

State of Rhode Island

County of Washington

In Hopkinton on the sixth day of August 2018 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 7:00 P.M. in the Chariho Middle School Auditorium, 455A Switch Road, Wood River Junction, RI 02894.

PRESENT: Frank Landolfi, Thomas Buck, Barbara Capalbo, Sylvia Thompson; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.

The meeting opened with a moment of silent meditation and a salute to the Flag.

Council President Landolfi announced that they were going to move the Town business up first and then have the hearing thereafter.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO MOVE THE CONSENT AGENDA UP THROUGH NEW BUSINESS TO THE BEGINNING OF THE AGENDA BEFORE THE HEARING.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson

OPPOSED: None

SO VOTED

CONSENT AGENDA

The July 23, 2018 Special Town Council Meeting Minutes were pulled and discussed as to page two, the last sentence which reads: The business plan will be amended and provided to Mr. Perrin.” There was discussion as to whether it should be “...provided to Mr. Landolfi.” It was decided it was correct as stated.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO APPROVE THE CONSENT AGENDA AS

FOLLOWS: Approve July 16, 2018 Town Council Meeting Minutes; Town Council Meeting Minutes of July 2, 2018; Accept the June 18, 2018 transcript as

the record of the Zoning Ordinance Amendment/Comprehensive Plan Future Land Use Map Amendment hearing filed by Rhode Island Solar Renewable Energy III, LLC; Accept the following monthly financial/activity report: Town Clerk; Set August 20, 2018 as a hearing date for a Special Event Permit filed by Foster Parrots; Approve Petition of National Grid and Verizon for a joint pole on Palmer Circle; Approve Petition of National Grid for a solely owned pole location (replacement) on Alton Bradford Road.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE MINUTES OF THE JULY 23, 2018 SPECIAL TOWN COUNCIL MEETING.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson

OPPOSED: None

SO VOTED

COUNCIL PRESIDENT REPORT

Council President Landolfi reported that his son, Ryan Landolfi, achieved the rank of Eagle Scout.

TOWN MANAGER REPORT

Town Manager McGarry indicated that on July 18, 2018 he organized and participated in a tour and inspection of the 1904 school with several members of the 1904 School subcommittee, along with DPW Director Tim Tefft and Foreman Dave Caswell. Lastly, on July 1, 2018 he was interviewed by Cheryl Langevin, CPA of Bacon & Company, LLC, the Town's auditing firm. This is an interview that is conducted as part of the overall annual auditing process.

OLD BUSINESS:

SET HEARING DATE RE: ZONING ORDINANCE AMENDMENT & COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

This matter was scheduled to discuss and consider scheduling a hearing date regarding a Zone Ordinance Amendment filed by LR6-A Owner, LLC re: Brushy Brook Solar continued from July 16, 2018.

Councilor Capalbo indicated that DiPrete Engineering, which is the engineering firm representing the applicant, submitted a letter requesting October 1, 2018 be set as the hearing date rather than a September date. Councilor Buck suggested that we put this matter off until the new Council is voted in and seated. He indicated that he was aware that there are statutory issues and time limits to act; however, he felt that a decision wouldn't be made in this matter prior to the new Council being seated. Councilor Buck asked that the Town Clerk contact the applicant and request an extension of this matter. There was no one present from DiPrete Engineering.

NEW BUSINESS

AWARD BID RE: DPW UNIFORM & MATERIAL RENTAL & CLEANING SERVICE

This matter had been scheduled to discuss, consider and vote to approve a bid award for DPW's uniform and material rental & cleaning services submitted by Swiss Uniform Services, Vernon, CT in the amount of \$146.55 per week, from September 1st, 2018 through June 30th, 2021, funded through DPW's work uniforms/cleaning (#4170) and maintenance (#5370) accounts.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE BID AWARD FOR DPW'S UNIFORM AND MATERIAL RENTAL AND CLEANING SERVICES.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson

OPPOSED: None

SO VOTED

AUGUST 27, 2018 WORKSHOP W/OFFICE OF ENERGY RESOURCES

This matter had been scheduled to discuss and consider setting August 27, 2018 as a date for a workshop with Chris Kearns, Office of Energy Resources & Division of State Wide Planning.

Council President Landolfi indicated at a prior hearing someone this agency had been mentioned; they subsequently received emails from Chris Kearns who was holding seminars throughout the State. He reached out to Mr. Kearns and asked him to come down and weigh in on what he believed solar projects should have or

shouldn't have. They scheduled a date of August 27, 2018 at 6:30 p.m. for a workshop which will be open to the public, and Mr. Kearns will give them some direction from the State Planning Office as to how to handle these projects.

Depending on the number of people wishing to attend this workshop will decide whether it will be held at the Town Hall or the Chariho Middle School. Councilor Capalbo asked that they invite Sharon Davis and Scott Bill Hirst to attend due to the fact that they are running for Town Council in the November election.

HEARINGS

ZONE AMENDMENT & COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT – RI SOLAR RENEWABLE ENERGY III, LLC

Continue the hearing on applications for a Zoning Ordinance Amendment and a Comprehensive Plan Future Land Use Map Amendment filed by Rhode Island Solar Renewable Energy III, LLC, 43 Creston Way, Warwick RI 02886 for property owned by George Townsend, Rose Townsend & Carleen Bowen, Trustee, 350 Woodville Alton Road, Hope Valley, RI 02832 for property located at 350 Woodville Alton Road identified as Assessor's Plat 11 Lot 57 zoned RFR-80; ~~Stephen M. Delpozzo, Jr., 18 Grantville Extension, Hope Valley, RI 02832 for property located at 18 Grantville Extension identified as Assessor's Plat 15 Lot 11 zoned RFR-80;~~ Paul & Mary Dijulio, 6 Townsend Road, Hope Valley, RI 02832 for property located at 6 Townsend Road identified as Assessor's Plat 11 Lot 57D zoned RFR-80. The Zoning Ordinance Amendment is filed in accordance with Section 16 of the Zoning Ordinances of the Town of Hopkinton as amended. The Comprehensive Plan Amendment is filed in accordance with Ch. 2, Art. II, Div. 5, § 2-116(a), continued from June 18, 2018.

The applicant is proposing to change portions of the properties from RFR-80 Zone to Commercial Special Zone with a limitation to solar use for the portions of the properties to install a Solar Array to allow the erection and installation of solar panels to generate approximately 20 megawatts of energy per year utilizing 97.5 acres of the 97.5 acres of Assessors Plat 11 Lot 57; ~~utilizing 4.8 acres of the 28.5 acres of Assessors Plat 15 Lot 11;~~ and utilizing 2.8 acres of the 5 acres of Assessors Plat 11 Lot 57D.

