

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

6 **Wednesday, June 6, 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 June 6, 2018 meeting of the Hopkinton Planning Board was called to order at 7:00 P.M.  
12 by Vice Chair Amy Williams.

14 **MEMBERS PRESENT:**

15 Amy Williams, Josh Bedoya, and Ronald Prellwitz were present.

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

20 **APPROVAL OF MINUTES:**

21 MR. PRELLWITZ MOVED TO APPROVE THE MINUTES OF THE MAY 2, 2018 PLANNING BOARD  
22 MEETING.

23 MS. WILLIAMS SECONDED THE MOTION.

24 MS. WILLIAMS, MR. BEDOYA AND MR. PRELLWITZ APPROVED. MOTION PASSED.

26 **PUBLIC HEARING:**

28 Ms. Williams opened a public hearing.

30 Advisory Opinion to Town Council – **Request for Comprehensive Plan/Zoning Map**  
31 **Amendments** – RI Solar Renewable Energy LLC & George Townsend, Rose Townsend &  
32 Carleen Bowen - Trustee – AP 11 Lot 57 & Paul & Mary Dijulio – AP 11 Lot 57D –  
33 350 Woodville-Alton Road

34 Attorney Vincent Naccarato presented for the applicants. Ms. Williams asked that the presentation  
36 be concluded by 8:45pm in order for the Planning Board to have time to discuss and vote on the  
38 proposal, and to hear the other business on the agenda. Mr. Naccarato stated that he thought the time  
restrictions were unfair given the scope of the project, but that he would make a good faith effort to  
respect those parameters, although more time may be needed.

40 The proposal before the Board has two components: a zoning map change from residential to  
42 Commercial Special, and amendments to the Comprehensive Plan's Future Land Use Map. The  
applicant intends to develop a large solar array on parts of the two existing lots. Part of the re-zoning  
44 also involves subdivision of existing lots: Lots 1 & 2 on the plan would be existing residences to be

2 separated from the project area. Lot 3 (12 ac.) would be the former landfill, separated from the project  
lot for the purposes of financing, and Lot 4 (82 ac.) would be the solar array. Mr. Naccarato noted  
4 that there would be solar panels on the landfill lot as well, but it would be it's own lot distinct from  
the larger Lot 4. Mr. Naccarato had several witnesses to appear before the Board to help describe the  
6 project, the first of which was David Russo, Professional Engineer, DiPrete Engineering.

8 Mr. Russo described the properties included in the proposal: the land is just south of Route 95,  
fronting on Townsend Road and Old Depot Road. The total acreage of both parcels is 102 acres,  
10 containing some wetlands and stream systems. The slope varies, mainly going east to west. A FEMA  
flood zone is present on the property, but is classified as low-risk. The wetlands have been flagged.  
12 Mr. Russo stated that another engineer, Mr. Hoffman, would speak directly to the landfill. Mr. Russo  
said that solar development is 13.75 megawatts AC. No disturbances are proposed in the wetlands  
14 areas. A 20 foot wide access road is proposed which would be accessed from Townsend Road, ending  
in a cul de sac. Traffic would be very minimal after construction is completed. The array would be  
16 surrounded by a 6' perimeter fence, gated at the entrance. A 25' buffer is proposed around the site.  
The engineering plan has been completed and drainage plans will be submitted to RI DEM for  
18 review. Drainage plans include swales and other measures. An Insignificant Alteration Permit has  
been filed, but not yet received (a copy of the application was submitted to the Planning Board).  
20 Limited changes to the slope are proposed in order to preserve the hydrology of the site. Erosion  
controls and inspections are included in the plan. An Operation and Maintenance Plan has been  
22 prepared for maintenance of the systems on the site. Mr. Russo noted that Townsend Road is in poor  
condition and will be improved as part of the project. Surveyors have determined that it is partially  
24 town-owned and partially state-owned. The only access to the site will be from Townsend Road.

