

**TOWN OF HOPKINTON
PLANNING BOARD**

**Wednesday, November 6, 2019
7:00 P.M.**

**Hopkinton Town Hall
1 Town House Road, Hopkinton, RI 02833**

CALL TO ORDER:

In Hopkinton on the sixth day of November 2019 A.D. the meeting was called to order by Chairman Alfred DiOrio at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

MEMBERS PRESENT:

Al DiOrio, Ron Prellwitz, Keith Lindelow, Emily Shumchenia and John Pennypacker. Carolyn Light arrived at 7:05 p.m.

Also present were: James Lamphere, Town Planner; Attorney Sean Clough in place of Kevin McAllister, Town Solicitor and Marita Murray, Deputy Town Clerk.

Absent: Amy Williams

APPROVAL OF MINUTES:

A MOTION WAS MADE BY RON PRELLWITZ AND SECONDED BY KEITH LINDELOW TO APPROVE THE MINUTES OF THE OCTOBER 1, 2019 WORKSHOP AND THE MINUTES OF THE OCTOBER 2, 2019 MEETING.

IN FAVOR: DiOrio, Prellwitz, Lindelow, Shumchenia

OPPOSED: None

SO VOTED

OLD BUSINESS:

1. Setting of Reforestation Bond – Major Land Development – Photovoltaic Solar Energy System – AP 4, Lot 25 – 310 Main Street – Maxson Hill LLC c/o Anthony DeVicario, applicant

The Planning Board may discuss, consider, and possibly vote on this application at this meeting.

Attorney John Mancini was present on behalf of the applicant. He stated that the applicant had submitted an amended reforestation plan which included a forestation future value cost prepared by the town and a recommendation from the Town Planner.

The applicant has had an opportunity to review the Planner's recommendation of a reforestation cash bond in the amount of \$115,531 and they do not have any objection to that. They are proposing a cash escrow bond which is cash deposited into an interest bearing account in a bank, for utilization by the town in the event they need to use it. They are prepared to present that in the form of a letter of credit from Bank Newport and they are finalizing that document to refer to the town in order to give the town the opportunity to review it and go through the language to insure that it can easily be accessed if there is a calling to use those funds.

Mr. DiOrio asked Town Planner Lamphere to recap this matter. Mr. Lamphere stated that as a result of the last Planning Board meeting, the applicant has prepared an amended reforestation plan which includes a 20% contingency, for a total of \$115,531. He advised the Board that they had two missions tonight, being: (1) to approve the plan itself; and (2) approve a dollar amount to implement that plan. Mr. Lamphere advised the Board that he was not comfortable with the method of posting a letter of credit with a bank. Most cash escrows are set up in accounts that the town holds in The Washington Trust Company. Attorney Mancini explained that the letter of credit was just used to identify the holder of the certificate; it was essentially a letter identifying the holder and the mechanism by which the money can be withdrawn. Mr. DiOrio suggested that once they approve the plan and the amount itself, it would be contingent upon the approval by the Solicitor and the Finance Director. Mr. DiOrio asked Attorney Mancini if \$115,531 was enough to replace everything if the project was to shut down tomorrow and Attorney Mancini indicated that according to the forester, it was.

Marc Tremblay, the forester who prepared the reforestation plan, advised that based on the research, the USDA cost calculations, the current pricing of tree seedlings, labor, etc., as well as additional costs for consultant fees, it should be enough.

Carolyn Light stated that she had done some research and found that Hopkinton was not going about this reforestation bond the right way. She advised that the Bureau of Land Management on the west coast, specifically for solar projects, requires that the project owners pay a fee, not a bond, before shovels even go into the ground and they roll decommissioning and reforestation together into one agreement. She spoke about Maryland which uses a rate scale and if someone wanted to put a shovel into a forest the fee starts at 40 cents per square foot per quarter acre; at the high end of the current scale you pay \$1.50 per quarter square foot per acre. This is what they call a forestation agreement which provides the town at the end of the project, money to fix what the owner did. Because they have the lowest rates in Maryland, they have an ordinance on the table to change this to a minimum of \$3.00 per square foot per half acre. This current project before them would be a minimum of \$600,000 or as high as \$2 Million Dollars. She suggested that they take advantage of the Rhode Island Forestry Division's expertise to help direct them to a third party consultant to suggest what our forests are worth.