Vincent Naccarato, Esq. was not present; however Attorney John Mancini was present representing the applicant. He indicated that he had five witnesses in attendance which were Audie Osgood of DiPrete Engineering; Robert L. Hoffman of Hoffman Engineering; Nicole Mulanphy from Sage Environmental; Reforestation Expert Mark Tremblay; and Interconnection Expert Tom Converse. He noted Mr. Tremblay will provide a report with regards to reforestation as to what happens at the conclusion of the electrical project and Mr. Converse whose testimony will describe the interconnection, where it will take place and how it will be brought to the property. He stated the statements will be short and succinct and will serve to address those questions and concerns that have come up during the hearings. The Town Council can ask questions of their expert witnesses and the public will be able to as well. He indicated that the witnesses sworn in previously were still under oath. Mr. Converse and Mr. Tremblay were sworn in separately by the Town Clerk. Council President Landolfi asked that any question that is being addressed be made known and referenced by his expert as there were individuals who had asked questions previously that would like them answered. Attorney Mancini indicated that was how he intended to proceed. Attorney Mancini remained at the floor/audience level. The experts were on the stage. Microphones were available via the PA System, but not all were in working order so there was periodic difficulty hearing some of the questions from the floor making it difficult for all present to hear.

Attorney Mancini had Audie Osgood come forward and asked him to explain the two plans he had displayed. Mr. Osgood identified the two plans which were shown on the stage. He stated the significance of one plan was to show the overall site and the significance of this plan was to show that the buffer was increased on Old Depot Road to 700 feet from the property line on the south side. Attorney Mancini asked Mr. Osgood what the impact would be as a result and Mr. Osgood estimated it would be approximately 2 megawatts of power were lost as a result of the panels being removed from the increased buffer area. Attorney Mancini asked about any other the effect from the increased buffer. Mr. Osgood indicated two storm water control basins had been eliminated from this same

buffer area on the site. Attorney Mancini asked that these two plans be made part of the record. The aerial plan was marked as Applicants Exhibit D; the drawn plan was marked as Applicants Exhibit E.

Attorney Mancini called Robert Hoffman as his next witness. Attorney Mancini noted he had testified earlier regarding the Townsend Road dump, that there was a lease agreement found in the Town's land records. Mr. Hoffman believed it had been found by the applicant's attorney; it was a five-year lease signed in 1960 and was renewable. Attorney Mancini asked Mr. Hoffman if he had any discussions with RI Department of Environmental Management regarding this site and he indicated yes, he originally contacted John Carney and they were working to assure that all of the superficial hazardous materials had been remediated, some of which was done by the Department. He stated that he had gotten a call from some residents who were wondering why the Town would be responsible for the clean-up of the hazardous materials. Mr. Carney was unaware of the fact that there was actually a lease agreement and Mr. Hoffman noted there had always been a rumor but not real proof that it was a town landfill but the lease agreement it clearly states that the Town managed the landfill, cleared the trees and so forth. Under RIDEM regulations, in a meeting he had on Friday, the Town would be the responsible party for operating the landfill which now has to be closed. Mr. Hoffman indicated that this is an abandoned uncontrolled landfill that needs to go through the closure program with the RIDEM. Attorney Mancini asked him if he knew of any violations. Mr. Hoffman indicated the RIDEM had issued significant violations for surficial solid waste, some of which is probably from the landfill operation, a lot of tires and stuff which is typical to have them on the outer fringes, but there are outstanding violations for the solid waste material on the site, most of it surficial but again, the DEM was unaware that there was a burn dump at this site. Mr. Hoffman indicated that if this project moves forward, the applicant will remove, recycle and dispose from the central landfill, a lot of the solid waste and big stuff that is on the surface then there will be a lot of broken glass and small debris that is mixed with the soil, that material will be scraped down well below its visual impact down to the old burn dump then re-grade it

with two feet of clean fill, including loam brought on to the site to cap the landfill. They have monitoring wells there now and now that they know it was a municipal landfill they may require more long-term ground water monitoring. The regulations say thirty years, if there is not a lot of ground water, then that can be cut back. Attorney Mancini confirmed that would be thirty years of ground water monitoring by the DEM. Mr. Hoffman indicated there were some comments on that and the next step would be the preparation of a formal remediation plan for the submission to them which includes sloping, minimum slope, show the wetlands buffer, monitoring wells, long term monitoring plan and what will hopefully, eventually be achieved, is to receive a letter of compliance that is this is capped; and then, they would ask for a letter from the EPA assuring them that everything is complete. At that point they will have long term groundwater monitoring. Attorney Mancini asked if in his experience what would occur if this did not go forward as he has outlined. Mr. Hoffman indicated the biggest risk is to hunters as the debris, glass and sharp edged metal, which is all over the place; and obviously direct exposure from the burn dump itself, which has surficial elevated lead, which doesn't leach but it's something you don't want to ingest. In response to a question from Attorney Mancini, Mr. Hoffman indicated that DEM is looking for someone with money who can remediate the property and properly close it; he noted there have been hearings with the owners and deaths of the owners and operators and so forth. It is the owners and operators who are responsible to close this so DEM will be looking for someone with money who can remediate the property properly so if this doesn't go through they will be looking for us, either the developers of the property, or the Town. Attorney Mancini asked him if in his experience if the Town would be the responsible party based on the DEM rules. Someone in the audience stated "objection" this was overruled by Attorney Mancini. Mr. Hoffman indicated they were very, very clear and from the meeting he attended on Friday who is responsible for that section; it is the owner and operator of the landfill who is responsible for its closure. Councilor Capalbo questioned Mr. Hoffman that earlier witnesses have indicated that the Town was not liable, but what he was now saying is that the Town is now partially liable. Mr. Hoffman that was correct and he had an email

correspondence that he would share with the Council from Mr. Carney. The email was submitted and marked as Applicants Exhibit F. He was asked the question about the materials like from the Bowley operation which was cleaned up primarily by the DEM but he was not aware at that time of the lease that was recently found. Councilor Capalbo confirmed this was new information for Mr. Hoffman and the applicant. Mr. Hoffman noted when they started the whole process, they thought it was a dump because it looked like a dump but with the lease agreement, it wasn't until the attorney found it in town records that they learned about it. Councilor Capalbo questioned if this needed long term remediation; originally the testimony indicated it was done in perpetuity but now Mr. Hoffman was indicated the DEM used to have a thirty year environmental use restriction and thirty years can come around fast and someone could propose a playground for the site so they changed some of their regulations to restrict use in perpetuity but there is still a requirement to monitor the ground water for thirty years, with annual inspections, etc. but he hopes that for this site this will be done in less time. Attorney Mancini asked that the email correspondence from the DEM be distributed. Council President Landolfi confirmed with Attorney Mancini that he was addressing previous questions that had been asked.

