

**TOWN OF HOPKINTON  
PLANNING BOARD**

**WORKSHOP**

**Wednesday, November 4, 2020**

**6:00 p.m.**

**Hopkinton Town Hall**

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

**CALL TO ORDER:**

Chairman Alfred DiOrio called the November 4<sup>th</sup> Workshop of the Hopkinton Planning Board to order at 6:00 p.m.

**MEMBERS PRESENT:**

As the meeting was conducted remotely, Chairman Alfred DiOrio, Town Planner Jim Lamphere, and Senior Planning Clerk Talia Jalette were the only participants present in the Town Hall. Planning Board members Emily Shumchenia, Ronald Prellwitz, Carolyn Light, and Keith Lindelow, Town Council Liaison Sharon Davis, Conservation Commission Liaison Deb O’Leary, and Planning Board Solicitor Sean Clough were in attendance via Zoom.

**DISCUSSION:**

**Discussion in regard to reforestation issues, as requested by Planning Board member Carolyn Light.**

Mr. DiOrio explained that the workshop had been arranged for a “specific purpose” – namely, Ms. Light’s request to discuss “reforestation issues”. He said that the Board had allocated about an hour prior to the Regular Meeting, and suggested that “this would be an opportunity for [Ms. Light] to introduce [her] document, [and] maybe talk a little bit about, uh, what the intention” of said document was. Mr. DiOrio said that after the introduction, he would be interested in hearing from the rest of the Planning Board members with “their comments and thoughts”.

Beginning around the one-minute mark, there were some technical difficulties. Mr. DiOrio explained that Ms. Jalette had “stepped away for just a moment”, and asked that all assembled “just, uh, tread water here for a couple of minutes” until “everything [was] back in working order.” Ms. Jalette returned around the two minute and twenty-nine second mark, and Mr. DiOrio explained that she may have to admit other members. She explained that there was not a waiting room set up within Zoom any longer, “so anyone should be able to enter”. Mr. DiOrio asked if members of the public could hear him, and Ms. Jalette explained that those in attendance in the Council chambers were not muted, and the meeting was being recorded. Mr. Prellwitz was the first member of the Planning

Board to appear, and he said that he had heard a recording that the host had muted him. Ms. Jalette explained that she had done that as she had wanted Ms. Light to be able to “give a bit of an explanation for a period of time without having other people” making background noise, and apologized for the confusion. Mr. DiOrio asked if Ms. Light was in attendance, and Ms. Jalette replied that she was, and she was unmuted, though Ms. Light was participating from her laptop. At around the five minute and forty-two second mark, Ms. Light called in from her phone to participate. She joked that she was “technically challenged”, and that she would “have to use [her] phone”, as her “computer doesn’t want to, uh, register anything”. Mr. DiOrio asked Ms. Light if she had heard his brief introduction, which she replied that she did. He asked if she would “take control here, and, uh, introduce [her] document.” Ms. Light began.

Ms. Light: “Okay, uh, we have a draft of a forestation agreement in front of us. I want everybody to keep in mind that this draft forestation agreement is something that is designed to start a conversation, and, possibly, fill some holes that are in the way we management the development projects that are going on in our community. None of this is written in stone, and this is a live document in a county in Maryland, so, you know, I think what my concern is, the reason for pushing forward with this is that I want the Planning Board to take a breather, take a look at the way we manage the deforestation in Hopkinton. This is not necessarily anything associated with the solar projects that we have been working with over the last couple of years. This is an effort that I want us to appreciate, for, um, preservation of our community, and in support of the State of Rhode Island’s Comprehensive Goals. Um, before I let go of my presentation, I’d like to point everybody to a forestation study – it’s a, a, a study, prepared by the Rhode Island Forest Conservation Advisory Committee, and the Rhode Island Tree Council. It was published in August of 2019, and it goes into depth about the, um, activity that we’re seeing in the state of Rhode Island, and the impact that the development we have, ongoing, actually has on the value of the forest, um, in our state, okay? From that study, um, from the study, I picked out some valuable feedback that is relevant to what we do here in Hopkinton, um, and I can refer you, once, once – if you have a chance to take a look at the study, I’m reading from page seventy-six – that says ‘land use planning that impacts forest happens across many scales in Rhode Island’. I’m pointing to, at the municipal level, where cities and towns in Rhode Island are required to create and submit Comprehensive Plans that are consistent with the State guidance. According to the Comprehensive Planning and Land Use Regulations, Comprehensive Plans are required to map natural resources areas, including forested areas, just discuss uses facing these areas, and create goals in alignment with the state goal for resource conservation. ‘Concerningly’ – and this is from the Rhode Island Forest Conservation Advisory – ‘Concerningly, there is little enforcement of these policies. Without enforcement of these natural resource mapping, and adherence to the state guide plan, the power of the planning process to promote forest conservation is significantly weakened’. And, then, at the next level, ‘individuals and organizations – individuals and organizations with ownership or management authority over tracts of forested forest land are key stakeholders in the planning process. The land use decisions of individuals and organizations are intended to be guided by local Comprehensive Plans and State Land Use Plans, although implement-, implement-, and implement-, implementation, for