26 Mr. Bob Hoffman, professional engineer, Hoffman Engineering, was the next witness. Mr. Hoffman's  
firm performed the environmental work on the Townsend Landfill, which consisted of borings and  
28 test holes for data. He stated that it had been used as a burn dump until the 1970s. Small municipal  
dumps such as this are very common. The firm was able to locate a lease document between the  
30 Town and the Townsend family, dated from 1960. Some blast rock excavated from Route 95 was  
placed on the back side of the site. The area was eventually used as a scrapyard. Materials were  
32 spread out on the site, including on the edges of the landfill area. There was no evidence of industrial  
waste, but there is debris from when it was used as a landfill, as a scrapyard, and from Route 95. In  
34 the 1990s, RI DEM became concerned with substances and materials on the site, and violations and  
fines were issued in the amount of \$195,000. Mr. Hoffman proposed measures to remediate the site,  
36 which include capping the landfill with 20" of gravel, 4" of loam, and seeded with grass.  
Environmental restrictions would be placed on how that land could be used in the future. No  
38 groundwater issues were found.

40 The next witness for the applicant was Kevin Alverson, landscape architect, registered in Rhode  
Island. Mr. Alverson explained that the site has been assessed through site visits to see how it would  
42 be viewed from neighboring properties and the roads. He proposed a 25' no-cut buffer around the  
entire site. The northern side has 10'-12' variation in grade due to Route 95 being much lower than  
44 the property, there is an effective 75' buffer there with the ledge. The southwest corner of the site is  
thinly vegetated, likely due to storm and insect damage. Adding to that vegetation is planned, as

2 well as the 15' grade change on Townsend Road, with a mixed vegetation buffer on that side. The  
entire project area is intended to be obscured from all residences, roads, and pedestrian areas.  
4 Supplemental plantings can be done in vegetative buffer areas. The two main areas of plantings are  
at Townsend Road and Old Depot Road. Mixed buffers of native vegetation is proposed. There is a  
6 lot of blueberry on the site, but they intend to diversify the vegetation. Multiple layers of evergreen  
buffer are proposed along Old Depot Road, which measures 220' to the closest resident. The  
8 topography in that area is fairly flat. Green areas on the plans indicated additional plantings.

10 Nicole Mulanaphy, engineer, Sage Environmental, was the applicant's next witness. Ms.  
Mulanaphy's firm conducted the noise study in two parts: to determine the levels of sound from the  
12 components, and then to determine the background noise surrounding the site. The inverters, a noise-  
generating component, are about 300 feet from the property line. There are 116 sound-emitting  
14 objects proposed, and the inverters are arranged in islands of 20 units each. The map for the noise  
study factors decibels on a logarithmic scale. 40 decibels at the property is used as a benchmark,  
16 based on World Health Organizations guidelines for noise to wake a person from sleep. She also  
visited five locations on the site to assess any background noise. Route 95 constituted considerable  
18 background noise, in excess of 40 decibels in some places on the site. Noise from the project was  
estimated to produce 30-35 decibels at the property line. The WHO guidelines were used primarily  
20 to measure noise for nighttime, although the solar array will not operate at night.

22 In addition to the noise study, additional environmental study was performed by Sage  
Environmental for the project. Areas of ecological significance were identified on a map. There were  
24 no National Heritage areas identified in the project area, although the area was considered to be an  
unfragmented forest. The Wood River is a wildlife corridor, so fragmentation should be avoided,  
26 however the forest is not fragmented by this project. The project area is overgrown with brush, and  
is not considered to be pristine habitat, so clearing the forest and replanting it is an option to improve  
28 forest quality. Another option that could be pursued by the applicant is to obtain the development  
rights for another parcel and donate it for conservation. The site selected by the applicant is the  
30 Canonchet Driftway property, Lots 50B and 50C, another unfragmented forest about 65 acres in size.  
That site is farther from the highway than the project area, and potentially provides better habitat  
32 than the Townsend site.