Nicole Mulanphy from Sage Environmental was the next witness for the applicant. Attorney Mancini noted there was a question that had been posed with respect to whether less amounts of trees near the solar arrays would it cause an increase in the decibel level on Old Depot Road. Ms. Mulanphy indicated she would be addressing a question on whether there would be an increase in the highway noise at Old Depot Road so she had conducted a high level analysis, viewing the topography of the area to determine if sound levels would increase for residents. She handed out a description of what she would be talking about; how sound travels. She pointed out the road way area on the plan that she had which contained a barrier that converts to a shadow zone which would have less noise from the areas producing the sound. The rendering included a graphic image of trees and how sound waves diffract down. She referred to a topographic map with contours that showed elevation levels along Route 95, indicated as a red

line, and the edge of the property that showed elevation levels along Route 95 that ranged between 190 to 270 feet above sea level and coming down to the area of Old Depot Road, there is an elevation of 100 to 110 feet above sea level. The schematic with the elevations are for illustration purposes only to show the area of homes from an elevation perspective along Route 95; the line of sight from the houses on Old Depot Road shows how the sound with the defraction of the trees so by clearing these trees with the same line of sight there would actually still be the same or less defraction. Also, the sloping shape of the solar panels may also defract the noise back from the houses. Her conclusion was that by clearing all of these trees and with trees planted appropriately in the buffer area, but in this case with the line of sight not changing and we are still within that shadow zone, there would be no increase in sound from that. She noted the other question was regarding the noise generated from the inverters and transformers and what level would be appropriate for a limit to look at from a condition perspective because past studies looked at 40 decibels and there was a concern for waking and the concern about background noise at 40 decibels or more. What they looked at was a change and she noted an audio difference the human ear can identify is 3 decibels. Any difference from that is noticeable. What they are proposing is that after the installation of the inverters and transformers that an assessment be done at that point on the edge of the property line to the property closest to the inverters and transformers before anything is turned on to evaluate what the background noise is, turn the equipment on, measure and look at the difference. If it's not more than three decibels, it's good. If it's more than three decibels, remediation and abatement will be required by employing various methods to reduce the sound in an effort to ensure they are not incurring any sound problems for any of the surrounding properties.

Attorney Mancini had the next expert witness Tom Converse come forward and describe interconnection with National Grid. Mr. Converse stated the proposal would be served off of the National Grid 1247 KV system; 12,470 volts which is typical around Hopkinton. It would be served up Townsend Road on National Grid poles and as heard earlier they would need to get ground location for that for

any pole work they do and as soon as it gets on private property, National Grid typically would have a disconnect; a recloser which is a main upgraded switch so that they can disconnect in an emergency, they would have a re-closer which is similar to a main which would function like a main circuit breaker in your home and they would have their meters to collect their money. On the private property customer owned material there would be a dis-connect, or service entrance with additional metering of their own and then they will go underground on the property at 1247 to a pad mounted on the site, which Mr. Converse pointed to on the plan. He stated on the private property National Grid will break it into two circuits and everything else on the property will be underground. There will be an AC conduit which will be distributed around the site to key locations so they can put in transformers and step it down the voltages of what the inverters take on the solar site. The preliminary plan prior to the down-sizing had six transformers but they were in the process of redesigning and down-sizing it. It was originally a 13.75 megawatt AC project; it had one hundred and ten (110), 125 kw inverters; they have since downsized it to an 11 megawatt project and now have about eighty-eight (88), 120 kw inverters. So they are looking at two projects downsized a little; one would be 8 megawatts and one would be 3 megawatts. Councilor Buck asked where the power was coming out of the solar array; from poles on Townsend Road? Mr. Converse responded that National Grid would decide, but they are proposing to interconnect on Townsend Road and down Woodville Alton Road. Councilor Buck reiterated that Mr. Converse was saying they would place poles on Townsend Road that connects to poles on Woodville-Alton Road and asked if that was correct. Mr. Converse responded yes and no. He stated they were proposing to connect to National Grid on their property, they (National Grid) will have facilities on their property to go down Townsend Road but it was up to National Grid to design their piece along public ways and they haven't done so yet. Attorney Mancini asked if he knew how many poles and Mr. Converse did not know as National Grid had not designed it yet. Councilor Capalbo asked if there were going to be poles on Woodville-Alton Road and if they would be close together. Mr. Converse indicated that he would expect there would be to get to Townsend Road if there weren't any there now; he could not

recall what was there now. He stated that the poling span would typically be 200 feet apart. Councilor Capalbo indicated the problem she had is that the telephone poles there now, that were effectively on the road, they are just off the road and if they added a number of more poles that close to the road it sounds like there would be some health and safety issues. Mr. Converse expected they (National Grid) would be rebuilding them and would be before the Town Council for a pole location hearing and that would be her time to tell National Grid her concerns. Councilor Capalbo again noted the poles on Woodville Alton Road were just off the road and that she had some citizens complain that they can't see at night because there is no white edging and the poles are so close to the road they are afraid they will hit them because they won't see them. If they are to put in more poles Councilor Capalbo they would need to place them further back from the road. Mr. Converse's expectation, and he didn't ride the road to get a guess on the design, is that National Grid will re-build the pole and typically will put in a sturdier one four to five feet away from the existing pole because they are trying to maintain services to customers and other facilities as there are other entities on the poles like phone and cable, but isn't to say that when the pole gets rebuilt it can't be moved back a little. He added that anything on the public way would be done by National Grid. Attorney Mancini asked Mr. Converse to confirm that on a public way National Grid would oversee the pole installation and that it would also come before the Town and Mr. Converse responded that typically National Grid would have to be granted a pole location and come before the Town Council to explain its location and where its surveyed to be. Attorney Mancini asked if the location of the existing poles could be looked at; at the same time as the pole grant approval. Mr. Converse responded yes. Councilor Buck noted in looking at this in a monetary aspect; he referenced the northern portion of the map that the applicant has moved a back 700 feet and they were doing away with the basins so why would they come out that way when most of the solar panels are going to be down towards the lower portions of the map; so why would they come out that way and put all new poles down Townsend Road? Councilor Buck referred to Route 216 in Ashaway where the poles were a lot closer and they had doubled the number of poles from Ashaway to Bradford and they added more poles than were

initially there so there is twice as many poles as there were initially. Mr. Converse asked if that was near the new substation and this was confirmed so Mr. Converse noted they were getting rid of two substations in the area of Chase Hill; Mr. Converse commented he did not design this. Councilor Buck's point was that he did not understand financially why they would bring all their power up and over the section they had cut out and go down Townsend Road. Mr. Converse explained they were coming up Townsend onto the property in the pole line split, and they would have transformers in this area with inverters as needed (he pointed to an area on the plan). Councilor Buck asked about whether they would be bringing the power out to Townsend Road but he corrected his question and apologized as he meant Old Depot Road. Attorney Mancini indicated that they were staying away from Old Depot Road.