example, consistency with municipal Comprehensive Plans, and result local Ordinances, when proposed development projects are under review is a weak practice – and that’s what we do here in Hopkinton. We wait until the applications are filed, and then we work around it. Um, it’s not suggested that we do that. So, at this point, I can point out that Hopkinton does not have a strategy. Um, our land use statements in our Comprehensive Plan are great – a great read – but we need to do better to enforce those. In addition to those statements, we have, on page eighty-one of this study, referencing solar installations and wind installations: ‘installations on formerly forested land pit the benefits of renewable energy directly against the myriad benefits offered by forests.’ I think we’re all in tune with what those benefits are. We don’t need to, uh, be reminded. I can move on. And, here’s a slap in the face for Hopkinton – ‘it is often cheaper for solar developers to install projects on green spaces instead of parking lots, rooftops, and landfills that necessitate managing land remediation, navigating additional regulatory oversight, or managing built structure. Solar installations do not provide the clean water, human health, wildlife, recreational benefits that a forest inherently provides, in addition to carbon storage and sequestration. Even when a piece of developed land is converted back into green space, it takes centuries for the land to naturally transition from the fields to old growth forest. Locally, state leaders, um, our leadership, should be grappling with the question of how to management – manage – the dual environment concerns of clean energy and protecting the forest. This draft forestation agreement – I’m going to repeat – is designed to start the discussion. Um, in the short run, I think this document can be tweaked to support the, um, incentive to clear cut less forest on parcels, be they Commercial or Residential, and this is not a direct to solar installations. It’s a direct to Commercial development and Residential development, and I will add that I have a lot of interest in coordinating an Ordinance for the community regarding forest management. Um, so, this is designed to start the discussion, and I don’t think it’s a matter of will a Commercial developer or a resident agree to sign on to this – in many communities, I, I would point you back to the value of the Rhode Island forest on page eighty-four. They do point to Maryland’s Forest Conservation Act, which is the Act that I used for the guidance to coordinate my thoughts on this matter, that developers are required to minimize forest loss and development activities. This must be accomplished by first preserving on-site forest, and then reforestation, afforestation, on or near the site, etcetera, etcetera. Um, so, so, you know, there’s a lot of value in taking a look at that before we decide whether or not we’re going to move forward with this forestation agreement. We’re here tonight to have the discus-, discussion amongst each other. I look forward to, uh, your comments and your feedback. I’m done.”

Mr. DiOrio thanked Ms. Light for her introduction to the document, and said that he did not “mind starting off a little bit of the discussion here”. He said that he first wanted to ensure that he understood “what it is [the Board was] trying to accomplish”.

Mr. DiOrio: “So, as I read through this document, it’s clear that an applicant for some kind of project has submitted - and they use three categories here – a forest conservation plan, a buffer management plan, and a reforestation plan. So, they’ve submitted something to the Planning Board, and we will have acted on it, and then this - and then this agreement is really the, uh, you know, the legal vehicle to make sure that everybody

does what they said they were going to do. So, first of all, do I have that part of the overview correct?”

Ms. Light: “Yes, you do.”

Mr. DiOrio: “Okay, so, then, my first question is: do you envision this scenario taking place for every application that comes before the Planning Board? Minor Subdivision? Major Subdivision? Major Land Development, what – how do you see it fitting into our hierarchy of projects?”

Ms. Light: “Okay, in Maryland, in particular, these, uh, documents are used with every developmental project, be it Commercial or Residential, and there’s a nice framework that they work around. Um, this is a very general, uh, there is leeway in the suggested Ordinance, uh, the techniques, um, for managing this type of work in the field, so, this is a very clear way to view it without having the rest of the picture necessitated, but, in the short run, we can apply this concept to Commercial development. We can apply this concept to, uh, big housing development. For instance, we’re considering a Brushy Brook with one hundred and forty houses. Minimizing the clear cutting over there would be a goal that we should have as a Planning Board, to be consistent with our Comprehensive Plan, and the State, and this would be, uh, one of the tools that we would be able to implement to get there.”

