

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

6 **Wednesday, January 2, 2019**  
7 **7:00 P.M.**

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

10 **CALL TO ORDER:**

11 The January 2, 2019 meeting of the Hopkinton Planning Board was called to order at  
12 7:00 P.M. by Chair Al DiOrio.

14 **MEMBERS PRESENT:**

15 Al DiOrio, Amy Williams, Ronald Prellwitz, and Keith Lindelow 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 MS. WILLIAMS MADE A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 5, 2018 PLANNING  
22 BOARD MEETING.

23 MR. PRELLWITZ SECONDED THE MOTION.

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

26 **PUBLIC HEARING:**

28 Advisory Opinion to Town Council – **Request for Zoning Map Amendment** –  
29 AP 5, Lot 6 – 165A Tomaquag Road – Joyce K. Luzzi/Joyce K. Luzzi Living Trust, applicants

30 Attorney Vincent Naccarato appeared representing the applicant. Mr. Naccarato informed  
32 the Planning Board that the applicant would like to change the zoning of the property from  
33 Manufacturing to R-1 residential. The former owner, Nathan Kaye, operated a dental  
34 appliance manufacturing business in one of the buildings on the property. The property is  
35 now with his niece and she would like to have the zoning changed back to a residential use.  
36 There is an existing house on the property with sizeable outbuildings and other garages.

38 Questions from the Planning Board:

40 Mr. DiOrio: Is the property used as residential now?

41 Mr. Naccarato: Yes, and there are no other plans for it at this point.

42 Questions from the public:

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2 Ms. Capalbo: Could you describe the memo that was provided to the Planning Board?  
Mr. Lamphere: The main detail from the memo was that there is a potential inconsistency  
4 with not amending the Future Land Use Map as well as the property’s zoning.  
Mr. DiOrio: The FLUM influences decisions of zoning opinions, but I suspect that the FLUM  
6 says Manufacturing because of the pre-existing use.  
Ms. Williams: Is it legally essential to change both the Zoning and the Future Land Use Map?  
8 Mr. Naccarato: That would involve a delay of a few months.  
Ms. Williams: Is there a reason they weren’t proposed concurrently?  
10 Mr. Naccarato: There’s no particular reason.

12  
14 MS. WILLIAMS MOVED TO ADVISE TO THE TOWN COUNCIL THAT THE  
16 PLANNING BOARD SUPPORTS THE ZONE CHANGE ON AP 5, LOT 6 FROM  
18 MANUFACTURING TO R-1, AS IT AMENDS THE PARCEL USE INTO  
BECOMING MORE CONSISTENT WITH THE EXISTING USE IN THE  
SURROUNDING NEIGHBORHOOD.

20 MR. PRELLWITZ SECONDED THE MOTION.  
MR. DIORIO, MS. WILLIAMS, MR. PRELLWITZ, AND MR. LINDELOW VOTED IN  
FAVOR OF THE MOTION.  
22 MOTION PASSED 4-0.

24  
26 **OLD BUSINESS:**

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

30  
32 Attorney John Mancini, of 56 Pine Street in Providence, RI, appeared representing the  
34 applicant. He said that the presentation would be a continuation of Master Plan with the  
36 conceptual plan that the Board received at it’s last meeting. That plan has now been reviewed  
by the Town’s Engineer, Crossman Engineering. The plan has been modified to address  
Crossman’s concerns. The project engineer and landscape architect were present to be able to  
describe the project and answer any questions that the Board has.

38 Mr. Mancini called on Mr. David Russo, project engineer from DiPrete Engineering. Mr.  
40 Russo stated that they are presenting a modified plan that removes some sections of panels,  
42 which will now remain forested. The fence plan has also been revised to reflect those changes.  
The engineers have met with Crossman Engineering to go over the new plan. The LIDAR  
44 topography had been checked in sensitive areas to be accurate within 6” of the 2’ contour  
plans. Detention ponds have been designed very conservatively to perform as if there were  
no infiltration. There were three items on Crossman’s memo from October 30, 2018 that he  
wanted to go over:

2 The plan has been submitted to the Town for review by the Zoning Official, with regards to  
4 the roadways being in the setback area on Main Street and Maxson Hill Road. If they  
shouldn't be located in the setback area, they can re-locate them.

6 Above ground utilities in the setback: The first poles are required by National Grid.  
8 Equipment inside the site is underground.

10 The final outstanding issue from Crossman's memo regarded the equipment being screened  
with vegetation, which the landscape architect is available to present.

12 Questions from the Planning Board:

14 Mr. DiOrio: For the configurations in the northwest and southwest corners of the site, the  
space between the easterly limit of the panels and the westerly area of the vegetation. With  
16 visual considerations in mind, why are those panels not located further to the east?