Attorney Mancini noted his last expert witness was Mark Tremblay of Land Management Services who had prepared a reforestation plan. Attorney Mancini indicated that there had been some questions as to what happens to the forest and the land under the solar panels at the conclusion of the solar project. Attorney Mancini asked Mr. Tremblay Mr. Tremblay indicated that he had been asked to assess the site and come up with a plan of action for thirty years from now, and of course there are a lot of assumptions about what the site is going to look like thirty years from now and as far as establishing trees and shrubs back on the property following the removal of the solar array. Attorney Mancini had Mr. Tremblay sworn in by the Town Clerk. Attorney Mancini also had Mr. Converse sworn in by the Town Clerk. Attorney Mancini asked Mr. Converse about his previous testimony and if he had anything to add; any variance, discrepancy or untruthfulness in his testimony. Mr. Converse responded, no. Attorney Mancini asked Mr. Tremblay to explain his history, background and certifications and Mr. Tremblay indicated that he has been a consultant Forester for almost forty years and had been working in Rhode Island for thirty years. He is self-employed as a Forester for eighteen years working with a number of clients on the development of forest management plan; working on wildlife habitat projects; he is certified nationally as a Forester through the Society of National Foresters in the States of

Massachusetts, Rhode Island and Licensed Forester certified in Connecticut and he is also works with the USDA with a lot of their projects as a technical service provider. Attorney Mancini asked Mr. Tremblay to explain his report. Mr. Tremblay stated that he prepared a reforestation plan which is a plan of action for thirty years down the road, or further on, depending on how long the solar project is in place. Once the solar panels have been removed from the site and the site is cleared. The plan laid out a procedure for selecting plant species and how many trees and shrubs of various species could establish to re-vegetate and planting of trees on the site. A copy of the report had been submitted and this was marked as Applicants Exhibit G.

Attorney Mancini addressed the reason why the included more lots at the onset than there is now. The reason the lots had been removed is due to the fact the developer was not able to come to terms with the property owner; whether it would be a lease or a purchase. The remaining parcels owners have come to terms with the developer.

Thereafter, the public was allowed to speak. Mr. Joseph Moreau spoke first and read the following: These are all paid witnesses of the developer here tonight. Good evening and thank you to the residents of Hopkinton and other concerned citizens from Rhode Island that are here tonight. Thank you to Frank and other council members to give us the time to speak and to listen to our concerns. These solar panel junkyards, and that's what they are, junkyards, effect the rural character of our town and other rural towns. Thank you to the new folks here tonight. Most of us attended the meeting of July 2, 2018 and one of the first things I heard from Councilor Thompson's testimony was how much money the town was going to make. Not one resident had spoken about their concerns and were talking about the almighty dollar. The second thing I heard about money was the fact that the town may be liable for the clean-up of the dump and the developer was going to pay to clean-up the dump. Later on in the meeting the attorney commented that solar panels would be on 5.9 acres of the dump. The developer is going to pay to clean up the dump. What the attorney and developer

did not tell us was how much money they would make from those 5.9 acres of solar. Again, it's about the almighty dollar. I'm sure you heard the expression dollars and cents, well the dollars are there for the developer but the sense of this project are not in the best interest of the Town of Hopkinton. To a couple of members of the Town Council, please forget about the dollars and listen to your concerned residents. I did have three questions from the last meeting. One of my questions was why was Stephen M. Delposso's name removed from the project? Council President Landolfi indicated that Attorney Mancini had answered that. Mr. Moreau continued with other questions: How much money will it take to clean up the contaminated site. How big of an area to clean up the contaminated site; how many acres. Did you accept the preferred alternative Option #2 in Hoffman's study? I provided the Planning Board with information on decommissioning solar panel systems. The study said a 2 megawatt (mw) system in 20 years would cost \$98,900 and a 20 mw system, just to take down the panels, would be \$989,000. The bond for the Alton Bradford Road project is \$316,600 for 18.8 mw. Damaged panels are much more. The bonds that are set are not enough. Damage happens, such as the hurricane in Puerto Rico. I researched information at the Town Hall concerning the Town dump, thanks to Lisa, Carol, Ree and Marita for their help. I looked at Town Council minutes and other information. At the Town Council meeting on May 2, 1960, a petition was signed by Jacques Perrolle and 65 others and was presented and read: "We, the undersigned, residents of Woodville, Hopkinton, Tomaquag, do object to the location of a dump in this, a residential farm area." I don't know if this sounds familiar to you, but here we are again looking at a much larger zone change resistance. From what I can see from July 27, 1960 to May of 1966, the last payment I saw the owner of this property ran the dump. There was a different caretaker who ran it for the next three years until September 2, 1969 and thereafter it was moved to Stubtown Road. The dump was only operated by the Town for nine years. The landowner leased the property to an individual who operated a scrap metal salvage business and an unlicensed solid waste management facility, that's per a DEM report dated February 4, 2005. From

February 1, 1991 to September 1, 2004 there were eight violations cited by DEM. All the respondents failed to appear for a hearing on September 22, 2015. As of October 5, 2016 the respondents (land owner and lessee) were in default and were fined approximately \$88,000 and \$35,000. The only respondents mentioned were the owner of the property and the person leasing the property, the Town of Hopkinton was never mentioned as a respondent. Two attorneys he spoke to also agreed with this fact. If the respondents showed up for that hearing on September 22, 2015, they may not have the problems they have today. This information from Hoffman Engineering is a study which was paid for by the developer. In Section 2.7, Historical Site Use: The site was used as a truck and vehicle repair operation from 1977 to 1980 and a scrap yard from 1980 to 2005. For 25 years the Town was not in there. The Town left there in 1969. How could the Town be liable for anything that happened after 1969? Also it says: the Site adjacent to Townsend Road appears to have been utilized as a solid waste facility circa 1950's and 1960's. 1950 is not correct because they started in 1960. In Section 6.0, Summary of Investigations, it states that a review of the RI DEM documents indicated the site has an active Notice of Violation and Order of Default for multiple violations due to historic site use and current site conditions. Again, the Town did not run a scrap yard and auto repair, it was a burn dump in the 1960's. DEM's documents do not mention the Town. In Section 7.2, Option 2, this was to see how much money it would cost to clean this massive dump. The environmental study shows this as 1.582 acres of land which is not this huge piece of property. Basically what Option 2 says they are going to do after shaping and grading, approximately 20 inches of imported fill would be placed atop the landfill, followed by an additional 4" of pretested imported loam or approved alternative. Depending upon future grades for other portions of the site to accommodate the solar array... What they are doing is to accommodate the solar array. They are not cleaning up this burn dump; they want to accommodate this solar array. The developer is paying to clean up this portion of property for more solar panels. The Hoffman study also indicates that the groundwater flows southeast towards Old Depot Road and Wood River. They have comments about the perimeter monitoring wells which state: Due to the difficult drilling