Attorney Mancini stated that they are following through on a required condition. The decommissioning bond was set by the Town Council and the reforestation bond is to be set by the Planning Board. He stated that what he is suggesting is not a bond, not a surety, but cash. It is not a contract between the developer and the town; it is a contract between the town and the bank with regards to the monies that the developer is putting in

now which will grow over the next twenty-five years, during the life of the project; the purpose of which was only to be used in the event of a default if the developer or the property owner chose not to reforest the property. Ms. Light advised that this is what she feels the Board needs to do and if not tonight with this project, than at some point in the future. She wished Mr. Buford of the Conservation Commission take up the responsibility to coordinate a forestation ordinance for the town. She did not feel that they should take Mr. Tremblay's word about the cost of reforesting because he was an expert paid by the developer. Attorney Mancini noted that the town had ordered a peer review of this project by Crossman Engineering which is continuous through the construction aspect. Mr. DiOrio asked if the reforestation plan had been reviewed by Crossman Engineering and Mr. Lamphere stated no, it was up to the Planning Board to determine what should be done with it. Mr. DiOrio wished to have Crossman Engineering review the plan and Ms. Light advised that she hoped they could get the influence of the Forestry Division involved as well. Mr. DiOrio felt that Crossman Engineering would be sufficient to look at this plan. Ms. Shumchenia agreed with that sentiment and noted that the plan was what they had asked for; however, in the meantime the property had become completely deforested before the plan was even approved by the Board and could be interpreted as bad faith. She felt more review was warranted. Attorney Mancini indicated that they were not opposed to the town having Crossman Engineering review the plan; however, it was not going to delay the project. They have valid approvals and building permits in place and this would only delay the deposit of the funds. Mr. DiOrio advised that if the applicant agreed and the Planning Board agreed, they would have Crossman Engineering review this matter. Mr. Lamphere asked if the Board would entertain doing part one of its task tonight and Mr. DiOrio stated that he was looking for Crossman to provide them with guidance as to the validity of the value though it is still the Planning Board's decision.

A MOTION WAS MADE BY CHAIRMAN DIORIO AND SECONDED BY RONALD PRELLWITZ TO DEFER THE REFORESTATION PLAN AND THE VALUE OF THE REFORESTATION CASH ESCROW BOND TO CROSSMAN ENGINEERING FOR REVIEW AND INPUT BACK TO THE PLANNING BOARD PRIOR TO THE PLANNING BOARD MAKING THEIR DECISION.

IN FAVOR: DiOrio, Prellwitz, Lindelow, Light, Shumchenia

OPPOSED: None

SO VOTED

Mr. Bibler questioned whether he could ask the developer some questions and obtain some information from them and Chairman DiOrio asked Mr. Bibler if it was specific to the setting of the reforestation bond, which it was not. Mr. DiOrio stated that it would not be appropriate at that time and probably not even under public comment because the applicant would not be present.

Sharon Davis asked about the reforestation cost estimate that was done by the Director of Finance and what that number was relative to the project bond amount that was recommended. She asked why they weren't asking for the total amount that was in the plan of \$292,938 and she wanted to know what the difference is between the twenty year

projection at 3.15 percent and 2.45 percent and why those numbers were different. She wished that they would use the forestry reclamation approach which equates to a value of \$315,000 and have Crossman Engineering look at that approach. Mr. Lamphere stated that the report prepared by the Finance Director was merely a projection of future values. Ms. Light stated that because the entire parcel had been stripped from property line to property line they should be talking about 139 acres and not just the solar panel site. Mr. DiOrio stated that they will refer this matter to a third party for review.