34 Ms. Mulanaphy described the carbon footprint for the clearing of tress, less the fossil fuel carbon  
equivalent to solar energy created by the site, would be a benefit of 19-50 million pounds of carbon  
36 dioxide. She estimated that approximately 19,000 trees would need to be planted to offset that  
amount. Ms. Mulanaphy also summarized the other findings of her firm: Groundwater in the area  
38 would be improved by the remedial work performed on the landfill site. No lighting is proposed for  
the project. The tangible taxes on the array would be an additional \$2M over 30 years. And the site  
40 would generate no waste. And after 30 years, if the site will no longer be used for solar generation a  
reforestation plan is proposed that would be funded upon project approval.

42

44 The next witness was Craig Cassidy, certified forester. Mr. Cassidy visited both sites, the Townsend  
property and the Canonchet Driftway property. He stated that the Townsend property had likely  
been farmed at one time, but reforested over time. He described the forest as mostly white pine, with

**2** many fallen logs and trees, a common forest type for Rhode Island. He found no evidence of moth infestation at his site visit.

**4**

**6** The Canonchet Driftway property was observed to be oak forest. It is more rocky, and the trees are larger on the west side of the property. There was gypsy moth infestation to the north, where the trees were heavily stressed. Mr. Cassidy noted that the property borders the Rockville Management Area, and there was some rare species habitat on the edge of the property.

**10** The next witness was Jake Wilson, electrical engineer and solar designer. He described the project area for the Planning Board. He estimated that there would be 48,000 fixed-tilt panels, and 110  
**12** inverters, the closest of which was 300' to the western border of the property. The panels would be installed at a 25 degree angle, and are rated for wind and snow. The panels would be 3' high at their  
**14** base and as high as 9' at their highest point. The firm that owns the panels would not perform their own maintenance, it would be contracted to a third party company. Cabling would be underground  
**16** to the point of interconnection. Mr. Wilson stated that the design had been turned over to DiPrete Engineering for the proposal.

**18**

The next witness was Thomas O'Loughlin, professional engineer registered in Rhode Island. Mr.  
**20** O'Loughlin designed the interconnection from the project area to the power lines. Pad-mounted transformers will connect to inverters. He said that the site would have an additional 3-4 poles on it  
**22** owned by National Grid. The poles would be spaced 20-30' apart. In total, there would be 6-8 poles on the property before the cabling is sent underground. The site would have disconnect capability to  
**24** disconnect and isolate the site from the utility. Pre-application with National Grid has been submitted, and he speculated that the Hope Valley substation would be the likely destination.

**26**

The next witness was Anthony DelVicario, principal of Rhode Island Renewable Solar. He added  
**28** some further details about the project. The company's lending institution will stipulate required monitoring of the site. Once the requirements are determined, they will send out an RFP with three  
**30** bids to determine a firm to maintain the site. The Canonchet Driftway property has been arranged to be acquired upon approval to compensate for the loss of forest on the project site.

**32**

The final witness was Peter Scotti, certified appraiser in Rhode Island. Mr. Scotti described the site as  
**34** right off Exit 2, where there is very little development in the area. The presence of the landfill makes other forms of development unlikely given the volume of other land available in the town. The area  
**36** is primarily Commercial-zoned, though the property in question is zoned RFR-80. Vacant state-owned property is also nearby. He said the solar use is viable because it is quiet, unseen, and produces no waste. Solar generation is unlikely to have a negative effect on surrounding property.  
**38** The planned timeframe is for 30-year use, so it is an ideal interim use. Mr. Scotti estimated the  
**40** \$5000/MW tangible tax would provide \$80,000-90,000 per year, in addition to the real estate tax.

**42** Questions from the Planning Board:

**44** Mr. Prellwitz: When was the sound study performed?

Ms. Mulanaphy: It was done at about 10:00-11:00 on a Monday morning.