conditions, air rotary drilling will be utilized in order to install these wells. There are several comments made about the amount of ledge on the site, but we were told they won't blast. It seems strange that once a local real estate agent, attorney and developer are involved, the past issues of the dump and potential Town's liability surfaces. This particular realtor owns four pieces of property in Town in the Wyoming dam area: a 1.56 acre parcel with house, a 2.1 acre parcel with house, a .46 acre parcel with house and a .59 acre parcel with no house; four nice pieces of property, one with even a flag for putting golf balls. What I didn't see there was any solar panels. It is the same old story, not in my yard; well Hopkinton is our yard. I feel bad for any person or neighbor who makes poor decisions and choices during their lifetime. I am sure those choices back then resulted in a financial gain for those respondents and now someone has to pay for those poor choices. In my opinion the residents of Old Depot Road, Sweet Valley Estates, surrounding neighborhoods and the Town of Hopkinton are not responsible and should not pay for someone else's poor choices. Those respondents are responsible. If this solar panel junkyard project is approved, we the residents of the Town of Hopkinton are paying for someone else's poor choices, all for financial gain. I want to move on to one of the most important issues, and this information came from the Hoffman Engineering study paid for by the developer and presented to the Town. These issues concern our health. This section talks about the On-Site and Off-Site Wells. Based on RIDEM Groundwater Planning Unit maps, this site is located within a Wellhead Protection Area as well as EPA designated Sole Source Aquifer. I know they are going to be pounding thousands and thousands of stanchions into the ground. What is a sole source aquifer and a wellhead? A wellhead protection area is a surface and subsurface land area regulated to prevent contamination of a well or wellfield supplying a public water system. A sole source aquifer is an aquifer that has been designated by the United States EPA as the sole or principal source of drinking water to an area. I mentioned this to some members of the Town Council. If you were on the fence or in favor of this project, how could you be after hearing this information about drinking water? Now we are talking about our health. There was an article in ecoRI, approximately 20 months ago in 2016

which was titled, ‘Hopkinton May Not Be Best Place for Truckers, Motorists to Rest.’ The article went on to state: ‘Both a travel plaza and truck stop have been proposed for sites that sit atop a main drinking-water source.’ ‘Public and private development projects associated with the transportation industry threaten the local drinking-water supply and some 50 acres of forestland, according to opponents of both sides. “The state wants to build a transit hub right square on an aquifer, and no one looks into it,” Mimi Karlsson, a Hopkinton resident and vocal opponent, told ecoRI News in late November. “We have aquifer protection overlays and comprehensive plans that need to be reviewed every five years on the books now for two and a half decades. Did DOT even look at these plans?” Now some of the Town Council members want to do the same thing, just change the comprehensive plan to fit the developers’ needs; disregard the Planning Board’s advisory opinions; don’t follow the Planning Department’s mission statement; and, don’t listen to the residents. Mr. Moreau requested the Town Council members who were in favor of this project to think back to the Love’s Truck Stop and the fight they put up to protect that sole source aquifer. In 2018 this site is located within a wellhead protection area as well as an EPA designated sole source aquifer. We expect and deserve the same fight. Please don’t let us down now. You fought then and should be fighting now to protect our aquifers. What is the difference between the two properties? Health should outweigh money. Myself and others are tired of hearing about money and revenue from a couple of council members. There was an article in the Westerly Sun from the Planning Board workshop of July 23, 2018 where Al DiOrio commented on a provision and he stated, “We give the Planning Board the necessary authority to serve Hopkinton’s rural character. We feel strongly that these items give us the kind of control over projects that is essential to retain the character of Hopkinton.” This is 100% correct. This project is an industrial scale power plant in a residential zone. As Eric stated at the July 16, 2018 meeting, this is a social contract; we rely on officials to safeguard our property with proper zoning. I would like to add and most importantly, to safeguard our health. At the workshop meeting of July 23, 2018, regarding Chapter 246, Non-Residential Photovoltaic Solar Energy Systems (PSES), under Purpose and Applicability, Section B, it states: ‘There is a need to

regulate PSES due to the potential adverse impact they may have on the aesthetics, public health, and safety of the Town.’ Section C states: ‘This ordinance intends to provide standards for the placement, design and construction, monitoring, modification and removal of those systems to further public safety and minimize impact on scenic, natural and historic resources of the Town of Hopkinton.’ Is this an ordinance that is used? I was at the Planning Board meeting on August 1, 2018. I was in the parking lot having a petition signed when I looked up and thought the Secret Service was in town. I saw the biggest black SUV, a black BMW, an Audi and a black Mercedes. I found out it wasn’t the Secret Service it was the attorney, the developer and the paid witnesses present for the meeting before the Planning Board. The suits, high heels for some, and all of the materials for their presentation is something I am tired of seeing. Mr. Moreau went on to state that the Planning Board members were discussing the number of solar projects and were miffed that in some cases the Town Council has ignored their recommendations to deny projects. One panel member said about the solar project for Brushy Brook was the only green they saw was the money the developer will make. Mr. Moreau went on to state that frankly he feels this is an exercise of futility for the Planning Board anyway, because the Town Council ignores the Planning Board. One of the members said the Town is rewriting the comprehensive plan to fit the developers’ needs and that renders the comprehensive plan ridiculous. He didn’t understand how the Planning Department and Planning Board can do their job for it appears that the Town Planner James Lamphere and Sean Henry spend most of their time on solar. The Planning Board has a thankless job. They spend a great deal of time away from their families attending countless meetings concerning solar. If you were at the Planning Board workshop on August 1, 2018, you saw the amount of paperwork they deal with. Some Council members ignore the Planning Board and rewrite the comprehensive plan to fit the developers’ needs. These are non-paying jobs. Talk about a thankless job. I would like to say thank you to the Planning Board members for continuing the good fight. Keep up the great work. We the residents do support you. Council President Landolfi injected that no one is re-writing the comprehensive plan and Mr. Moreau indicated that they would

agree to disagree. Mr. Moreau continued: The only thing I disagree with on some of those comments was when we paint the entire Town Council with such a broad brush. I've done it myself speaking of Council members. I can't tell you how many times I have spoken with Councilor Husband on the phone and after meetings. Councilor Capalbo came to our home and we discussed the issues for almost two and a half hours. She was also at the Planning Board workshop on August 1, 2018. Councilor Buck, who I believe gets up at 4 a.m. to go to work, spent a couple of hours at our home after working all day to discuss the issues. Those are dedicated people. Council President Landolfi stated not to forget him for he spent a couple of hours with Mr. Moreau as well. Three of our Council members are really concerned about the real issues that I just discussed. My wife and I never heard the word "money" mentioned. We talked about issues; how refreshing. Councilor Husband is not here, but thank you David, Barbara and Tom, for truly being concerned residents of our great Town. I just covered a lot of new information and thank you for listening. There are a lot of new folks here so I'm sorry if you have already heard the following information. If you look at Town of Hopkinton's Planning Board Advisory Opinion, they moved to advise the Town Council against the requested zoning and Future Land Use Map changes for the properties due to findings that the petition did not support the Comprehensive Plan Land Use Goal #1, to protect the quality of life and rural character of Hopkinton, Land Use Goal #4, to preserve working farms, wildlife, and wildlife habitat, and Land Use Goal #6, improve the tax base and provide jobs through development of land zoned for manufacturing uses. We are not here against solar; we are against changes in the zoning. If you look at Exit 1, the Hopkinton Industrial Park, that is an example where the zoning was already manufacturing, no trees were cut down, there were no residents around. The solar produced there is used in the park and provides jobs. We are not against solar just the putting it into wrong areas. On the website for the Planning Department, their Mission Statement reads: "The mission of the Planning Department is to further the goals of the Town of Hopkinton Comprehensive Community Plan and to provide support and guidance for planning and land-use decisions that enhances the character of the community, preserves the quality of life and maintains the