18 Mr. Russo: There are shading setbacks for the panels. The developers are considering shifting  
the panels more to the east, but the tree line will remain where it is. We believe the  
landscaping will address the visual concern.

20 Mr. Lindelow: One of the residents has brought up a concern of there being water on Maxson  
Hill Road. Is any of this drainage going to affect that?

22 Mr. Russo: We believe a lot of that water is from a natural berm on the western edge of the  
property. We have a hydrology report that shows that we don't add to the amount of water  
24 near the road.

Ms. Williams: What material are the basins made from?

26 Mr. Russo: The base is crushed stone.

28 Questions from the public:

30 Mr. Buford: What is the AC wattage of the new project?

32 Mr. Russo: It was originally 11.75 MW AC. This new configuration is 10.63 MW AC on about  
16.5 acres of panels.

34 Mr. Buford: Solar systems with tracking systems are used a lot in Canada, and using one could  
be more efficient and allow you to put the same output on less acreage.

36 Mr. Russo: I'm not an expert on the efficiency of these systems. The fixed post panels are the  
applicant's preference.

Ms. Davis: The Rhode Island Airport Corporation is buying power from this project?

38 Mr. Mancini: For clarification, Maxson Hill, LLC is the property owner. Upon finalization of  
the approval, the property is to be sold. Ameresco will be the site manager. RIAC has a power  
40 purchase agreement to buy the power that is generated at this site through net metering. The  
approvals will run with the real estate, therefore the next owner will have to comply with the  
42 approvals granted by the Town. Zoning stipulations and Planning Board conditions will bind  
future owners of the land.

44

2 Kevin Alverson, registered landscape architect, presented next to the Board. He explained  
4 how the new configuration affected the landscaping and screening of the project structures.  
6 The revised layout allows for significant connections for wildlife and preservation of forests  
8 as compared to the former configuration. Comments from Crossman Engineering also  
10 affected the screening, especially along Main Street and Maxson Hill Road. The buffering  
12 along Main Street has been spaced closer together from the previous version, and the  
14 vegetation at planting is planned to be larger. The buffering includes evergreen and  
deciduous plantings. The area on Main Street is also uphill from the road, which will aid in  
screening the equipment. Crossman’s comments also included increasing habitat areas, so the  
engineers created habitat areas in strategic areas that abut perimeter wetlands. Mr. Alverson’s  
presentation also included some renderings of the growth at planting and at years past  
planting. In addition to vegetative screening, there is a planned steel-post cedar (or similar)  
panel fence on Maxson Hill Road.

16 Questions from the Planning Board:

18 Ms. Williams: The plans mention a fabric fence?

Mr. Russo: The fabric refers to chain link fencing as a fabric.

20 Mr. Alverson: The chain link and panels would be facing the abutting properties. We can  
provide further detail at a future meeting.

22 Mr. DiOrio: On the northwest corner project area, with regards to the photo, the oblique angle  
tends to densify the appearance of the plantings. The plan notes indicate some discussion on  
24 densifying the plantings as need. I’d like to see the Town has the ability to direct that more  
plantings be added.

26 Mr. Alverson: We tried to provide the maximum screening possible, but we’d like to have the  
ability to install the plantings and have a discussion if there are deficiencies.

28 Mr. DiOrio: The plan is going in the right direction, but I’d like to tighten up the language. I  
don’t think that the Town’s 3<sup>rd</sup> party engineer is sufficient because they don’t live here and  
30 won’t see it everyday.

Mr. Mancini: We thought that it would be helpful to have an independent 3<sup>rd</sup> party to decide  
32 what was reasonable, rather than town staff. We just want to make sure that it’s done in a  
professional and fair manner. We can take care of this as part of the plans or as a separate  
34 stipulation.

Mr. Lindelow: Is there a maintenance schedule?

36 Mr. Mancini: The Town has the authority as part of the approval to inspect the property  
annually in April.

38 Questions from the public:

40 Ms. Capalbo: The applicant might want to consider doing the panel fencing all the way  
42 around the project, rather than doing some areas in chain link, and vegetate on both sides.

44

2 Ms. Nicole Mulanophy, professional engineer of Sage Environmental, was the next presenter  
4 for the applicant. Ms. Mulanophy provided information on several issues of forestry and  
6 noise for the project. The applicant had a certified forester performed a full forest assessment  
8 for the property and provided a reforestation plan. Mature oaks and mixed hardwood trees  
10 occupy the southern area near the residences, and there are younger, smaller trees located  
near to the wetlands. The structures were mapped, and the closest residence is located  
approximately 19 feet from the property line. The future expected cost of reforestation was  
evaluated to be \$90,000 today, estimated to be \$197,000 in thirty years. If a bond were put in  
place to meet that future expectation, it would need to be \$70,000 in today's dollars.

12 Certain areas will be fortified with pollinator species in order to create the habitat areas, which  
14 will be maintained on a different schedule from the grass areas beneath the panels.

