

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

6 **Wednesday, November 7, 2018**  
7 **7:00 P.M.**

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

10 **CALL TO ORDER:**

11 The November 7, 2018 meeting of the Hopkinton Planning Board was called to order at 7:00  
12 P.M. by Chair Al DiOrio.

14 **MEMBERS PRESENT:**

15 Al DiOrio, Amy Williams, Tom Holberton, Ronald Prellwitz, and Keith Lindelow were  
16 present.

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

20 **APPROVAL OF MINUTES:**

21 MS. WILLIAMS MADE A MOTION TO APPROVE THE MINUTES OF THE OCTOBER 3, 2018 PLANNING  
22 BOARD MEETING.

23 MR. HOLBERTON SECONDED THE MOTION.

24 MS. WILLIAMS, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW APPROVED.

25 MR. DIORIO ABSTAINED DUE TO ABSENCE. MOTION PASSED.

27 Mr. DiOrio began the meeting with a brief statement on the building's capacity, and a notice  
28 that the application regarding 310 Main Street had been continued to a future meeting. He  
29 explained that the applicants appearing that evening would make their presentations, the  
30 Planning Board would discuss, and that time would be allocated for public input once the  
31 Board's issues have been addressed.

34 **PUBLIC HEARING:**

35 Mr. DiOrio opened the public hearing.

36 Advisory Opinion to Town Council – **Request for Comprehensive Plan/Zoning Map**  
37 **Amendments** – AP 18 Lots 8 & 13 – Arcadia Road and Lisa Lane – Gordon Excavating, Inc. and  
38 Skunk Hill Solar, LLC, applicants

39 Advisory Opinion to Town Council – **Request for Comprehensive Plan/Zoning Map**  
40 **Amendments** – AP 18 Lot 14 – 145 Skunk Hill Road – Hopkinton Land I, LLC and Skunk Hill  
41 Solar, LLC, applicants

44

2 Ms. Williams recused herself from this application and left the meeting.

4 Robert Craven appeared representing the applicant. Before beginning the presentation of  
6 information, he offered to have the two applications presented as one, since they are abutting  
8 properties. The Planning Board agreed to the applicant presenting both of their applications  
together.

10 Mr. Craven called Mr. Benevides, engineer of Woodard & Curran in Providence, RI, as his  
12 first witness. Mr. Benevides described the site locations of the two projects as having access  
14 from Skunk Hill Road and from Arcadia Road, respectively. There were wetlands on the sites  
16 that they avoided apart from one existing roadway crossing. He estimated that there was a  
1/3 to 2/3 size ratio between the two projects, which are still only at the conceptual stage. He  
said that they want to blend community input in with the design that the landscape architects  
will create. They are proposing no-disturbance zone buffer and screening from all roads, and  
that they are willing to work with RIDEM and the Town.

18 The next witness was Frank Epps, the principle for Energy Development Partners, which  
owns 20 solar projects in the state. He said that the plan is a concept for a possible use for the  
20 property. He said that the project does meeting current solar ordinance standards, but he does  
not know if it will meet the new ordinance's standards that are under consideration. They  
22 plan to bring foresters in on the site to examine it, and will ensure that there are no impacts  
on the wetlands. He said that they have no intention to develop the side of the lot that abuts  
24 Lisa Lane or in the connection area near Arcadia Road.

26 On the comprehensive plan, they believe that the project fits within the text of the plan. The  
Town describes in the plan energy strategies to develop local energy infrastructure to meet  
28 increasing energy needs. He said that distributed solar development has saved New England  
ratepayers \$20M in one week in July of this year. Energy demands and strategic energy  
30 planning are helping to achieve those goals. The Town currently allows solar development  
on Commercial and Manufacturing zoned parcels, which represent a very small amount of  
32 the Town's overall acreage. The challenge to development in the town, especially in Hope  
Valley, is going to be infrastructure development where utilities services are challenged by  
34 soil and water issues. There are also recommendations within the Public Services chapter of  
the comprehensive plan to consider expanding the zoning ordinance to include solar  
36 development within residential areas in the town, and to identify regulatory challenges to  
energy development. The location of this project, in working to stay away from the nearby  
38 residential areas, mean that the project could result in better development than further  
residential development in an area challenged by septic and water issues.