Mr. Bibler of 119 Woodville Road wished to know who the applicant was for the 310 Main Street project. Mr. DiOrio stated that he read it as Maxson Hill, LLC care of Anthony DelVicario. Mr. Bibler stated that was not the applicant for this project and Ordinance 260, which approved the zoning amendment for this project, had a condition of approval being the reforestation plan. Ordinance Chapter 260 refers to a petition by two parties, RI Solar Renewable Energy, LLC and Maxson Hill, LLC. The original application for this project states that the applicant is RI Solar Renewable Energy, LLC; however, Maxson Hill, LLC care of Anthony DelVicario is listed as pulling the permit. Mr. Bibler stated that RI Solar Renewable Energy, LLC is the applicant and has never, since the filing of this application, been authorized to do business in the State of Rhode Island. The old and the new PSES ordinances both state in Section (d) that the prospective owner of a proposed PSES shall be the only party eligible to submit an application to the Planning Board seeking development approval for a proposed PSES. The proposed owner shall be referred to as the applicant. He wished to know whether or not the applicant has met the conditions placed upon them if it does not exist.

Chairman DiOrio wished to continue this matter to the next Planning Board meeting of December 4, 2019.

Dan Jenson asked if they had prepared an inventory of the tree species before they clear-cut the property. Attorney Mancini stated yes, there was an entire booklet that was part of the evidence submitted for both preliminary plan and master plan, prepared by SAGE Environmental. Justin Bentley was very troubled that the applicant had stated that there would be no delay with the project even though the reforestation bond had not yet been set. Mr. DiOrio reiterated that the applicant has all of the permits needed to move forward. Carolyn Light stated that she would like to see a copy of SAGE Environmental's report and Mr. Lamphere stated that he would send that to the Planning Board members.

2. Pre-application Meeting – Comprehensive Permit – **Brushy Brook** – Plat 32, Lots 1 through 71, Dye Hill Road, LR 6-A Owners, LLC, applicant. Applicant discussion with the Planning Board relative to the Master Plan Decision of November 23, 2010 and their upcoming Preliminary Plan Submission.

The Planning Board may discuss and informally exchange ideas with applicant, but no vote will be taken.

Attorney William Landry recapped that they had previously obtained master plan approval in November of 2010 following a year and a half of hearings before the Planning Board. The decision of the Planning Board was to approve the project with

certain conditions. The project was filed as a 300 unit project on 358 acres. During the course of the hearings that was reduced to 270 units and the approval did not fix a precise number of units, it fixed a range of units between 116 and 145 through a combination of a yield plan with 25% being affordable units. That final number was to be determined based on a survey of the property. The approvals were preserved until June of 2017 and that is the date that the initial two year approval period of the master plan began to run. They extended it for one year and in April or May of 2020 they can extend that again for one additional year. They are in the process of obtaining State approvals and are having engineering work performed, which is a very expensive process. The Town Council has executed an application with DEM which had to do with the reconstruction of Dye Hill Road and some bridges. DiPrete Engineering has been actively involved in engineering and there was been extensive survey work performed. They thought it would be prudent to show their work in progress to the extent it has been developed to the Planning Board for their input. They are open to comments and wish to obtain feedback on their proposed plan. Eric Prive of DiPrete Engineering presented the plan. Mr. DiOrio asked if the plan they were looking at had ever been approved by the Planning Board in the past and Attorney Landry stated it was not because there never was an approved plan. Mr. DiOrio asked if they could view the plan that had been submitted prior to the decision being rendered; however, it was not available. Mr. Prive stated that he was a registered professional engineer with DiPrete Engineering. He explained that this property had 358 acres, zoned Planned Unit Development, located off of Dye Hill Road to the south, Kenney Hill Road and Woody Hill Road located to the west. The site has about 500 feet of frontage along Dye Hill Road and they are currently making improvements to three culverts going across Saw Mill Road. Arcadia Management Area borders two sides of the property and there are freshwater wetlands located on the site which are wooded swamps. They are proposing 140 units which are shown as 112 lots. Seven of the lots will be for low and moderate income houses and the other 28 would be a combination of one-bedroom units on the same lot as a three-bedroom unit. They are proposing fifty foot public right-of-ways, three community public wells, individual septic systems and 268 of the 358 acres will be preserved as open space. The average lot size is proposed to be 32,000 square feet and there will be houses built on both sides of the road. There will be a buffer of 300 feet from the Arcadia Management Area and the nearest lot will be 350 feet away from the closest abutter's property line; and, there will be no disturbances within the State regulated wetlands. They met with DEM staff members from the freshwater wetlands program, the RIPDES program, and the Onsite Wastewater Treatment Program and received some early feedback. Those officials liked the compact footprint and the setback buffers and believed individual denitrifying septic systems would be in order due to the size of the lots. One of the conditions of the approval was off-site improvements to Saw Mill Road and they are widening the road to twenty-two feet. Mr. DiOrio was concerned about how they would extricate themselves from the condition of approval regarding community septic systems versus individual septic systems and their approach regarding the affordable units was an unusual approach with one-bedroom units associated with dwelling units and he wished the specifics of how that would be done. Would they be rentals or owner occupied? Attorney Landry stated that the reason why they introduced this was because 300 was a lot of units and 140 is still a lot of units; the idea is that if there are a lot of single family dwellings and there should be some diversity to the dwellings, particularly the affordable dwellings. This provides for a more compact development and they are suggesting accessory residential structures