16 Ms. Mulanophy also provided some information on noise generated from the project. She said  
18 that there are no areas on property lines where the sound is expected to be at or above 40 db.  
20 There was some concern about noise being carried by wind, but she said that the sound wave  
would require very high winds, and even then the sound would only be carried several  
meters.

22 With regards to the fluids required for some components, the developer will adhere to EPA  
24 SPCC requirements. The oil planned to be used will have an oil containment system that will  
catch any potential spills. The SPCC requirements ensure that no oil will reach the  
environment. SPCC is regulated in Rhode Island by RIDEM.

26 Questions from the Planning Board:

28 Ms. Williams: The estimated reforestation bond is separate from the decommissioning bond,  
correct?

30 Mr. Mancini: Right now the only bond required is the decommissioning bond. We will  
propose a separate bond for reforestation.

32 Mr. DiOrio: Your representation is that there will be less than 40 db at the property line. Will  
you agree that if the amount is exceeded that the facility will not be allowed to operate?

34 Ms. Mulanophy: My concern is the ambient sound from the road. Instrumentation would be  
36 able to establish a baseline assessment over a minimum of 24 hours. There are also sound  
barriers that could be placed around the inverters to mitigate any sound.

38 Mr. Mancini: We would not be willing to agree to that blanket stipulation, it could become  
unfeasible to shut the project down.

Mr. DiOrio: The expert is telling me that it wouldn't happen.

40 Mr. Mancini: What I would like to do is first have a mitigation mechanism that could address  
the sound first, rather than shut the project down.

42 Ms. Mulanophy: The only sound-generating equipment are the inverters at the center of the  
44 project. My suggestion would be to, if the sound is in excess of 40 db, sound barriers could be  
erected around the sound-emitting equipment. It would be overkill to install them with

2 knowing if they would be needed, but they could be added in the event that the sound exceeds  
the 40 db.

4 Mr. DiOrio: You would be able to provide that mechanism?

Mr. Mancini: We could agree to that.

6

Questions from the public:

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Ms. Capalbo: Would the privacy fence on Maxson Hill make a difference in the sound  
10 readings?

Ms. Mulanophy: The sound calculations are very conservative, we didn't take any credit for  
12 the screening that will block the sound. I think the fence would help to mitigate any sound.

14

Ms. Mulanophy discussed the sound issue with the Board and members of the public, as well  
as the screening of utility equipment from neighboring properties.

16

Mr. Steve Cabral, professional engineer of Crossman Engineering, was called upon to provide  
18 his comments to the Planning Board as the Town's engineering reviewer. Mr. Cabral stated  
that Crossman reviewed the new configuration with the project engineers. He said that the  
20 level of detail provided was superb, therefore Crossman was able to provide detailed review  
relative to what is usually provided at Master Plan review. Crossman prepared a memo that  
22 was provided to the applicants, and he said that they revamped the plan in order to address  
those comments. Conceptually, Crossman is confident that the applicant has addressed all  
24 issues required of the Master Plan stage. Crossman does intend to continue working with the  
applicant to refine several aspects of the plan, but they are at a Preliminary and Final Plan  
26 level of detail. Mr. Cabral noted that one outstanding issue was a determination from the  
Town's Zoning Official to determine if the driveway was permitted in the setback area as it is  
28 shown on the plans.

30

The Planning Board discussed Master Plan approval and possible additional concerns and  
stipulations that they wanted to require of the applicant.

32

34

Having found that the proposed development is consistent with the  
36 Comprehensive Community Plan and/or has satisfactorily addressed the issues  
where there may be inconsistencies; that the proposed development complies with  
38 the Hopkinton Zoning Ordinance; that there will be no significant negative  
environmental impacts from the proposed development as shown on the Final  
40 Plan, with all required conditions for approval; that the subdivision, as proposed,  
will not result in the creation of individual lots with such physical constraints to  
42 development that building on those lots, according to pertinent regulations and  
building standards, would be impracticable. Lots with such physical constraints  
44 to development may be created only if identified as permanent open space or  
permanently reserved for a public purpose on the approved, recorded plans; that

**2** all proposed land developments and all subdivision lots have adequate and  
**4** permanent physical access to a public street. Lot frontage on a public street  
**6** without physical access shall not be considered compliant with this requirement;  
**8** that the proposed development provides for safe circulation of pedestrian and  
**10** vehicular traffic, for surface water run-off control, for suitable building sites, and  
**12** for preservation of natural, historical and cultural features that contributes to the  
attractiveness of the community; and, that the design and location of streets,  
building lots, utilities, drainage improvements and other improvements in the  
proposed development minimizes flooding and soil erosion, Ms. Williams moved  
that the Planning Board grants the Master Plan approval subject to the following  
conditions:

