visit that site.

24 Mr. Epps said he owns the site and the Board would be welcome to visit.

26 MR. WALKER MOVED THAT THE PLANNING BOARD RECOMMEND TO THE TOWN COUNCIL, THAT IT
28 CHANGE THE COMPREHENSIVE PLAN FUTURE LAND USE MAP CLASSIFICATION ON ASSESSOR'S PLAT 28,
LOT 122, FROM RESIDENTIAL TO COMMERCIAL, CONDITIONED UPON THE RESTRICTION THAT THIS LOT
MAY ONLY BE USED FOR PHOTOVOLTAIC SOLAR ENERGY, A CONDITION THAT THE APPLICANT AGREES
30 TO, AND RECOMMEND AS A FINDING IN SUPPORT OF THIS RECOMMENDATION, THAT THIS CHANGE
WOULD BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN, MOST ESPECIALLY WITH THE
32 ECONOMIC DEVELOPMENT GOAL OF EXPANDING THE TAX BASE WITHOUT ANY ADVERSE
ENVIRONMENTAL IMPACTS OR ADVERSE IMPACTS ON NEIGHBORING LAND AND REAL ESTATE VALUES.

34 MS. DOUTHITT SECONDED THE MOTION.
36 MESSRS. DIORIO AND WALKER AND MS. DOUTHITT APPROVE. MOTION CARRIES.

38 MR. WALKER MOVED THAT THE PLANNING BOARD RECOMMEND TO THE TOWN COUNCIL, THAT IT
40 AMEND THE TOWN ZONING MAP BY CHANGING THE CURRENT ZONING ON ASSESSOR'S PLAT 28, LOT
122, FROM RFR-80 TO COMMERCIAL, CONDITIONED UPON THE RESTRICTION THAT THIS LOT MAY ONLY
BE USED FOR PHOTOVOLTAIC SOLAR ENERGY, A CONDITION THAT THE APPLICANT AGREES TO, BASED ON
42 THE SAME FINDINGS AS BEFORE, THAT THIS CHANGE WOULD BE CONSISTENT WITH THE COMPREHENSIVE
PLAN, PARTICULARLY WITH THE ECONOMIC DEVELOPMENT GOAL OF EXPANDING THE TAX BASE, AND
44 THAT AGAIN THAT THIS COULD BE DONE WITHOUT ADVERSE IMPACTS ON THE ENVIRONMENT OR ON THE
USES AND VALUES OF NEIGHBORING PROPERTIES.

46 MS. DOUTHITT SECONDED THE MOTION.
48 MESSRS. DIORIO AND WALKER AND MS. DOUTHITT APPROVE. MOTION CARRIES.

2 MR. WALKER MOVED THAT THE PLANNING BOARD RECOMMEND TO THE TOWN COUNCIL, THAT IT
4 AMEND THE ZONING ORDINANCE DISTRICT USE TABLE BY INSERTING THEREIN, A NEW USE, NUMBER
6 486, TO BE ENTITLED PHOTOVOLTAIC SOLAR ENERGY SYSTEM, THAT THIS USE WOULD BE NOT
8 PERMITTED IN ZONES RFR-80, RES-1 AND NEIGHBORHOOD BUSINESS, THAT WOULD BE A PERMITTED
10 USE IN ZONES COMMERCIAL, MANUFACTURING, AQUIFER PRIMARY AND OVERLAY SECONDARY, BASED
12 ON THE SAME FINDINGS AS PREVIOUSLY STATED.

14 Ms. DOUTHITT SECONDED THE MOTION.

16 MESSRS. DIORIO AND WALKER AND Ms. DOUTHITT APPROVE. MOTION CARRIES.

18 MR. WALKER MOVED THAT THE PLANNING BOARD RECOMMEND TO THE TOWN COUNCIL, THAT THE
20 REZONING OF THIS PARTICULAR PARCEL, LOT 122 ON ASSESSOR’S PLAT 28, FROM RFR-80 TO
22 COMMERCIAL, BE SUBJECT TO THE RESTRICTION THAT THE COMMERCIAL USE OF THIS PROPERTY WOULD
24 BE RESTRICTED TO THAT OF PHOTOVOLTAIC SOLAR ENERGY SYSTEM, USE NUMBER 486.

26 Ms. DOUTHITT SECONDED THE MOTION.

28 MESSRS. DIORIO AND WALKER AND Ms. DOUTHITT APPROVE. MOTION CARRIES.

30 MR. WALKER MOVED THAT THE PLANNING BOARD RECOMMEND TO THE TOWN COUNCIL, THE
32 ADOPTION OF A NEW SECTION 5.3 TO THE ZONING ORDINANCE, ENTITLED SOLAR ENERGY SYSTEMS,
34 READING AS FOLLOWS: THAT THE FOLLOWING REQUIREMENTS APPLY TO PHOTOVOLTAIC SOLAR
36 ENERGY SYSTEMS AS A PRINCIPLE USE OF THE PROPERTY: A) THAT ALL ELECTRICAL CONNECTIONS AND
38 DISTRIBUTION LINES WITHIN THE FACILITY SHALL BE UNDERGROUND UNLESS PHYSICAL CONSTRAINTS TO
40 THE LAND MAKE UNDERGROUND LINES IMPOSSIBLE OR IMPRACTICABLE. ELECTRICAL EQUIPMENT
42 BETWEEN THE FACILITY AND THE UTILITY CONNECTION MAY BE ABOVE GROUND IF REQUIRED BY THE
44 UTILITY; B) TO PREVENT UNAUTHORIZED ACCESS, THE FACILITY SHALL BE ENCLOSED BY A PERIMETER
46 FENCE NO LESS THAN SIX FEET HIGH; C) EXTERIOR LIGHTING WITHIN THE FACILITY SHALL BE THE
48 MINIMUM NECESSARY AND ALL FIXTURES SHALL BE FULL CUT-OFF FIXTURES APPROVED BY THE
50 INTERNATIONAL DARK SKY ASSOCIATION; D) THE MAXIMUM HEIGHT OF THE SOLAR PANELS SHALL BE
NO GREATER THAN 12 FEET. THIS MOTION IS BASED ON THE SAME FINDINGS AS THE PREVIOUS MOTIONS.