Mr. DiOrio: “I understand. So, I guess – and one of my comments, uh, as I reviewed the document was: ‘Do, do you envision a threshold here?’ Because, uh, you know, let’s say that we have the, uh - which we’ve seen a lot of recently, you know - the two-lot Subdivision, that comes before us. Somebody looking to cut off, somebody looking to do a land division, or a family member or something like that. Well, the imposition of, of this kind of mechanism, uh, is pretty dramatic for a project of that magnitude. So, I didn’t know if you were trying to capture everything – because, don’t forget, a minor, Minor Subdivision can still have a significant impact on a forest or a, you know, a space that we want to preserve, uh, or, if you were suggesting that this is really focused at Major, some Major Land Developments, Major Subdivisions, and Commercial projects.”

Ms. Light: “In, in the short run, the Major Developments, Commercial projects, etcetera. Ultimately, at the end of the day, these, uh, Minor Subdivisions, these Administrative [Sub]divisions, they would have to account for any clear cutting that they’re doing. One of the things that, uh, one of the things that sits in my head since I started reviewing this, um, program, is that fact that we have, currently, uh, land owners that are leasing their lands for use for different projects, and there’s a price tag that’s associated with that. It’s agreed upon, etcetera. But, while I reviewed the Bureau of Land Management on the West Coast, while I reviewed the activity in Maryland, one of the things that jumped out at me is that the Town of Hopkinton, and the owners, don’t really know what it is they’re leasing. Uh, when we have developers come to us, whether it be a housing development or an energy development, uh, these, these people are simply asked one question: ‘How many trees are you cutting down?’ Um, in other communities, they’re saying, ‘How many trees over the diameter of thirty-six inches are you cutting down, and what are those trees?’ Um, we’re taking for granted that, uh, the value of the land that these owners have, is worth the lease rate, the seven thousand dollars a month, per acre, or whatever it is they’re getting, when, in fact, uh, we’re encouraged, by the State of Rhode Island, to take a closer look at exactly what we are cutting down. Now, a tree at thirty-six-inches diameter is hundreds of years old. Um, it might have specific value. The only

person who knows what value that tree has is the logger, who's taking down the tiger oak. So, so, there's an education process that I think the owner isn't getting, and we can't have them do that – but we can encourage more accountability when they ask to clear the land. So, for a Commercial development, in the short run, because we have a lot more Commercial development going on in our community than Residential activity, I'd like us to talk about, uh, how we wrap our arms around the damage that we're doing, and there's nothing – you know, we, we're talking short-term, twenty-five years, when, in fact, uh, that forest isn't going to be replaced. It's not going to retain the same value it has today for yet another one hundred years.”

Mr. DiOrio: “Okay.”

Ms. Light: “I think, um, I personally think there's value in having developers and, and project owners, uh, be responsible for this type of a view into the project. It's not gonna be just a strip mall. It's not gonna be just a, for instance, two hundred and fifty acre solar fields. There's a lot more going on, and in the recent couple of years, we've had so much pushback from the taxpayers regarding the clear cutting, uh, this is an ideal way to address those concerns, and to start being a little more responsible about it.”

Mr. DiOrio replied that he was “anxious to hear from the other Planning Board members”. Ms. Light agreed. Ms. Jalette stated that Ms. Davis had expressed an interest in speaking by “raising” her digital hand. Ms. Davis responded that she had just wanted to say that she was in attendance, and that she thought that the Board was going to “probably go through the, um, each line, and, and, and ask for comments.” Mr. DiOrio replied that “the intention of the meeting was, uh, more internal”, though “not in an exclusionary way.” He continued.

Mr. DiOrio: “Uh, we're really seeking input from the Board members, to try and determine if this has a place, and is, is worthy of further discussion. So, at that point, if that was, in fact, the decision of the Planning Board, then there would undoubtedly be a Public Hearing, uh, we'll go through, okay?”

Mr. DiOrio explained that at that point, the Board would then “tear it apart”, but that “until we get to that point, [he was] reluctant to invest significant time if it doesn't have legs.” Ms. Davis said that that was fine, and that she just wanted to alert the Board that she was there. Mr. DiOrio then asked if she did have any comments “at a higher altitude, if you, if you will”, as it would “be a great time to chime in.” She said that she had some comments if the Board were to go through it line by line, but, “other than that, [she'd] sit here and watch and listen.” Mr. DiOrio said that that was very good, and then congratulated her on her recent Town Council reelection. Ms. Light also chimed in to provide her congratulations. Mr. DiOrio then asked if there were any other Board members who wanted to weigh in on Ms. Light's proposal. Ms. Shumchenia said that she would “love to chime in.” She then proceeded.