40 Lastly, Mr. Craven introduced Exhibits from the Comprehensive Plan's energy goals.  
42  
44

**2** Questions from the Planning Board:

**4** Mr. Holberton: Are the solar panels arranged in the east-west configuration as your last project was?

**6** Mr. Epps: It depends what the restrictions of the Town’s future solar ordinance will be. Land cover requirements could affect the site’s configuration.

**8** Mr. Holberton: Does the east-west configuration use less land?

Mr. Epps: Yes it does.

**10** Mr. Holberton: I appreciate your analysis of the comprehensive plan. It does reflect some state goals not held by the town itself. But the zoning ordinance and subdivision regulations say that the land is zoned RFR-80. There is not a lot of commercial land in town, which is where this type of development belongs. I want to support the project, but it is spot zoning.

**12** Mr. Lindelow: I’m glad that they have read the Comprehensive Plan. The project could be located in a different spot.

**14** Mr. Prellwitz: I agree with some of Tom’s points. The state and country needs more energy. People don’t want to see the solar projects in a rural community. But more energy is needed.

**16** Mr. DiOrio: The Future Land Use Map identifies the parcel as residentially zoned. It does not support changing it for the property. There are other goals in the Comprehensive Plan, such as NR-1, objective NR-1, and policy PSF-15, and he thought that it was generally inconsistent with the Comprehensive Plan

**18** Questions from the public:

**22** Mr. Moreau: I think it is a great project, I applaud them for looking at the Comprehensive Plan. But this project is inconsistent with the Plan. Goal H-1, says that Hopkinton will be characterized with safe, secure, and attractive neighborhoods. Mr. Moreau also cited goals NR-1 and LU-4 as showing the project is inconsistent with the plan. He believes the project constitutes spot zoning.

**24** Lilly, of 43 Forest Glen Drive: Clearing thousands of trees will drive out the animals that live there. Predators are going to move as well, and the ecosystem will break down.

**26** Walter Gibbons: There are new homes that have been built in the 57 years that he has owned property in the town. He should have the right to clear his land and lease it to solar panels. New homes cost money, and the school system adds cost to the town. Solar development doesn’t add cost to the Town.

**28** Carolyn Ligh, Forest Glen Drive: As a resident, electric bills have gone up every year. Savings from the solar development should be shared with the ratepayers. Also, the interconnection phase of the project is the most expensive part of the plan. Interconnection could require easements on other properties to reach the project. National Grid could eventually refuse to connect.

**30** Lauren Turner, Stone Bridge Way: I have read the Comprehensive Plan at least four times. I drive by the Bank Street project and the one on Arcadia Road where other projects have been built. The Comprehensive Plan says that Hopkinton is a rural town. Solar belongs in industrial areas and on rooftops.

**32**

**34**

**36**

**38**

2 Richard Noel, Lisa Lane: The applicant has shown selective information from the Comp Plan.  
4 That project area is surrounded on three sides by the densest residential development in the  
Town. There are 36 homes in the immediate proximity, and the solar development would fill  
the whole area.

6 Louanne McCormick, Lisa Lane: I have looked at the Comp Plan. Page 43 talks about energy  
8 development in certain areas, but its for the Town’s benefit, not a private developer’s benefit.  
The Comprehensive Plan references to energy development seem to be specific to Town-  
owned energy development projects.

10 Dave Gever, Anna Drive: I’m on the fence about the project. I understand why the parcels are  
12 being chosen, because they couldn’t be developed into anything else. But given the number  
of homes surrounding it, solar seems inappropriate for the site. I’m worried about the two  
14 access points, and EMFs created by a project of this size. And what will happen to the land  
once the solar goes away? Lastly, who profits? I don’t hear a lot about here the money goes,  
but it shouldn’t be located in the area where they live.

16

There was no further comment from the public.