- 2** Mr. Prellwitz: How did you reach the carbon offset total?  
Ms. Mulanaphy: We used the estimate of 98,000-250,000 trees because white pine are fast-growing.
- 4** Ms. Williams: Does the noise study assume there are no trees in the area?  
Ms. Mulanaphy: Yes, the sound study was a worst-case scenario.
- 6** Ms. Williams: Does the ledge on the site require blasting?  
Mr. DelVicario: No blasting is needed.

**8**

Questions from the public:

**10**

How will the vegetation be kept from growing under the panels?

**12**

Mr. Delvicario: We won't use chemicals. It will be cleared by a landscaping company.  
Can you estimate how many creatures would be displaced by this project?

**14**

Ms. Mulanaphy: We looked to provide some safe harbors in the wetlands areas.

**16**

Mr. Pennypacker: Mr. Hoffman testified that RIDEM mandates the landfill to be capped. What will happen to it if the project is not approved?

Mr. Hoffman: RIDEM will still want the site to be remediated.

**18**

Mr. Pennypacker: Who would be responsible for that?

**20**

Mr. Hoffman: RIDEM usually goes after owners and operators. They'll likely go after the Town first because it is easier.

Mr. Pennypacker: Will panels be installed on the landfill parcel? How will that be done?

**22**

Mr. Hoffman: Yes, they can be driven since methane isn't a concern on this site. It will be capped and there will be an environmental restriction placed on the site.

**24**

Ms. Capalbo: If the site on the Wood River is a low-risk flood area, what happened in 2010?

Mr. Russo: Our property is much higher than the river, but we can look into it.

**26**

Ms. Capalbo: Does the drainage change once the trees are removed?

Mr. Russo: Yes, the hydrology will change.

**28**

Ms. Capalbo: My understanding is that the inverters were arranged in six islands?

Ms. Mulanaphy: They will be arranged in three islands, with two pads for each.

**30**

Ms. Capalbo: Does the cap over the landfill include the scrap edge?

Mr. Hoffman: We're going to clean up the edge areas, but there is a limit to what we're able to collect.

**32**

Ms. Capalbo: What happens to the fines levied by RIDEM?

Mr. Hoffman: I can't speak to that. It will be up to the attorneys and RIDEM's attorneys.

**34**

Ms. Capalbo: The Gardiner (Canonchet Driftway) property is part of a historic mill run. So that has added historic value. There is no access from Old Depot Road. Is the fire department OK with that?

**36**

Mr. Russo: The fire department will review our plans.

**38**

The Planning Board discussed the project and the area surrounding Exits 1 & 2. Ms. Williams stated that those areas were where the Town decided to place its commercial and mixed use development, so she didn't think the choice was necessarily solar generation or nothing. Mr. Prellwitz noted several advantages to supporting the project. He also said that it wasn't clear who is liable for the fines and cleaning up the landfill, so that is something to consider as well. Mr. Bedoya stated that he didn't like the idea of changing the zoning for individual projects. Mr. McAllister advised the Board to make a motion for their advisory opinion to the Town Council.

**40**

**42**

**44**

2 MR. BEDOYA MOVED TO ADVISE TO THE TOWN COUNCIL AGAINST THE REQUESTED ZONING AND FUTURE  
4 LAND USE MAP CHANGES FOR THE PROPERTIES, DUE TO FINDINGS THAT THE PETITION DID NOT SUPPORT  
6 THE COMPREHENSIVE PLAN LAND USE GOAL #1, TO PROTECT THE QUALITY OF LIFE AND RURAL  
8 CHARACTER OF HOPKINTON, LAND USE GOAL #4, TO PRESERVE WORKING FARMS, WILDLIFE, AND  
10 WILDLIFE HABITAT, AND LAND USE GOAL #6, IMPROVE THE TAX BASE AND PROVIDE JOBS THROUGH  
12 DEVELOPMENT OF LAND ZONED FOR MANUFACTURING USES.

8 MS. WILLIAMS SECONDED THE MOTION.

10 MS. WILLIAMS AND MR. BEDOYA VOTED IN FAVOR OF THE MOTION.

12 MR. PRELLWITZ VOTED AGAINST THE MOTION.

MOTION PASSED 2-1.