which are commonly used for in-laws which can't be separately sold. This would be either a condominium form of ownership or a rental unit. They haven't yet determined what the real need will be. Mr. DiOrio stated that this was a work in progress and as this evolves they would like a lot more information regarding the mechanics. He also asked how they plan on phasing this project. Mr. Prive stated that they were proposing three phases. Mr. DiOrio asked what the area of Phase 1 would be and Mr. Prive explained that the total lot area of the project was 81 acres and Phase 1 he believed to be 25 to 30 acres. Mr. DiOrio asked if it would be their intention to clear all of Phase 1 and Mr. Prive felt that it would be no different than any other residential subdivision; typically the roadway and the drainage improvements are done first, community wells, stormwater improvements and typically you tend to clear as you go. Mr. DiOrio asked if they would be amenable to prescribe the limits of disturbance for he would not like to see the entire area stripped and then not having them develop the property for years. Mr. Prellwitz asked what this property was zoned and Mr. Prive stated RFR80. Mr. Prellwitz also asked how many units would be affordable housing units and how many would be market value housing. Mr. Prive answered that out of the 112 proposed houses, seven would be affordable and the remaining 105 would be market rate; however, of those 105 units, 28 would have one-bedroom units of affordable on them as well. Mr. Lindelow asked if the affordable units would be built in Phase 3 and Mr. Prive stated no, they have to be built equally throughout the development. Ms. Light stated that Rhode Island Housing Authority has a current objective to support families, not single person units, which are two to three bedrooms. They should be prepared to answer the questions about deed restrictions and she felt in-law apartments were not practical. She felt it was not realistic for someone to purchase a home and then put a single person over their garage. Attorney Landry stated that Rhode Island Housing does not require two or three bedroom homes, it depends what the current needs are. Ms. Light stated that the objective of the State of Rhode Island's housing program is to support affordable housing for families and Attorney Landry believed that to be untrue and stated that it was for whatever is needed and whatever it is, they will support it. Every affordable unit has to be deed restricted for thirty years, but they will do it in perpetuity. There will need to be a monitoring agent and they will supply additional detail as the project is developed. Ms. Light stated that it would be helpful to obtain an update from Rhode Island Housing and Attorney Landry stated that they would take a look at that and also check the town's affordable housing plans. Ms. Shumchenia felt that developments like these are a little bit delusional about the future, assuming there will be plentiful and cheap fossil fuels, and people will wish to drive back and forth to work. Mr. Lamphere reiterated that this was just a pre-application meeting with the applicant to review the proposed plan and give suggestions and comments. It was the burden of the applicant to come up with a schematic that complies with master plan approval and meets the cluster ordinance. As of now, he has concerns about the affordable units; he indicated that the building official would not be monitoring the affordability of this project; they will need a monitoring agent; they have deviated from the communal septic system and gone with individual septic systems; there are three public wells and who is going to maintain that. He wished to see more detail. Mr. DiOrio felt that they would all benefit from an interim product, more than a pre-application and less than a preliminary and then the Board could provide a little more guidance. Mr. Lamphere agreed and felt they should have another pre-application meeting. Mr. Pennypacker asked about the Dye Hill Road and Saw Mill Road improvements needed to make both roads twenty-two feet wide and Mr. Prive advised