18

MR. DIORIO MOVED TO ADVISE TO THE TOWN COUNCIL THAT THE PLANNING BOARD FINDS  
20 THE APPLICATION FOR AP 18, LOTS 8 & 13 TO BE INCONSISTENT WITH THE HOPKINTON  
COMPREHENSIVE PLAN, DOES NOT SUPPORT THE PROPOSED ZONING MAP AND FUTURE  
22 LAND USE MAP AMENDMENTS, BASED ON THE COMPREHENSIVE PLAN’S GOAL NR-1, “TO  
PRESERVE, CONSERVE, AND PROTECT THE SIGNIFICANT NATURAL RESOURCES OF HOPKINTON  
24 AS AN ENDOWMENT FOR THE FUTURE OF THE TOWN”; OBJECTIVE NR-1, “PROTECT AND  
MANAGE IMPORTANT FOREST RESOURCES AND WETLAND SYSTEMS TO MEET THE DEMANDS  
26 OF RECREATION, WATER SUPPLY, WILDLIFE HABITAT, FOREST PRODUCTS AND A HIGH-  
QUALITY ENVIRONMENT”; AND POLICY PSF-15, “ENDORSE FUTURE LAND DEVELOPMENT  
28 THAT IS SUSTAINABLE, ENERGY EFFICIENT, AND IN ACCORDANCE WITH THE TOWN’S FUTURE  
LAND USE MAP”.

30

MR. HOLBERTON SECONDED THE MOTION.

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MR. DIORIO, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW VOTED  
IN FAVOR OF THE MOTION.

34

MOTION PASSED 4-0.

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MR. DIORIO MOVED TO ADVISE TO THE TOWN COUNCIL THAT THE PLANNING BOARD FINDS  
THE APPLICATION FOR AP 18, LOT 14 TO BE INCONSISTENT WITH THE HOPKINTON  
COMPREHENSIVE PLAN, DOES NOT SUPPORT THE PROPOSED ZONING MAP AND FUTURE  
LAND USE MAP AMENDMENTS, BASED ON THE COMPREHENSIVE PLAN’S GOAL NR-1, “TO  
PRESERVE, CONSERVE, AND PROTECT THE SIGNIFICANT NATURAL RESOURCES OF HOPKINTON  
AS AN ENDOWMENT FOR THE FUTURE OF THE TOWN”; OBJECTIVE NR-1, “PROTECT AND  
MANAGE IMPORTANT FOREST RESOURCES AND WETLAND SYSTEMS TO MEET THE DEMANDS  
OF RECREATION, WATER SUPPLY, WILDLIFE HABITAT, FOREST PRODUCTS AND A HIGH-

2 QUALITY ENVIRONMENT”; AND POLICY PSF-15, “ENDORSE FUTURE LAND DEVELOPMENT  
4 THAT IS SUSTAINABLE, ENERGY EFFICIENT, AND IN ACCORDANCE WITH THE TOWN’S FUTURE  
LAND USE MAP”.

6 MR. HOLBERTON SECONDED THE MOTION.  
MR. DIORIO, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW VOTED IN  
8 FAVOR OF THE MOTION.  
MOTION PASSED 4-0.

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**CLOSE PUBLIC HEARING**

12

MR. DIORIO MOVED TO CLOSE THE PUBLIC HEARING  
MR. HOLBERTON SECONDED THE MOTION.

14

MR. DIORIO, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW VOTED IN FAVOR OF THE  
MOTION.

16

MOTION PASSED 4-0.

18

Ms. Williams returned to the meeting.

20

**PUBLIC HEARING**

22

Major Land Development – **Master & Preliminary Plan** – Telecommunications Tower – AP 16 Lot 38  
– 346 Spring Street – Industrial Tower and Wireless, LLC, applicant.

24

Kevin Delaney, of Industrial Towner & Wireless, presented the project to the Board. He said  
26 that the applicant was seeking Major Land Development approval for a 175’ lattice-style  
telecommunications tower at 346 Spring Street, to be constructed on a separate 3.6 acre lot  
28 subdivided from the existing total lot. The proposed site plan has proposed a 530’ driveway,  
the tower being 500’ from Spring Street. The utilities are all underground. A security gate will  
30 be at the entrance to the property. The tower area is an 80’x80’ fenced area that contains the  
tower. As few trees as possible will be removed. No lights or beacons are proposed, which  
32 has been cleared with FAA. A physical alteration permit has been obtained from RIDOT, and  
permits from RIDEM, and the engineer, Kurt Nunes, is present to answer any questions the  
34 Board may have.