Ms. Shumchenia told Ms. Light that she was “so excited that [she] brought this topic up”, and that she loved her introduction. She said that she wished that she “could convey [her] enthusiasm through the phone.”

Ms. Shumchenia: “I’ve been like, raising my hands, because I can’t wait to talk about this topic. I think it’s really important – I think it’s really important – I’m, again, so glad that you raised it and got the ball rolling with this draft. Um, I’ve been thinking about this topic a lot, and, um, I just want to point out that in our Town’s Comprehensive Plan, Natural Resource Goal One has a policy under it that says, Policy NR-1 says: ‘incorporate enforceable standards into existing and/or new regulations and ordinances relating to the protection of natural resources’, so I think what you’re proposing, conceptually, is exactly this. Um, I think we should pursue, you know, how to do this the right way, whether that is, um, the agreement that you proposed – I think that’s a great start – or if it’s modification of an existing ordinance that we have in Town, that we can add some information about protection of forests or incentivization of the protection of forests and trees. Um, in my comments that I submitted, I, um, found that the City of East Providence – in Rhode Island, of course – um, recently did this. They amended their, um – I don’t actually know what ordinance it was - but there was a section of their ordinance about streets and sidewalks. Of course, you know, they’re not as rural as Hopkinton, so their circumstances are a bit different about tree preservation, but they incorporate this entire new section about tree preservation and prioritization, understanding what you’re losing when you are developing parcels that are covered in trees, etcetera. Um, so, I thought that was a really good model, um, to look at, because it, you know, it shows that you can modify an existing ordinance perhaps, and get this into it, um, rather than adding like, another layer of an agreement that people have to sign, although I’m very open to that idea, too. Putting it into an ordinance would mean we see projects that are already in compliance, they’re already ready to address this issue, because it’s required, um, and that would probably save us a lot of time in reviewing projects, because it would already be in a state that we’re happy with to some degree, or, you know, our point of departure is gonna be a little bit more on the same level than if there was no ordinance at all – some of the issues we’re dealing with now, for example. Um, separately, I’ll just say, um, I’ve sort of come to the conclusion myself that if we, you know, we don’t have an ordinance like, like this, I feel very comfortable leaning on this Natural Resource Goals, or this set of Natural Resource Goals, and our Comprehensive Plans, that talk about preserving, conserving, and protecting significant natural resources in the Town to say, ‘No, your plan is not consistent with our Comprehensive Plan if it clear cuts huge swaths of forest.’ I’m prepared to take that position, um, and, you know, communicate that to developers, so, I, anyway – those are my initial thoughts. I’m extremely excited. I hope we continue this discussion. Um, I think a lot of the points that were raised are really important and valid about, like, the scale of where these types of rules would apply, like Al [DiOrio] mentioned for, uh, you know, fairly routine subdivision. I’m cognizant that we don’t want to add layers and layer of bureaucratic, um, steps to a process, you know, we already have a Land Development, um, series of processes and regulations that we follow, and we’re not looking – I don’t think the Planning Board is looking to, um, as Ron [Prellwitz] said in his comments ‘put people through the ringer’, but we are trying to make people think about these very, these decisions that have such long-term implications for people, um, that live here today and who will live here in the future, and I’m just so ecstatic that this conversation is opened, so I’ll just wait for others to talk. Thanks, Carolyn.”

Ms. Light thanked Ms. Shumchenia for her comments. She also said that she had tried to find the amended East Providence ordinance, but that they did “make it easy” to find such materials. She asked if Ms. Shumchenia could share a link, as she would “love to take a look at it”. Ms. Shumchenia asked Ms. Jalette to send the link to the rest of the Board. Mr. DiOrio thanked Ms. Shumchenia for her comments, and asked if there were any other Board members who wanted to comment. Mr. Prellwitz replied that he was “doing a little math”, so he would weigh in “in a minute.” Ms. Jalette told Mr. Lindelow that if he wanted to be recognized, he would need to press \*9. Ms. Light asked if he was in attendance and Ms. Jalette replied that he was, and that she had asked him to unmute. Ms. O’Leary said that he still needed to be unmuted, and Ms. Jalette replied that he would need to do that from his end, but that if Ms. O’Leary had any comments, she could make them.

Ms. O’Leary began by applauding Ms. Light for examining the issue that was at hand. She continued.