that the town had already improved Dye Hill Road and they were improving Saw Mill Road. Mr. Pennypacker also felt that they did not need one bedroom apartments, especially over a garage because the elderly should not be walking up stairs. He questioned if these units would be deed restricted or if there would be a homeowners association and Attorney Landry stated that there would be a homeowners association.

Joe Capalbo of Woody Hill Road had concerns about the number of units they could put in per year and asked if there was anything that limited that number. Mr. DiOrio did not remember anything like that being in the decision and Mr. Lamphere advised that the applicant could request a waiver from the building cap, the amount of which he was unsure of. He was concerned that the only entrance to the project would be on Dye Hill Road and he would hate to see that road become as busy as Route 3. He wished to see another access road for this project. Mr. Capalbo asked who sets the price for affordable housing and Attorney Landry stated that Rhode Island Housing published the maximum rental and sales price for different income levels. Sherry Aharonian of Dye Hill Road asked about the road frontage and noted that in 2009 there was a letter written by Edward Pimentel which stated that the units were all to be owner-occupied; and, then in 2015 there are Planning Board minutes that state that the developer spoke of them being rental units. Mr. DiOrio asked what the eventual plan would be and would it be consistent with owner-occupied? Attorney Landry advised that there was never a stipulation on owner-occupied; however, the affordable units need to be occupied by the parties who qualify for those units. Ms. Aharonian asked if it was the everyday houses that had the affordable units and Attorney Landry stated yes, they would have the accessory dwelling proposed to be one bedroom that they can rent as affordable housing, which would provide them with extra income potential. There are seven single standing homes which will be affordable housing and then other accessory structures. She also indicated that the community well was approximately five hundred feet from her property line. Mr. Prive stated that the Department of Environmental Management and Department of Health will both be reviewing this well to assure that there will not be any impact to neighbors or the wetlands that are in close proximity. Ms. Aharonian also questioned the affordable housing price for homes and Attorney Landry believed it to be in the low to mid \$200,000 range for a two to three bedroom home, but advised that this could be found on the Rhode Island Housing website. Mr. Bibler asked if there would be an arm's length relationship with the renter and could he rent to his family, which he believed would be ripe for abuse. Attorney Landry felt they could rent to family members and didn't believe the State disqualifies anyone due to family relations. Sharon Davis asked what percentage of the project had to be affordable units and Attorney Landry stated 25 percent. She felt that the prior decision had in mind that all affordable units should be single residential homes, two to three bedroom units, owner occupied. Attorney Landry stated that this was suggested in the consultant's report but that was never in their application. There is no prohibition from anybody owning a house from renting it.

NEW BUSINESS:

1. Pre-Application – Development Plan Review – Proposed New Maintenance Garage – Daedalus Holdings, LLC – 80 Palmer Circle – AP 11 Lot 53

The Planning Board may discuss, consider and possibly vote on this application at this meeting.

Anthony Nenna, professional engineer, of On-Site Engineering was present representing the owners of the property, Donna and Ken Hoyle. Mr. Nenna stated that the Hoyle's initially developed this site as an office building and they now wish to build a maintenance garage on the southeast side of the property to be just over 1,500 square feet. He explained that it would have its own access driveway off of Palmer Circle; be connected to their public well; and, there will be a septic system to service the garage. The drainage for the roof will be diverted to dry wells so there will be no discharge onto Palmer Circle; there will be two parking spaces; and, the proposed garage and existing building will be architecturally the same. Mr. Nenna requested that the final approval be done by the Town Planner. Mr. DiOrio clarifying that they weren't there to approve the application, but to clarify the travel of the application and they have several options available which were to waive for further review; subject to further review under the terms of the development plan review ordinance; or, they can deem that it should be reviewed as a major land development project. Mr. Lamphere stated that this was a pretty simple accessory structure and he recommended that the Board waive further review and see if the applicant received approval from DEM for the septic system. He didn't feel the Board needed to concern itself with the septic system.