36

Questions from the Planning Board:

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Ms. Williams: What aspect has RIDEM involved in issuing a permit?

40

Mr. Nunes: There is a stream in the southwest corner of the site that runs under Spring Street.

42

Mr. Holberton: I have an issue with the creation of what I believe to be an illegal lot. The  
applicant hasn’t obtained subdivision suitability from RIDEM. I believe the request for the lot  
doesn’t meet the requirements that it supports a septic design. That isn’t an issue for the  
tower, but in the future when it is taken down and sold, it would be an illegal lot.

2 Mr. DiOrio: The letter from RIDEM says that an ISDS isn't necessary. Remainder lots to need  
4 test holes that say it could be possible to support a system. It's up to the town to decide if that  
is sufficient. Soil evaluations should have been done on the remainder 13 acre lot.

6 Mr. Prellwitz: If they're not building anything that requires a septic system, I don't think they  
should have to test it.

8 Mr. DiOrio: The plans also need revision for Final stage. A comprehensive boundary survey  
requires 70% of corners to be monumented. And the certification date needs to be 11/25/15. I  
would like to see that addressed in the final plans.

10

The Planning Board discussed the requirements of lot creation and septic suitability, and  
12 agreed that a deed restriction could alleviate the issue. The solicitor concurred that it should  
be a requirement of approval.

14

Questions from the public:

16

Mr. Buford: What is the purpose of subdividing the lot?

18

Mr. Delaney: To retain control of the land under the tower.

20

There was no further comment from the public.

22

HAVING FOUND THAT THE SUBDIVISION IS CONSISTENT WITH REQUIREMENTS OF THE  
HOPKINTON COMPREHENSIVE COMMUNITY PLAN; THAT EACH LOT IN THE SUBDIVISION  
24 SHALL CONFORM WITH THE STANDARDS AND PROVISIONS OF THE HOPKINTON ZONING  
ORDINANCE; THAT THERE WILL BE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS  
26 FROM THE PROPOSED DEVELOPMENT AS SHOWN ON THE FINAL PLAN WITH ALL REQUIRED  
CONDITIONS OF APPROVAL; THAT THE SUBDIVISION AS PROPOSED WILL NOT RESULT IN THE  
28 CREATION OF INDIVIDUAL LOTS WITH SUCH PHYSICAL CONSTRAINTS TO DEVELOPMENT THAT  
BUILDING ON THOSE LOTS ACCORDING TO PERTINENT REGULATIONS AND BUILDING CODE  
30 STANDARDS WOULD BE IMPRACTICAL; THAT ALL PROPOSED SUBDIVISION LOTS SHALL HAVE  
ADEQUATE AND PERMANENT LEGAL ACCESS TO A PUBLIC STREET; THAT THE SUBDIVISION  
32 SHALL PROVIDE FOR SAFE CIRCULATION OF PEDESTRIAN AND VEHICULAR TRAFFIC, FOR  
SURFACE WATER RUNOFF CONTROL, FOR SUITABLE BUILDING SITES, AND FOR THE  
34 PRESERVATION OF NATURAL, HISTORIC, OR CULTURAL FEATURES THAT CONTRIBUTE TO THE  
ATTRACTIVENESS OF THE COMMUNITY; THAT THE DESIGN AND LOCATION OF STREETS, BUILDING  
36 LOTS, UTILITIES, DRAINAGE IMPROVEMENTS, AND OTHER IMPROVEMENTS SHALL MINIMIZE  
FLOODING AND SOIL EROSION; Ms. WILLIAMS MOVED TO APPROVE THE COMBINED MASTER  
38 AND PRELIMINARY PLAN PHASES AND DELEGATE FINAL PLAN APPROVAL TO THE  
ADMINISTRATIVE OFFICER, SUBJECT TO THE NEW LOT BEING RESTRICTED TO ONLY THE  
40 COMMUNICATIONS TOWER USE ONLY, THAT THERE WILL BE NO SANITARY WASTE  
DISCHARGE, AND THAT THE LOT 38A2 SHALL HAVE A DEED RESTRICTION TO NOT ALLOW AN  
42 ONSITE WASTEWATER TREATMENT SYSTEM UNTIL SUCH IS APPROVED BY RI DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT.