Ms. O’Leary: “This is something that we really needed to talk about, and we need to put emphasis on it. We don’t necessarily have to make it an arduous process, but the value – and every time we knock down one hundred trees, knock down another one hundred trees, knock down another one hundred trees - it starts to add up, and this is not just for the beauty or aesthetics of our natural resources, but it’s also a health issue. We don’t really need – we really need these trees. We are the lungs of Rhode Island, and the more we cut it down, the more breathing problems we’re going to have. I just, I think what Emily [Shumchenia] said about the Comprehensive Plan would be a good way to go, and I, I read that report from Maryland. It’s amazing. It’s amazing, but, there, again, everything right now is based on the almighty dollar, and until we actually give people a concept of how much a tree is worth, and how much forests are worth, um, we might have a little bit of a battle with this, but, I like, I like the idea.”

At this point, Ms. O’Leary was drowned out by someone coughing on the other line. Ms. Light responded. She said that “from a financial perspective, uh, with all of the development that’s going on in the rest of the State of Rhode Island, very few communities are blessed with the type of forestation that we have, um, and, at the end of the day, [she] believe[d] the property values in our community would, would increase significantly, simply because we have, uh, forests, because we have trees, because we have, you know, one acre, homeowner lots that are surrounded by trees and, and whatnot, and, needless to say, we haven’t even touched on the habitat that are disrupted, uh, you know, we all see a lot more in our backyards these days – lots of furry creatures.” She said that “from a long-term financial perspective, uh, we’re, we’re in a good place”, as the Town has “some great assets, and that’s not necessarily the way that [she would] choose to view this, but, that’s another, um, aspect of what we would be proposing.”

Mr. Lindelow joined the call, and Ms. Jalette directed him to press \*6 to unmute himself. Ms. Jalette then asked Mr. Lindelow if he had any comments on Ms. Light’s proposal. He began by thanking Ms. Light for “spearheading this”. He continued.

Mr. Lindelow: “I guess since even before I came on the Board, I’ve always struggled with the fact that – why would we cut all these trees down for solar panels that are only going to last a certain time, whether it’s twenty, twenty-five, thirty years, then, technically, through decommissioning and whatever comes next, we’re, we’re not only reverting back to the original source of energy, but then we’ve got all this land that’s been changed and desecrated tomorrow, whatever you want to call it – none of it makes sense to me right from the beginning, so, um, the more that we can protect, and, and outline, the, the future of what the end life of these projects are gonna be if we’re gonna continue to hold them, is just a great thing. So, I’m in support of whatever discussions there are. I’ll sit here as long as anybody wants to talk about these things.”

Ms. Light thanked Mr. Lindelow for his comments, as did Mr. DiOrio. He also asked if there were any other Planning Board members who wanted to comment on the proposal. Mr. Prellwitz responded that he had “got[ten his] ciphers all squared away here, and the thought that [he] had.” He continued, and Ms. Light responded.

Mr. Prellwitz: “A couple other things, as you can see in my notes, where – I don’t disagree with anything here. I’m thinking some things just need a little more flexibility. Some things need to be more – let’s call it ‘site specific’, and I’m gonna use a site that we’re familiar with. There’s a project before us today where there are no trees. That would have a different value on reforestation than attractive land that is a good, healthy forest. A forest that’s predominantly junk land would have a different bearing, possibly, than a good, healthy forest. Now, just as an example, the project that I’m talking about is a two-lot subdivision, so, if we took the square footage of that project – four hundred forty-five thousand, six-hundred-six, and we times it times the one and a half that’s in line eight - we’re coming up with six hundred and sixty eight thousand, four hundred and five dollars, according to this document, for a two house project. That seems high to me. You know, we just need a little more flexibility.”

Ms. Light: “Yeah. I agree with you, Ron. In that particular instance it’s all – there are no trees. It’s not applicable.”

Mr. Prellwitz: “Right, exactly. The way the document, the way the document is written, though, it looks kind of cut and dried that this is what we want to do, this is the facts and figures that we want to go against. You know, it just needs a little flexibility.”

Ms. Light: “Yeah, well, no, this document is strictly a draft, and it’s open for, uh, modification all over the place. The figures that have been used in here are figures that are taken from a community in Maryland, which it doesn’t apply to Rhode Island for, you know, whatever reason. We have to review that intimately ourselves.”

Mr. Prellwitz: “Right.”

Ms. Light: “And we need, um, a licensed forester to help us understand what those numbers should be. There’s none of us that are qualified.”

Mr. Prellwitz: “Right, that was one of my, one of my points, that, you know, who’s gonna determine the seven percent. It should be somebody that is actually knowledgeable and experienced in that field.”