health, safety and well-being of the people in the Town of Hopkinton.’ This project does none of this; it creates green dollars. Spot Zoning and what constitutes it: ‘The “classic” definition of spot zoning is “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” That says it all, also two attorneys we spoke with agreed that this was spot zoning. Is there any push-back against this? I would say yes. The first meeting with Council President Landolfi on site; the July 2, 2018 Council meeting with an overflow of residents; the July 16, 2018 Council meeting which was moved to the Chariho Middle School with signs and information on easels in the foyer and a number of residents lined up to speak; the Planning Board workshop of July 23, 2018 which was standing room only; calls to Council members; meeting with some Council members; research at the Town Hall, DEM, lawyers, State House, etc., as well as neighborhood meetings; letters to the Editor, emails, newspaper articles; mailer to 2400 residents of Hope Valley; and, we are not done yet. Again, do what is right and not easy. I remember in the beginning I thought the Council was two for and two against and one on the fence based on what I saw and heard at the meetings. I said when you hear all the facts it would be a five to zero vote. I still believe that. That was before the information on wellhead protection area and sole source aquifer. Add to that the health concerns and this is a slam dunk. Leave this residential zoned property alone and don’t jeopardize our health and our children’s health. I believe our Comprehensive Plan considers what the residents want. The 2010 and 2016 Comprehensive Plans were based on information that the Town received from a survey sent out asking residents what they wanted to see in the Comprehensive Plan. Regarding the 2010 Comprehensive Plan a question was asked if the residents believed that the Town had done a good job protecting natural resources. 88% said yes; 4% said no and 8% was unsure. In 2016 the same question was asked and 79% of the response said yes. I believe there should be a sound ordinance with stronger aquifer protection since so many residents rely on wells. Today there is a shortage of value about what is right and what is wrong; what is acceptable; what is condoned; and, what is condemned, and we are a Town in every corner have an

accountability and responsibility to do what is right. Some of the Town Council members here tonight need to forget about money and revenue and think about what I just said. In closing, I don't drive a big black SUV or BMW. I can't afford it. I can't afford the fancy suits, shoes, etc. I can't afford to hire expensive lawyers, paid witnesses, engineering firms, real estate agents, etc. What I can tell you is that we moved to Hopkinton because of its rural character. I expect all of my Town Council members to respect our concerns, do what is right and not what is easy, and vote no. After all I am just the 'Average Joe'.

Council President Landolfi asked Attorney Mancini if wished to respond to some of Mr. Moreau's questions. He rephrased them as the cost of clean-up of the area of the dump, the bond amount seemed low and Mr. Hoffman mentioned in his report Option 2. Attorney Mancini spoke about spot zoning. He indicated that there was already a mix of uses in the area, with residential and commercial. Mr. Hoffman indicated that in response to responsibility of the clean-up, his report was prepared prior to April, before the Lease Agreement had been found. As far as the cost, the overall cost including legal fees of \$189,000, \$752,000 for scrap materials and EPA when putting together estimates typically adds in 20% to 50% and that's how we get to 1.1 Million. The requirement of the capping is that this has to be graded with a 3% slope, loam is brought in, and mowed annually. The slopes are dictated by capping procedures. As far as the the North Carolina State University did a study which looked at everything from the amount of lead solder used is being phased out. The lubricant is non-toxic transformer oil. 750 panels is about equal to one car battery as far as lead. These panels don't shatter, there is no fire aspect. Council President Landolfi asked Mr. Hoffman if he could speak to Mr. Moreau's statement about the area of contamination. Mr. Hoffman stated there was scattered debris around the site. The one and a half to two acres of actual contaminated area is one and a half to two acres. Mr. Hoffman indicated there is blast rock at the site from when Route 95 was installed. The ash goes down deep and makes it very hard to dig. The preferred option is to cap this. They may do methane monitoring but at the actual burn dump there is not much methane. Council President Landolfi asked if anyone was present who could

speaking as to the amount of the bond to cover the decommissioning end of the project.

Nicole Mulanphy indicated that the sole source of aquifer is the entire Town of Hopkinton, Richmond, Exeter, Westerly and West Greenwich. The larger concerns with an aquifer were with farms and sod farms. GA water – is what level to mediate to obtain drinking water.

Attorney Mancini spoke concerning the decommissioning bond which was proposed by the developer at the time of permitting and they gave a \$300,000 cash bond. Council President Landolfi indicated that Mr. Moreau had mentioned about a 2 mega watt project being \$98,000 needed to decommission a project.

Attorney Mancini indicated that the bond was only for the Town's protection and that most of the materials will be recycled. Most costs are recouped at the end of the life of the panels. The other cost will be for reforestation.

Council President Landolfi indicated that there were two other residents who wished to speak, Steve and Michelle. He asked Steve (Wiehl) approximately how long he would need and indicated that he had a petition to hand in and Attorney Donnelly was going to speak on the residents behalf. Attorney Jim Donnelly introduced himself and indicated that he was an attorney in Wakefield who has been retained by a group of residents to look into this project and he hoped that the Town Council wouldn't be entertaining this proposal. He indicated that one thing Council President Landolfi had said had shocked him; when he indicated that they were not trying to rewrite the Comprehensive Plan. Council President Landolfi indicated that they are not rewriting it; they just turned in their Comp Plan that was recently approved by Statewide Planning so their Council was not rewriting what was submitted recently. Everyone might believe that if they were to make a decision to approve this proposal, but they have not changed anything materially on the Comp Plan that was recently submitted. It was stated to Attorney Donnelly that this was only a hearing to hear the applicant's proposed solar project, we haven't approved anything yet. Attorney Donnelly indicated

that they had amended the Comp Plan for two other approved projects and if they approved this project they would be amending it again, but he was saying they weren't rewriting the Comp Plan. Council President Landolfi indicated they were not; they just would be amending it if this project was approved. Town Solicitor McAllister stated that he believed Council President Landolfi and Attorney Donnelly were talking about two different things; what Attorney Donnelly was suggesting is that a request for a zone change, which is what is before the Council, is a request to amend the Comprehensive Plan that assumes the current zoning and he is correct in that statement; and, Council President Landolfi was referred to, which was also correct, is that every five years or ten years depending upon the cycle, the Town has to look at its Comprehensive Plan and submit broad revisions throughout the document including but not limited to zone to Statewide Planning which is a state statute for every municipality. Two handouts were distributed and Attorney Donnelly indicated that he was not talking about the merits. He indicated that the power to zone depends on statutes and the Comprehensive Plan statute. The State has indicated that it has to be consistent with the Comprehensive Plan in order to change the zoning. It is only allowed four times a year pursuant to statute. This is the fourth time if approved. The Comp Plan and State statute says that in order to make amendments they have to do certain things. The Planning Board is the sole entity to prepare the Comp Plan or amendments to the Comp Plan. They are told to schedule public hearings, invite comments from the residents as to what they would like to see in the Comp Plan and that is why this takes so long. After this was approved and adopted by the Planning Board in 2017 than it was submitted to Statewide Planning for their approval and then to the Town Council for their approval. The Comp Plan is what the people want to be. Any amendment to the Comp Plan is to go to the Planning Board and they are required to have a public hearing and then give an advisory opinion to amend to the Town Council. The first mention in the Town Council minutes concerning this project was on May 7, 2018. At that time they scheduled a hearing for the middle of June on a Comp Plan amendment. This was a short time frame because this had to be referred out to the Planning Board who only meets once a month. The Planning Board held their hearing on June 6, 2018