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MR. PRELLWITZ SECONDED THE MOTION.

4

MR. DIORIO, MS. WILLIAMS, MR. PRELLWITZ, AND MR. LINDELOW VOTED IN FAVOR OF THE MOTION.

6

MR. HOLBERTON VOTED AGAINST THE MOTION.  
MOTION PASSED 4-1.

8

**PUBLIC INFORMATIONAL MEETING**

10

Major Land Development – **Master Plan** – Photovoltaic Solar Energy System – AP 4 Lot 25 – 310 Main Street – Maxson Hill LLC c/o Anthony DelVicario, applicant

12

The 310 Main Street project was continued to the next scheduled Planning Board meeting.

14

16

Mr. DiOrio recused himself and left the meeting.

18

**OLD BUSINESS:**

20

**Amendment to an Approved Plan** – Photovoltaic Solar Energy System – AP 4 Lot 2 – 95 High Street - High Street Solar, LLC, applicant.

22

Jason Gold, of ESS Group, appeared on behalf of the applicants. The approved plan is for a 998 kW solar array. It received Development Plan Review approval on February 7, 2018. The design included loam and seed to be applied under the solar panels. As approved, construction would require a lot of loam to be brought in at a high cost. The proposed amendment is to use mulch under the panel, rather than grass, and several other minor items such as road widening, moving a concrete pad, etc.

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26

28

Questions from the Planning Board:

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Mr. Prellwitz: I have heard that this is common, but I would like it to be reviewed by the fire marshal.

32

Mr. Holberton: The mulch breaks down over time. Is the maintenance plan going to be changed to re-apply the mulch over time?

34

Mr. Gold: We could require the applicant to add mulch maintenance to the Operation and Maintenance Plan.

36

Ms. Williams: What was done at the project at Bank Street?

38

Mr. Sposato, Ashaway Volunteer Fire Chief: The project was loamed and seeded.

40

Mr. Sposato stated that the state of Rhode Island wants there to be zero combustible materials under the panels. They would allow gravel or crushed stone, but weeds would have to be maintained.

42

Mr. Prellwitz: What about placing fabric under the gravel?

44

Mr. Sposato: That could be acceptable.

2 Questions from the public:

4 Ms. Capalbo: As a neighbor, I would like to see loam and grass. The transformers contain  
6 mineral oil, which is very combustible. The grass will come back eventually. Homes are very  
close to this site and we want to minimize the fire risk.

8 Mr. Buford: The property was formerly a mulch operation. Being in the primary aquifer  
protection zone, I have concerns about the aquifer. Grass is like a secondary containment  
system for pollutants.

10

12 Mr. Gold asked if pursuing the options laid out by the fire chief would be acceptable. The  
Board agreed that they would not approve them at this meeting, but the applicant is welcome  
to present a revised plan at a future meeting that meets the fire department's approval.

14

16 MS. WILLIAMS VOTED TO AFFIRM THE ORIGINAL PLAN APPROVAL OF LOAM AND SEED UNDER THE  
PANELS.

18 MR. HOLBERTON SECONDED THE MOTION.

MS. WILLIAMS, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW APPROVED.  
MOTION PASSED.

20

**NEW BUSINESS:**

22 None

**SOLICITOR'S REPORT:**

24 None

26

**PLANNER'S REPORT:**

28 None

**CORRESPONDENCE AND UPDATES:**

30 None

32

**PUBLIC COMMENT:**

34 Ms. Capalbo suggested that the Comprehensive Plan could be amended to remove the energy  
development goals, or to make them more specific to being for the Town's use only.

36

**DATE OF NEXT REGULAR MEETING:** December 5, 2018

38

**ADJOURNMENT:**

40 MR. HOLBERTON MOVED TO ADJOURN THE MEETING

MR. LINDELOW SECONDED THE MOTION

42 MS. WILLIAMS, MR. HOLBERTON, MR. PRELLWITZ, AND MR. LINDELOW APPROVED.  
MOTION PASSED.

44

The meeting was adjourned at 9:00 P.M.