Ms. Light: “Well, here’s -”

Mr. Prellwitz: “My background wouldn’t authorize me to say how much Al [DiOrio] should charge for doing a, a surveying job, and by the same token, Al [DiOrio] wouldn’t

be able to estimate a job, let's say, turn down a turbine for inspection, putting it back together. It's two completely separate things -"

Ms. Light: "Yeah."

Mr. Prellwitz: "And if we keep the things separate, you know, we just, just need a little more, a little more fleshing out of the document. It's a good document. I read it over a few times, and it is, I think it's a document, and the only other things that I, the only other thing that I would make a comment on is number twelve. I just think that a time limit should be added to that, and, for example, if the construction work was completed at mid-November, it's not reasonable to have somebody say 'in three months, they've got to start planting.' Well, in New England, that's dead of winter, you know. It should be, there again, flexible – weather conditions, or whatnot. Give 'em enough leeway so they can put it off for three or four years, you know, we'll still hold their feet to the fire to do it, but, just a little more reasonable."

Ms. Light: "Sure, we need to apply the Rhode Island's growing season to that, absolutely."

Mr. Prellwitz: "Exactly."

Ms. Light: "One of the points I didn't make about this draft document is I feel we have a need, in our community, to standardize, uh, agreements from project to project to project. Uh, we shouldn't, we shouldn't, uh, go with the ebb and flow of the tide and whims, numbers that are pulled out of the air. Uh, I think it would be helpful – and this is the way other communities around the country do it – there's a standardized application process, like we have – this is part of the standardization. Um, applications for Commercial development, uh, should include, uh, forestation, uh, discussion, much different than what we see now. We're, you know, simply looking at landscape plans, um, on, you know, draft plans, and, uh, we're reading language. Standardization to how Hopkinton approaches forestation and decommissioning is needed. It shouldn't be a negotiation from project to project to project. Standardization will simplify the process for everybody involved. Expectations, on behalf of the project owners and the Planning Department and the taxpayers would be laid out at the front end, like I had mentioned earlier. The, the State has also recognized that the way we handle forestation or decommissioning is wrong. It should be done at the front end of an application. Um, you know, this, this needs to be covered differently, uh, so, that's one of the things I'm hoping we can accomplish. It would benefit all of us. It would alleviate a lot of pressure on the schedule that we keep, to keep hearing applications also."

Mr. DiOrio noted that it was about 6:45 p.m. He said that what he was "gleaning from the Planning Board member comments [was] that the concept has legs". He said that his question to the Board would be what they would "like to do as the next step". Ms. Light asked what the Board's options were. Mr. DiOrio "look[ed] to Jim [Lamphere] for some feedback", but he thought "that at some point, uh, the thing has to be fleshed out."

Mr. DiOrio: "All those little comments and details and things like that really need to be finessed, and then, when we think we have it in, we have the engine running somewhat smoothly, the public has to be invited to comment, uh, and by public, I'm talking not only the community at-large, but, uh, the other Boards and Commissions that we interact with, so we need to garner their support as well. The Planning Board shouldn't be operating in

a vacuum here, and once we have everyone on board, final details in order, then I think we're ready to hand it to the Town Council to enact, or, if Jim [Lamphere] thinks that this is something that falls within our Subdivision Regulations, someone had the idea of tinkering with an ordinance that already exists, uh, perhaps the Planning Board can, uh, has the authority to, to make this happen on its own. So, with that backdrop, maybe I'll just ask Jim to give us his thoughts about the real mechanism."

Mr. Lamphere said that "a number of ideas were, um, interesting tonight", and that he liked Ms. Shumchenia's "idea of embedding, um, language in our existing Ordinances, such as a Zoning Ordinance, or, um, Subdivision Regulations." He said he thought that "as a general rule of thumb, the more expensive these types of things are, the more likely you should probably go to the Town Council to start imposing fees of this, of this magnitude."