- 14** 1. The panels shall be constructed so that the rows of panels should be tangent to a  
straight or curved line; not wavy or uneven.
- 16** 2. The proposed PSES shall be designed and constructed in accordance with all  
**18** applicable fire codes, as such may be interpreted by the Fire Marshall. The  
construction of any PSES will not be allowed until the design has been approved  
by the Fire Marshall.
- 20** 3. The proposed PSES will not prevent the normal and orderly use, development or  
improvement of the adjacent property, for uses permitted in the district.
- 22** 4. The applicant shall avoid any disruption, interference with, or loss of radio,  
**24** telephone, television or similar signals and shall mitigate any such harm caused  
by the PSES.
- 26** 5. All precautions must be taken to protect neighboring properties from exposure  
to any radiation produced as a result of the PSES, including but not limited to,  
high levels of radio frequency electromagnetic radiation.
- 28** 6. Sound emitted by the PSES will not exceed forty (40) decibels at the property  
line. The applicant will provide mitigation measures at Preliminary Plan that  
**30** addresses excessive noise should sound be measured in excess of forty (40)  
decibels.
- 32** 7. No blasting will be conducted on the parcel in conjunction with any activity  
related to the construction of a PSES, including land preparation.
- 34** 8. The PSES and equipment shall not have a significant impact upon the soils, water  
resources, air quality or other natural resources of the land or surrounding area.
- 36** 9. All appurtenant structures and equipment shall be screened from view by  
vegetation and joined or clustered to avoid adverse visual impacts to any  
**38** adjacent property that is residentially zoned and/or used for residential  
purposes, and also cultural resources, including the property located at  
**40** Assessor’s Plat 4, Lot 121C as stated of being of cultural significance.

- 2 10. Any equipment that utilizes fluid shall be outfitted with a containment  
4 mechanism sufficient to contain at least 125% of said fluid, and which prevents  
said fluid contact with the ground.
- 6 11. Throughout the life of the project, the owner of the PSES will provide copies of  
all correspondence with Federal and State agencies pertaining to project permits  
and regulatory requirements.
- 8 12. The applicant shall submit an as-built plan, prepared, stamped and signed by a  
Registered Professional Land Surveyor, licensed and currently authorized to  
10 practice in the State of Rhode Island, showing the actual location of any installed  
solar energy equipment. If the equipment is not installed as permitted, the Town  
12 may order its removal and/or its relocation as appropriate.
- 14 13. The applicant shall maintain the PSES in a neat, clean, operable condition at all  
times, ensuring the structural and technical integrity of the facility. All  
16 maintenance shall be performed in a timely manner. Maintenance shall include,  
but not be limited to, structural repairs and integrity of security measures.
- 18 14. Site access shall be maintained to a level acceptable to the Fire Chief and  
Emergency Medical Services.
- 20 15. The applicant shall be responsible for the cost of maintaining the PSES and any  
access road, unless adapted as a public way, and shall bear the cost of repairing  
any damage occurring as a result of operation and construction.
- 22 16. The Town’s Engineer or designee shall inspect the PSES at the expense of the  
applicant (or current owner) on a monthly basis during construction, and during  
24 the month of April each year after completion of construction. Said inspection  
will include a review of any and all reports as required by the State of Rhode  
26 Island, and the Town of Hopkinton and the Federal government. The applicant  
shall reimburse the town for any cost incurred as specified in the Stormwater  
28 Facility Maintenance Agreement.
- 30 17. The applicant or owner with have a contract performance bond in place with the  
builder of the PSES by the issuance of a building permit, with an amount to be  
determined at Preliminary Plan stage.
- 32 18. Determination from the Town’s Zoning Official as to whether the access road(s)  
to the PSES are considered to be structures within the lot setback areas and need  
34 adjustment.

36 MR. PRELLWITZ SECONDED THE MOTION.

38 MR. DIORIO, MS. WILLIAMS, MR. PRELLWITZ, AND MR. LINDELOW APPROVED.  
MOTION PASSED 4-0.

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**4**

**OLD BUSINESS:**

**6**

None

**8**

**NEW BUSINESS:**

None

**10**

**SOLICITOR'S REPORT:**

**12**

None

**14**

**PLANNER'S REPORT:**

None

**16**

**CORRESPONDENCE AND UPDATES:**

**18**

None

**20**

**PUBLIC COMMENT:**

None

**22**

**DATE OF NEXT REGULAR MEETING:** February 6, 2019

**24**

**ADJOURNMENT:**

**26**

MR. LINDELOW MOVED TO ADJOURN THE MEETING

MR. PRELLWITZ SECONDED THE MOTION

**28**

MR. DIORIO, MS. WILLIAMS, MR. PRELLWITZ, AND MR. LINDELOW APPROVED.

MOTION PASSED.

**30**

The meeting was adjourned at 10:30 P.M.