Joe Moreau of Old Depot Road advised that he walks by that building every other day and it is a first class building and the Hoyle's do a lot for their employees. They keep the building and property nice and clean. Jeff Light of Forest Glen Drive advised that these are exactly the type of neighbors that this town is looking for; they are responsible and do what they say they are going to do.

A MOTION WAS MADE BY KEITH LINDELOW AND SECONDED BY RONALD PRELLWITZ TO WAIVE FROM FURTHER REVIEW AS SUGGESTED BY TOWN PLANNER JAMES LAMPHERE.

IN FAVOR: DiOrio, Prellwitz, Lindelow, Light, Shumchenia

OPPOSED: None

SO VOTED

Pre-Application – Development Plan Review – Photovoltaic Solar Energy System – Revity Energy, LLC – 15 Frontier Road – AP 7 Lots 62, 62A & 63

The Planning Board may discuss, consider and possibly vote on this application at this meeting.

Attorney Kerin Browning of the law firm of Moses Ryan in Providence, representing Revity Energy, LLC stated that this was a pre-application submission for a solar project. She explained that the property, located off of Frontier Road, is a total of three lots and totals 64 acres. The property is zoned Manufacturing and is mostly cleared already and solar is allowed there by right. There is a single residential dwelling located on one of the lots which is a rental property and there is no plan to remove or displace the current tenant, who is in favor of the project. All ordinance requirements will be met and they are not asking for any relief. Attorney Browning requested the Board move this project into development plan review. She noted that the solar ordinance states that a project that does not require a zone change needs development plan review approval. Audie Osgood

of DiPrete Engineering explained the plan which showed the area being proposed for panels being already cleared. He indicated that there are wetlands on the southern portion of the site; there is a little over four acres that are proposed to be cleared; and there are several slopes that will need to be regraded to soften the slopes. They are proposing a 14 mw ac project, but panel readings and output changes rapidly. The fenced area they are proposing is 31.7 acres or approximately fifty percent of the property to be used for solar; in a manufacturing zone they are allowed 75% lot coverage. They are proposing a seven foot fence around the site; the interconnection would be at the existing driveway on the western end of the site where it accesses the restaurant. There would be a few poles near the mini golf course and some additional poles around the site. The panel height would be between eight to twelve feet. There is an existing driveway on the east side of the site, but their primary access would be on the west end of the site.

Mr. DiOrio stated his concerns were for the abutters across the street on Maxson Hill Road and for the residents bounded on the northeasterly corner of the property. He wished to know how the buffering would work based on their prospective from the road. He advised that he would be looking for them to mitigate any visual impact specifically to those residents. If it can be accomplished by landscaping then he would look at that; however, they may need to pull the panels away from the road. He would also like to see the project masked from the interchange. Regarding decommissioning, the Planning Board has started a reinvestigation of the decommissioning element and he is not prepared to approve any further projects until the Planning Board has rendered its decision on decommissioning. As to the issue of the travel of the application, he saw this as a major land development. Mr. Osgood asked if the Planning Board's review of the decommissioning element would hold up the project and Mr. DiOrio stated from his prospective, yes, though the other members may not agree. Attorney Browning asked if there was a timeline for this to be done and Mr. DiOrio invited Attorney Browning to participate in discussions they would be having at a workshop, the date of which would be set later tonight. Mr. Lindelow was glad this project was in a manufacturing zone; however, he would be inclined to not approve any new projects because they have not determined if there is a need for more solar in Hopkinton. He also wanted to know what the impact of the projects are that have been approved and what effect they are having before they decide to approve any further projects; and, he is not in favor of any new projects. Ms. Shumchenia agreed with the Chairman that they should not approve any projects until they have decided on the decommissioning bond issue and also that they should not approve new projects until they understood the comprehensive goal for solar in the community and whether or not more solar is needed. This project is close to the 310 Main Street project so now there would be a cluster of solar which will certainly be an impact to the residents in the area. She also suggested to the developer that they keep as much tree material as possible. Mr. Prellwitz felt that this project was good because it was in a manufacturing zone; however, he is in favor of a lot of buffering, but had no problem with the project. Mr. Osgood questioned whether this project would go through master plan submission or development plan review and Mr. DiOrio responded that it was all about scrutiny and he believed it was not the highest and best use of the property. Attorney Browning indicated that the solar ordinance indicates that this type of project, since it does not require a zone change, has to obtain development plan approval from the Planning Board. Mr. Lamphere stated that the ordinance allows the Planning Board to kick this up to a major land development project review should the Board warrant that.