Mr. Lamphere: "Um, again, we also have to figure out to what projects we want to apply these to and when, when exactly is reforestation to occur on a Minor Subdivision, for example, or a Commercial project. Suppose - I mean, are we asking people to put money in, aside for, in perpetuity, to do reforestation, which may never occur? I mean, I'm not - I think we have to, I think we have to clearly get our arms around exactly what our goals are here with this, and I think there's a number of, you know, worthy things here, but I think we just have to probably fine-tune this a little bit more. I think you could attack - again, just repeat myself - you could attack it in multiple ways. We have embed, embellish our existing Ordinances, beef them up a little bit, uh, to do some things, and maybe we should build on this incrementally. Start off with some general principles in our, uh, Sub[division] Reg[ulation]s, and then, uh, gradually build upon them when we get it in our heads exactly where we want to go with this, and then start, you know, possibly leveling fees and things of that nature. I think, I think this is probably something that we have to build incrementally, and, and we have to start off exactly figuring out what, what our ultimate goal is here, because I, you know, potentially, I see an awful lot of pushback from private property owners. I mean, when you're faced with a - I mean, a lot of these, uh, concepts that we've talked about tonight are very laudable things. We certainly love - it, it's a funny thing. We all love the rural environment that we live in here. It's attractive. That's why people came here. And then, on the other side of the coin, you have private property owners who want to develop their property. Might want to cut every single tree down that, that exists on their property. I mean, there's a legal, there's a legal aspect of this that you have to consider as well. I mean, if I was to play that side of the coin, I could say, 'I'm a private property owner. I pay taxes on this land. Do I own these trees, or do I not own these trees?' And I, I've been, you know, I've, I've heard these, um, arguments for a long time now, with Open Space. We have Open Space bonds that the State, uh, provides money for. The State also says that 'We don't have enough money to preserve all the Open Space that we would like to.' So, there's other mechanisms, there's other mechanisms - planning mechanisms - that can be used, rather than just imposing fees. Transfer of Development Rights - we've had, we've had people come to Town before, um, suggesting that, uh, you know, Transfer of Development Rights from one zone to another zone. That, that really didn't receive very warm, uh, warm welcome here - in this particular room I was in. So, um, Conservation

Development is another one that wasn't really warmly received, so, there's other techniques you can use to preserve forest land, other than just leveling, leveling fees, and requiring reforestation. I, I just question whether these things are actually gonna get done in practice. You know, maybe, maybe there's a way – you know, when someone comes to us for, with a development plan for their land, and they need approvals to do something, I think that's probably where we have them in a negotiating process, and say, 'How are we gonna do this?', uh, and, and that's, and that's assuming that they come to us now, with a, with a, uh, a forested property to begin with, developers could always come to the Town with a pre-, a pre-developed piece of property that, that might even be developed to the point where it's considered to be an eyesore, and would, and would probably welcome anything that they propose to put there, rather than what's there now. So, I really don't know. This is a, this is a really good topic to explore, and I think we should, I think we should keep going at it, and, and try to, try the best we can to preserve the character of this Town to the extent that we can. Now, look at the trends over, over decades, over centuries. The trend is to develop parcels of land. It, it – the trend is not going in the other direction. You look at any municipality in the State, and you can see that development is going into the forest lands, so, how do we, I mean, it's a struggle to really try and preserve this, um, these lands, so, I, I don't know. I think we should keep at this, and figure out, do the best we can, um, to save the character of this Town, and get developers to work with us here.”

Ms. Light responded. She said that she had “a thought” for Mr. Lamphere.

Ms. Light: “We are currently – we actively put programs, we sign agreements with developers often for decommissioning. Um, I wasn't involved in the Maxson Hill reforestation, but there's an agreement for forestation. As far as the draft agreement is concerned, the Town of Hopkinton would be paid for managing that agreement. At this point, we've had several large developments – any development, not just solar – it's any Commercial development where there's some kind of end of life, and the Town of Hopkinton is responsible to monitor and manage the ongoing development. Uh, we don't get paid for it. This draft agreement – limited to deforestation – the concept should be applied to decommissioning. Ten, twenty-five, thirty, forty, fifty years from now, our community is going to be managing the Maxson Hill forestation program, and not get paid for it. So, some of my intention is to recognize the fact that the developer's gonna be gone, maybe the landowner's gonna be gone, but Hopkinton still has a responsibility, and we have to find a way to pay for it. So, at the front end, our decommissioning, and our forestation should include some kind of compensation for the work that our Town has to do down the road. Right now, the only recognition we have is if the developer or the project owner or the landowner defaults - then we can go after them. But, we still have to get to that point, and there's no compensation bringing us there. What's our time worth? So, that's part of the intention of this draft agreement, is so that we recognize the value of the work that you're doing now, Jim [Lamphere], when you manage these projects, and you have to go out to the site, and make sure that these trees not being cut down, uh, that they, you know, stick to the Ordinance that was declared for them. You're not being compensated for that, and we should be compensated. Somewhere, in the program, the Town deserves to get our value and the time that you're using on those efforts versus

time that could be applied to other efforts. We're not a nonprofit here, I mean, we, we might be a community, a Town, but we need to think better about the work that we're doing for our community, and I think this is a real basic, simple way. It mirrors what's being done in other communities. End of sentence."