Ms. DOUTHITT SECONDED THE MOTION.

MESSRS. DIORIO AND WALKER AND Ms. DOUTHITT APPROVE. MOTION CARRIES.

MR. WALKER MOVED TO CLOSE THE PUBLIC HEARING

Ms. DOUTHITT SECONDED THE MOTION.

MESSRS. DIORIO AND WALKER AND Ms. DOUTHITT APPROVE. MOTION CARRIES.

OLD BUSINESS

Land Development & Subdivision Regulations – Review/Discuss Regulations Including Newly Added Fire Suppression Cistern Language

Mr. Lamphere said that the fire suppression cistern language has been inserted into Section 17.6.6, Fire Hydrants, of the Land Development and Subdivision Regulations. With the approval of the cistern language, we are ready to get an approval from the Board on the Regulations. There were no comments from the Board on the changes.

2 **Review/Discuss – Proposed Ordinance Amendments**

4 ■ **Residential Compounds**

6 Mr. Lamphere said the latest draft incorporates the changes discussed at the November meeting. Discussion ensued regarding language that is in existence. It was decided to have existing wording remain.

8 ■ **Residential Cluster Development**

10 Mr. Lamphere said the latest draft incorporates the changes made at the November meeting. Discussion ensued regarding various elements of the ordinance. Changes and corrections were made.

14 ■ **Planned Unit Development**

16 Mr. Lamphere said the latest draft has been amended to more clearly detail the sequencing of Town Council/Planning Board required actions in the PUD approval process. The Board concluded that changes in the structure of the document were needed. Approval of the ordinance was tabled to the next meeting while Mr. Walker reorganizes the document.

20 ■ **Development Plan Review**

22 Mr. Lamphere said this draft incorporates changes discussed at the November meeting. Discussion ensued. The Board tabled this ordinance until the next meeting. Mr. Lamphere will edit the document.

24 Mr. Levesque said the ordinances have to be passed before we can complete the subdivision regulations because they are part of the regulations. We need to finalize the ordinances and have a workshop on this with the Town Council. The two ordinances that were tabled will be back here in January and we will be able to finish them at that meeting and plan for a workshop.

30 Mr. Lamphere said we will be working on PUD and Development Plan Review for the next month. There is virtually no work to be done on Compounds and Clusters because they are consistent with the Subdivision Regulations now. He sees no need to hold up the Subdivision Regulations for PUD and DPR which are not in the Subdivision Regulations.

34 Mr. Levesque sees the earliest as February. He emphasized, we cannot pass the Subdivision Regulations until the ordinances are in effect. That is the process; that is what needs to happen. We need to get these ordinances in final form and have one workshop to deal with all of this.

38 SOLICITORS'S REPORT: None

40 PLANNER'S REPORT

42 ■ Administrative Subdivision Approval – Boeglin/Orr – AP 31, Lots 6B & 7, Spring Street. Bradford M. Boeglin, applicant.
44 The Board received copies of this subdivision that was completed by Mr. Lamphere.

46 ■ **Comprehensive Plan**

48 Mr. Lamphere said no town in Rhode Island has a Comprehensive Plan that is valid beyond July 1, 2016. The next State approval it is valid for ten years. The new requirements that we have to address are energy production and consumption, and natural hazard preparedness.
50 The Town has received a planning grant through the CDBG program for \$5,000 which could

2 be used to write this new element that would address both. When we get that approved, and
4 the next update approaches, we will have met the requirements. Mr. Lamphere would like to
6 get going on the next update as soon as possible with some work done in house. At some
8 point, a consultant will be needed. Kevin Nelson said the State is going to want to
specifically see what we have in our implementation program that will achieve the goals that
the state has set for the communities in the state.

10 Mr. DiOrio suggested we should get to pressing issues that we have committed to and then
the Comprehensive Plan will take its rightful place. He does not want to begin on the
Comprehensive Plan until the ordinances and regulations are done.

12 The Board concurred.

14

CORRESPONDENCE AND UPDATES

- 16 ■ **Letter from Rhode Island Department of Business Regulations** – Board of Examiners of
Landscape Architects

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PUBLIC COMMENT: None

20

DATE OF NEXT REGULAR MEETING: January 8, 2014

22

ADJOURNMENT

24

MS. DOUTHITT MOVED TO ADJOURN.
MR. DIORIO SECONDED THE MOTION. ALL APPROVE.

26

The meeting was adjourned at 10:08 p.m.

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Attest: _____
Lynda St. Amour, Planning Board Clerk

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Approved: April 2, 2014