14 Ms. Williams closed the public hearing.

16 **OLD BUSINESS:**

18 The agenda item to discuss, consider, and possibly vote for a letter of support for the Wild  
20 and Scenic River Designation of the Wood-Pawcatuck Watershed was moved to the end of the  
22 meeting.

24 **NEW BUSINESS:**

26 Pre-Application – **2-lot Major Subdivision** – Calsar, LLC – 56 Woodville Alton Road – AP 9 Lot 22

28 David Russo, of DiPrete Engineering, presented this project to the Planning Board. He  
30 described the property as containing an existing home on the north side. He said a Class 1  
32 survey had been performed and wetlands on site have been flagged and verified by RIDEM.  
RFR-80 requires 225' of frontage on a street, which the new lot would not be able to comply  
with, so the applicant is requesting a variance from the Zoning Board. Mr. Russo stated that  
road creation is a possibility to gain the necessary frontage, but the applicant would prefer  
not to do so. The location of the septic system is why the original lot is not going to the  
minimum required frontage, in the interest of good planning practice.

34 Questions from the Planning Board:

36 Ms. Williams: The Zoning Board does not routinely grant variances, so I wouldn't be surprised if it  
were to be denied.

38 Mr. Pennypacker: I was concerned by the solicitor's memo from 10 years ago citing this type of  
request as a dangerous precedent.

40 Mr. Naccarato: The proper procedure is to go to the Planning Board to subdivide the lot, then go to  
42 the Zoning Board to seek the variance. (He described a case regarding such variances, the *Sawyer  
Variance*)

44 Mr. Lamphere: I have concerns with granting an exception and setting precedent to allow these kinds  
of exceptions. Then everyone will want to do this kind of subdivision.

2 The Planning Board discussed the application further, and decided the applicant could return  
4 to the Planning Board as a Major Subdivision if they wanted to continue the application.

6 Discuss, consider, and possibly vote on proposed amendments to Solar Ordinance and Farm  
8 Viability Ordinance

10 Mr. Lamphere outlined the discussion for the Board, which arose from the joint Town Council  
12 and Planning Board workshop on April 23<sup>rd</sup>. The Town Council requested that the Planning  
14 Board come back with a draft solar ordinance when they were satisfied with their revisions.  
16 The Planning Board discussed the new draft, and permitted input from the public in  
18 attendance. John Typatis, principal of Oak Square Partners, noticed several issues with the  
20 current draft: The applicability of the ordinance called into question whether previously-  
22 approved projects would be subject to new regulations, he thought the proposed lot coverage  
24 requirements were arbitrarily selected as compared with the lot coverage requirements of  
other commercial uses, and the use of the word “interstitial” as it related to the spacing  
between the panels was unclear. Ms. Capalbo thought that lot coverage requirements were  
less important for lots that had already been cleared, but Mr. Lamphere commented that  
property owners could clear their lots before submitting applications. The Planning Board  
discussed the proposed changes to the ordinance, but did not make a motion to forward the  
draft to the Town Council, and elected to continue the discussion at the next Planning Board  
meeting.

26 Discuss, consider, and possibly vote for a letter of support for Wild and Scenic River Designation of  
28 the Wood-Pawcatuck Watershed

This agenda item was moved to the next meeting.

30 **SOLICITOR’S REPORT:**

32 None

34 **PLANNER’S REPORT:**

36 None

38 **CORRESPONDENCE AND UPDATES:**

None

40 **PUBLIC COMMENT:**

42 None

44 **DATE OF NEXT REGULAR MEETING:** July 11, 2018

**ADJOURNMENT:**

- 2** MR. PRELLWITZ MOVED TO ADJOURN THE MEETING  
MR. BEDOYA SECONDED THE MOTION
- 4** MS. WILLIAMS, MR. BEDOYA, AND MR. PRELLWITZ APPROVED.  
MOTION PASSED.
- 6**
- 8** The meeting was adjourned at 10:40 P.M.