Mr. DiOrio said that he was "sensing that this is a continuing discussion item". He suggested that if the other Board members were in agreement, that the Board would "keep this on the agenda". He wanted the input of the Board. Mr. Prellwitz asked if the Board could have an "executive meeting" to discuss the issue further in the company of Mr. Lamphere and Mr. Clough, if he thought "that he should be involved as well". Mr. Prellwitz said that the Board could iron it out to their mutual satisfaction, and "then present it as an agenda item or present it to the Town Council". Mr. DiOrio asked Mr. Prellwitz to "strike the word 'executive' from anything", and then said that what Mr. Prellwitz was "really talking about [was] essentially what we've done here this evening."

Mr. DiOrio: "It's an internal workshop. We haven't had any public comment, uh, nor was that the intention. The public is, of course, always welcome to listen and take their own notes, uh, contact us, uh, independently, but this was really an opportunity for Planning Board members to talk about the issue, so, you're really suggesting we continue this until we have this thing running smoothly."

Mr. Prellwitz replied that that was what he was asking for. Mr. DiOrio said that if all of the other Board members were in agreement, that he'd "like to suggest that we continue the discussion". Ms. Light asked who the "master of the schedule" was, and Mr. DiOrio chuckled. He said that the Board could meet prior to another Planning Board meeting, and "maybe, maybe allocate a small segment of time before a regular meeting." Mr. Prellwitz said that that worked for him, as did Ms. Shumchenia. She said that she liked that the Board "all kind of had assignments to read Carolyn [Light]'s draft and write some comments on it, or at least prepare some thoughts on it, and be ready to discuss them today." She thought that that was "what made today so productive". She wanted to do a similar thing before the next meeting, with Mr. Lamphere's comments in mind, to prepare "more evolved thoughts, to move this along." Mr. DiOrio said that he was in favor of that, and that he wanted to "throw in a couple of thoughts for everyone's consideration."

Mr. DiOrio: "First of all, I, I'm still focused on the flow of this concept. Uh, Carolyn [Light], respectfully, you, you've kept coming back to 'the agreement', 'the agreement', but there's, but the agreement is at the tail end of this. What's really driving the bus is the Forest Conservation Plan, the Buffer Plan, or the Reforestation Plan, that the applicant and the Planning Board would have agreed to. That's the thing that costs the money, and so that's – I need to see that, I need to see that mechanism, and how it works on the ground. What is it going to cost people to put that plan in place so that we can then execute the agreement? And, to me, that's what's going to make this work. Obviously for, as we've discussed, for a sizable Commercial project, I don't have any issues at all. For a two-lot, Minor Subdivision, I think this is gonna break the bank."

Ms. Light: "Uh huh."

Mr. DiOrio: “So, I need to see the flow, and where it fits into our Ordinance. That’s number one. Number two, as Jim [Lamphere] has pointed out, there are other vehicles that we might explore. The passage of time might have worked for us – I’m going to point specifically to Conservation Design. This is a very powerful tool. It’s used in other communities. We don’t have to reinvent the wheel, it’s already here. The community just has to get on board with using it. In other communities, when an applicant comes before the Planning Board, it’s ‘You shall embrace a Conservation Design.’ You don’t have the option of using any other Ordinance, unless they prove that the Conservation Design is not feasible. So, for those of you that are not familiar with this concept, it might be worthwhile for us to go back and take another look at that, and see if that’s, uh, a better – not a better fit, but also a good fit for what we’re trying to accomplish here. So, those are my closing thoughts on this.”

Ms. Light replied that she agreed with Mr. DiOrio that “there are a lot of options”, and she offered to “put together a document that includes, that covers some of those concerns”. She said that there would need to be exceptions to the proposal, “and there is an avenue for that”. Mr. DiOrio asked Ms. Light if she planned to create an agenda for the Board’s next workshop, and she replied in the affirmative. She said that she would recommend that the discussion be entitled “Forestation Policy and Agreements for our Community”, as that “generally [was] what all of us have been talking about”, and that the agreement was at the “tail end of the pro-, of the program, so we need to help shape it”. She said that she had “enough information” to provide to the rest of the Board, but that she would not send volumes of material, just enough to “include or point to some potential answers to some of these concerns that have been brought up tonight.”

Mr. DiOrio thanked Ms. Light “leading the charge on this”, and said that it was “an important topic” he “look[ed] forward to, uh, bringing it to, sometime, some kind of positive conclusion.” He said that the next workshop would be at the same time the following month.