and took testimony and after hearing everyone they indicated that they would not advise the Town Council to adopt the comprehensive plan amendment. On June 13, 2018 the Council received an adverse advisory opinion and yet two days later it had a hearing. Attorney Donnelly indicated that he reviewed the ordinances and records on zone changes. Chapter 2, Article 2, Division 5, Section 116A talks about the duties of the Planning Board when making recommendations regarding Comprehensive Plan amendments. That specific section indicates that in the event that the Planning Board gives an adverse recommendation the measure that the Town Council must follow if they are to entertain the proposal, given the adverse recommendation, it must be passed by a two-thirds affirmed vote or a 4 to 1 vote. Attorney Donnelly did not believe the Council was aware of this because he saw another project of May 21, 2018, and the vote was 3 to 2 and it passed. There is a reason for that ordinance because a lot of the ordinances have changed since 2007. One of the handouts speaks on the mechanism of how they are supposed handle these projects. He asked the Councilors to review the Zoning Enabling Act, the Comprehensive Plan Enabling Act, the Comprehensive Plan and Zoning Ordinances and they would see that in each prefatory section of all of those documents, it talks about all of these things providing for the health, safety, welfare and protection of the residents. The recently enacted 2018 Comprehensive Plan doesn't say anything about that. There is a reason why the Comprehensive Plan is the boss document. Here it seems like things are being done opposite then what is supposed to be done. In the first section of the Comprehensive Plan statute they talk about why it is so important to have a uniform method for municipal planning to avoid producing inconsistent regulations and most importantly to avoid making reactive regulations and decisions. Attorney Donnelly believed that the Town Council entertaining this proposal was the definition of reactive. He has been the Town Solicitor for Jamestown for twenty years so he understands the pressure sitting on the Town Council, but they shouldn't be selling out the Comp Plan for chump change. They are changing the rural nature of the Town which the Comp Plan holds as its biggest and most important goal to be protected. They are changing the Comp Plan for particular projects and this is happening again and again. There are

reasons for the Planning Board to be involved; there is a reason that the State statute said the sole body which will deal with Comprehensive Plan amendment reparations is the Planning Board and that is the first step. Here, the process that the Town follows when it receives an application is that they immediately note it at the next Town Council hearing, however, they do not follow the rules. The process has to be followed. Attorney Donnelly gave out another document for the Council's review. He also spoke about Hoffman Engineering's legal opinion about the Town being liable based on an undisclosed lease which was not concrete evidence. It is also disingenuous to say that the Town has any liability. It is the landowner that is responsible. Council President Landolfi indicated that Attorney Mancini may wish to address some of those statements. Attorney Mancini indicated that he would provide a written response. Based on the application for a Zoning Ordinance Amendment and the Comprehensive Plan Future Land Use Map Amendment, if they were to grant these applications, the Town Council would not be rewriting the Comprehensive Plan. There are two applicable statutory requirements which Attorney Mancini referred to as Section 45-24-5.1, Procedure of the Town Council, and 45-24-5.2, Role of the Planning Board. He also referred to the Future Land Use Map Section; Section 45-21-2.1 which is the Comprehensive Plan Land Use Act which describes the process by which the comprehensive plan is devised, revised and submitted. The zoning ordinance amendment refers to the Zoning Enabling Act which has to become consistent with the comprehensive plan. This property is requested to be changed from RFR-80 to Commercial following the prescribed manner. This is not a text amendment but a map amendment; zone changes are allowed four times a year when there is a text amendment. It has to be advertised three times in the newspaper and abuttor notices sent. Attorney Donnelly indicated that there is no distinction between text and map and he requested the Council read the definition he provided them.

Next to speak was Paul DiJulio from Townsend Road. He is the owner of the 1.2 acres that is in this application. He indicated that he could care less about this property and he agreed to this project because he believes in renewable energy.

He wished to point out that Roberts Rules of Order is that you take the number of votes and multiply that by 2 which gives you 3.53 which is rounded off at 3. He stated that he didn't know what type of impact people were speaking of (he was 23 years in the Air Force) environmentally because if you read the research, it talks about the benefits to the environment. There is not much about modern solar systems as being detrimental to the environment; quite a few scientists in several universities speak about the benefits to the environment that solar panels present. He stated the Council's duty as explained in Section 45-22-2 of Rhode Island Planning of February 2018 talks about the duty to take renewable energy into account into their comprehensive plan and they also should be able to modify the comprehensive plan for renewable energy and it indicates that they should take into consideration abandoned or old waste properties. He indicated that there is a lot of dangerous waste on these properties, however, their water is clean. The reason why he got into the military was to protect and serve. He invited everyone to come to his property to look around. He believes in life, liberty and the pursuit of happiness. Anyone is allowed to cut trees down on their own property. He wished his neighbors to understand that he has rights too and he has the right to pursue happiness in his own way as he sees fit.

Fred Stanley spoke and indicated that he has been the Hope Valley Fire Chief from 1965 to 2015. He was well aware of the landfill and the dump. The difference between the two is that one was allowed to burn at the time and did not fall under the regulation; it was completely covered and burned. Thereafter it moved to Stubtown Road. The dump on Townsend Road was covered over which eliminated any responsibility for the Town and another owner came in. That property was cleaned up of any hazards. He stated the site was totally cleaned up when Hopkinton left. Another owner came in and thereafter operated it. He believes the applicants are now using scare tactics with the Town Council. He stated he had spoken with DEM a few weeks back and they did not know anything about this.

Steve Wiehl indicated that he is turning in a petition which has been signed by 288 like-minded community members that all feel the same way. The petition

was submitted to the Town Clerk. He stated he wished the Council to give serious thought to this.

Loren Stanley of 38 Old Depot Road stated that when people move to our residential community you would think they have a reasonable expectation that it is going to stay residential. He did not expect to be coming to a Town meeting fighting to keep their property residential because the Town Council may change the zoning. How many people who are gaining monetarily are fighting for these solar panels? A lot of professionals are making money. Someone had come to his door asking for signatures so they could run for Town Council and when I hesitated to give my signature they indicated that there were only 5 people running anyway so we are all going to get in. I like to think that the majority of the people out there will not ignore the people who do not solar panels in their neighborhood.