Attorney Browning argued that the correct procedure under the ordinance was for development plan review approval and she did not want to have a problem down the road. Mr. DiOrio stated that if that was what the ordinance states then that was what they had to do. Mr. Lamphere believed that it was permissible to move this up to a major land development process and bring the applicant back for another pre-application meeting, of which no notice is required until they go to master plan and the Board could vote to combine master plan and preliminary into one stage. Attorney Browning has indicated that this project requires development plan review and they could issue an opinion tonight; however, the Board made the statement that nothing is going to get approved until the decommissioning bond issue is discussed. There are a lot of variables that have not been filled in. Mr. DiOrio stated that Attorney Browning could follow development plan review but he is looking for additional scrutiny on behalf of the Board and the Town to make sure that everything is addressed. Attorney Browning advised that she is looking to the ordinance to assure that her client goes through the proper process and they will work with the Planner to get the Board the information that they require. It was agreed that they should be able to proceed through development plan review and they should be able to shape the project to protect the community. Mr. Prellwitz questioned whether they had anything concrete from National Grid stating that the grid was not already too saturated to handle this project. Attorney Browning indicated that her client has spoken with National Grid and she would obtain and provide that information. Ms. Light asked what the acreage of tree cutting would be. Mr. Prive believed it to be 4.8 acres or less than 8% of the site.

William Cotton of Collins Road stated that it was disgusting what they are doing to the town. Everything around his home is going to be solar. Tim Stedman of 20 Edgewood Avenue asked how much solar was needed in our small town. Betsy Alvarez of 574 Main Street was concerned that there is too much solar. Jeff Light of Forest Glen Drive stated that besides tax dollars, there was no other benefit that the residents of the town would receive. Sharon Davis made a correction to the applicant's plan indicating that it stated 14 kw instead of 14 mw. Joe Moreau of Old Depot Road believed that the grid was saturated and at a point where it could not accept any more solar; he couldn't see how they could ever buffer that project; and, believed there would be drainage issues. Mr. Bibler thanked the Planning Board for covering a lot of the same concerns that he has. He advised that they have started a nonprofit watchdog community group to monitor the Town Council and Planning Board meetings to get the word out to people of upcoming meetings and to raise money to pay legal fees to contest projects where they feel things have been done improperly, illegally and unfairly and deprived residents, landowners and abutters of the due process they deserve.

SOLICITOR'S REPORT:

None

PLANNER'S REPORT:

Mr. Lamphere indicated that at the last meeting there was discussion about having a workshop to discuss the decommissioning fees; however, no one set a date. He asked if the Board wished to set a date for that workshop. The Board scheduled the workshop for

December 11, 2019 at 7:00 p.m. Mr. DiOrio indicated that he would put some type of an outline together for that workshop. Mr. Lamphere suggested looking at the spreadsheet prepared by Chris Kearns to see what other towns in the area are doing. Mr. DiOrio indicated that the consensus was that no other town in Rhode Island or Massachusetts has delved into this issue as deeply as they will be doing. This will be a challenge and he is looking at California to try to obtain some information.

CORRESPONDENCE AND UPDATES

None

PUBLIC COMMENT

There was no public comment at this time.

DATE OF NEXT REGULAR MEETING: December 4, 2019

ADJOURNMENT:

A MOTION WAS MADE BY KEITH LINDELOW AND SECONDED BY RON PRELLWITZ TO ADJOURN.

SO VOTED

Marita D. Murray

Deputy Town Clerk