Diane Cushner who is a local farmer spoke. She stated that she didn't see how people could think solar energy was good for the environment when they were cutting down trees to put up solar panels. Regarding their 30 year plan to take down the panels, most of us will be dead. They should think of the kids and what we will be leaving them.

Paul Boisvert of 13 Woodlawn Circle indicated that his house directly faces this project. If he looks to the west there is another proposed site almost as large of this one. There are three other sites about this size within about a mile circle; five different solar sites total, what are the benefits to the town? Council President Landolfi asked if Mr. Boisvert was talking about Palmer Circle and he indicated that he was talking about Palmer Circle, Canonchet Cliffs and Fenner Hill. He indicated that people talk about noise pollution but what about light pollution and he believed there was going to be a very serious situation in that area.

Eric Bibler wished to address what Attorney Mancini said about this being a change to the comprehensive plan. He believed this didn't pass muster because the Town is considering numerous projects which add up to hundreds and hundreds of acres and are changing residential zoning to industrial uses on a massive scale. Attorney Mancini also downplayed the area as if it weren't residential and was a mixed use area but if you live in the residential area you

look at that property as a residential buffer. Mr. DiJulio indicated that we all have the right to use our land as we see fit and I would agree with that, but not to an industrial use. When you own a residential piece of property you don't have the right to convert it to a commercial use and put 100 acres of solar panels on it. Mr. Bibler stated that he went to the August 1, 2018 Zoning Board hearing where they talked about the Brushy Brook project, which is another enormous project being proposed. An attorney for the developer of that project indicated that this is not spot zoning. One of the Planning Board members, Mr. Holberton, stated in a newspaper article that he questioned whether the Planning Board still had a valid role to play and he said "Frankly, I think this is an exercise of futility because the Town Council ignores the Planning Board. It is rewriting the Comprehensive Plan to fit the developers' needs and that renders the Comprehensive Plan useless." Every single member of the Planning Board shared this sentiment. It doesn't matter how many times the Town Council denies it, they are rewriting the Comprehensive Plan and changing the character of the Town. These proposals are impacting residents. What is in this for the Town? Every town is under pressure to bring in solar. He felt that they were doing this to collect revenue and were ignoring all of the residents. At the end of the day there will be an adverse impact and wholesale damage to the Comprehensive Plan. They are introducing large scale industrialization into residential zones. They are degrading the scenic rural character of Hopkinton; were rejecting the recommendations of the Planning Board over and over again; violating the Code of Ordinances in favor of spot zoning; they are entertaining all proposals that come in based on the revenue. He believes at the end of the day this is going to lead to a tax revenue decrease. Every resident living near a solar array can file an appeal to their tax bill due to a decrease in their property value.

Harvey Buford asked if the meeting was going to be continued and Council President Landolfi indicated they weren't sure they hadn't voted yet. Mr. Buford indicated that the zoning being proposed for this project was commercial special, did that come with a District Use Category? Town Solicitor McAllister indicated that commercial special was not an actual zone in our zoning ordinance but we are using it as shorthand typically with solar arrays; it is limited to the particular use

that lead to the zone change, which in this case would be the solar. In one or two of the previous projects that passed the zone would revert back to its original zoning, at the end of the solar project. It is not a general change to commercial. The special designates that it may not stay commercial, it is limited to that use. Mr. Buford indicated that there is a District Use Table and also asked about whether the project would fall under the Aquifer Protection Permit requirements. Council President Landolfi indicated that he wasn't sure and he asked Attorney Mancini if he had any idea about the Aquifer Protection Permit. Attorney Mancini didn't think this was required. Mr. Buford went on to state that this site was in an Aquifer Protection zone and there was good chance they would need an Aquifer Protection Permit. He also questioned what type of solar panels they were using, crystalline silicone solar cells and not cadmium based and Attorney Mancini indicated they were silicone based. Mr. Buford asked if there were any other hazardous materials and Attorney Mancini indicated no. Lastly, Mr. Buford asked if the landfill would be remediated at the beginning of the project or when development proceeded. It was indicated yes, that would be one of the initial things to occur. Mr. Buford indicated that he had several other questions but he would email them to Council President Landolfi who would get answers.

Sharon Davis stated that at the July 16, 2018 meeting she requested a moratorium on solar projects requiring residential zone changes until the Planning Board's recent amendments to the solar ordinance were approved by the Town Council. She indicated that she was told that the Woodville Road project would not be subject to these amendments. In a letter to the editor she requested the Town Council to reject the Woodville Road project. How much solar is enough? What is the actual goal? Why do we need to accept these solar projects that require a residential zone change and changes to the Comprehensive Plan? How will each individual resident of Hopkinton actually benefit from these solar projects? All of the residents in attendance and others have banded together, written letters to the newspapers, given interviews to the press, mailed a flyer to every Hope Valley resident asking for their support and asking them to show up at Town Council meetings to show their disapproval of this project, and gathered signatures from

residents on a petition. She hoped that these actions have made their case for rejection of this project, but if they haven't she asked the Council members to think about the irreparable harm this project will have on the surrounding property owners by increased water runoff, lower property values and potential pollution of their water. She hopes the Councilors chose kindness, generosity and love of nature and reject this project. As Joe Moreau said on July 16th and tonight, do the right thing and not the easy one. Mr. Moreau hoped that they continue the meeting because they have not heard from all of the witnesses. A gentleman who lived on Brook Drive in Hope Valley spoke regarding the issues of contamination and the chemicals that they will use to curb the vegetative growth all around the area of the solar panels. Because of the nature of being in a commercial area, the applicant is allowed to use DEA approved chemicals which come in two forms, one is a pre-emergent which is spread on the ground and the other is in aerosol form, it is post-emergent. These chemicals are sprayed on the leaves. Both of these chemicals are extremely hazardous. We don't want to allow this kind of chemical contamination on the ground. Attorney Mancini responded that they can stipulate that no chemicals will be used. Councilor Buck asked how they would control the grass. Attorney Mancini indicated that they would mow it or weed-whack it and this could be done because the solar panels are twelve feet high. Some of their other concerns were addressed in the environmental assessment and they are happy to answer any other questions that may be submitted to the Council. Council President Landolfi indicated that it was up to the Council regarding whether or not they wished to close this hearing and set a date for a decision or whether they wished to continue the hearing.

A motion was made by Councilor Thompson to close the hearing. There was no second and the motion failed.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO CONTINUE THE HEARING FOR AN ADVISORY OPINION FROM THE SOLICITOR AS TO THE VOTING QUORUM AND THE NUMBER OF CHANGES PER YEAR ALLOWED.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson

OPPOSED: None

SO VOTED

Council President Landolfi indicated that this matter would be continued to the September 4, 2018 hearing.

A woman in the audience indicated that her husband was disabled and he would love to come to a meeting, however, it was impossible because of a problem with access to the school. Council President Landolfi indicated that he had tried to arrange for a handicapped accessible spot but he was not able to, but he would make sure that next time there would be several.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO ADJOURN THE MEETING IN MEMORY OF THURMAN SILKS.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk