

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of January 2021 A.D. the said meeting was called to order by Town Council President Stephen Moffitt, Jr. at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Stephen Moffitt, Jr., Scott Bill Hirst, Michael Geary were present in the Meeting Room; Sharon Davis, Robert Marvel; Town Solicitor Stephen Sypole; Town Clerk Elizabeth Cook-Martin attended remotely.

Instructions for participating in the remote meeting and workshop were included on the agenda.

HOPKINTON TOWN COUNCIL WORKSHOP – January 19, 2021

The Council opened a third workshop to continue discussions regarding proposed amendments to the Zoning District Use Table to amend permitted uses for solar energy systems throughout the Town of Hopkinton and to possibly change and/or amend the review and approval procedures for all solar energy systems within the Town of Hopkinton, as submitted by Peter Skwirz, Esq. on behalf of his clients Tom & Cynthia Sculco, including, but not limited to, discussions regarding potential impacts to the Photovoltaic Solar Energy Systems (PSES) Ordinance and the Farm-Based Photovoltaic Solar Energy Systems (PSES) Ordinance. For further details on the proposed amendments submitted by Attorney Skwirz, please visit the Town's Website at www.hopkintonri.org.

Attending remotely: Peter Skwirz, Esq. representing the Sculco's.

Attorney Skwirz felt that the last workshop went well and the Town Council worked very efficiently and had a lot of substantive discussion. He indicated that having a redlined version of the changes made to the proposed ordinance or at least an overview would be very helpful. He believed the two largest changes were the limitation of solar to the manufacturing zone and recognizing the precedence of approval provisions in the ordinance itself.

Council President Moffitt proposed that the Council go back through the actual Sculco proposal and produce a redlined copy to clarify what has and has not been removed. He also indicated that he would allow the public to voice their comments.

Joseph Moreau of Old Depot Road discussed four examples of why he thought there should be changes made to the current PSES. One was because there were outstanding fees owed the town from a denied project on Woodville Road; however, the attorney for that project has another proposal before the Planning Board to build houses at Brushy Brook. Another example is 65 Palmer Circle, a solar project which has been generating power since December 31, 2019. He noted that this spring will be the third planting season and not one plant, shrub or tree has been planted to buffer the project. There are also ongoing issues with the retention pond and the gate being left unlocked with the contact number being a nonworking number. Lastly, regarding the Maxson Hill Road project, the truck traffic on Maxson Hill Road is still ongoing; and, there are water runoff issues concerning this site which won't be addressed until April. He wished to see work schedules put into the new PSES specifying Monday through Friday 8 a.m. to 5 p.m. with no weekend hours. He also suggested that these solar projects should not be allowed to generate power until everything has been completed and there have been inspections by the town and a signing off by necessary town departments. He also noted that a developer does not have to notify the town when a project starts to generate power. He felt that there should be a complete audit of all the solar projects in town to assure that the town is receiving the necessary revenue. Mr. Moreau believed there should be a bond amount held by the town to be used for any work not completed within a reasonable time, such as the Palmer Circle planting.

Solicitor Sypole noted that Mr. Moreau had identified specific projects and the Town Council should not comment or discuss any specific solar project or developer because proper notice had not been given.

Eric Bibler of Woodville Road noted that he had a hard time following along at the last workshop because he was unable to review Mr. Lamphere's rewrite of the

proposed ordinance. He felt that any adoption, rejection or amendment should be to the original proposal and the town should make a working draft for everyone's review. He noted that in Mr. Lamphere's memo to the Town Council there was no summary of the changes that were made. Mr. Bibler suggested that Mr. Lamphere's draft indicated that not just projects on farms in a residential zone are subject to a special use permit, none of the projects are any longer subject to special use permits; the setbacks in the Sculco's proposal were dramatically reduced and the existing provisions in the PSES that limit the lot coverage for solar systems on RFR80 property that is rezoned has now become 75%. He wished the workshop postponed until they had a marked copy of Mr. Lamphere's draft; he wished the Town Council to ask the Town Planner to provide a separate written summary in bullet point form that summarizes the substantive changes that he has proposed, along with the reasons why. Then going forward, he proposed that those proposed changes should be prepared to the Sculco proposal and the working draft should show changes to the ordinance that was proposed and be posted on the town's website.

Councilor Davis felt that the process was to gather thoughts from a variety of staff and residents. She agreed with Mr. Bibler that they should start with Attorney Skwirz' original proposal and someone needed to be making the changes and submitting a marked up document as they go on.

Councilor Marvel concurred and suggested they red-line or add notes to the Sculco proposal and post it to the website. He noted that he would be happy to make notes and provide it after the meeting.

Councilor Hirst agreed with the other Councilors' comments but noted that Mr. Lamphere was an unbiased professional staff member of the town and they should consider his recommendations.

Councilor Geary concurred with the other Councilors and noted that there were two or three different drafts and he felt they should reevaluate.

James Lamphere, Town Planner, was present and noted that the document that was given to the Town Council was in no way meant to replace or diminish what the Sculco's have presented to the town. He noted that they were required to have a public hearing on the document as submitted. He felt the way to approach that

was to go through the entire document, front to back. He noted that after holding two workshops, Attorney Skwirz had not presented an amended proposal. He explained that he and other staff provided a document for the Town Council to reflect on so that when the Council took up the proposal that the Sculco's submitted, in public hearing, they could have it to review. He noted that it would be inappropriate for him to suggest publishing something online before the Town Councilors had a chance to see it and this was just an internal communication from staff to Town Council. He noted they were only trying to facilitate the production of an ordinance. Mr. Lamphere suggested that the Town Clerk's office did take notes.

Attorney Skwirz responded that he appreciated the work that Mr. Lamphere had done and he didn't want his comment that there wasn't a red-lined version taken as a criticism of his work. He noted that the applicant could provide a red-lined draft if asked to, but he thought that the red-lined draft should come from town staff since the ordinance was something that the Town Council would eventually adopt.

Elizabeth Cook-Martin, the Town Clerk, advised that the clerk does take notes; however, if there are going to be changes and amendments to the applicant's draft, that is something that should come from the applicant.

Council President Moffitt noted that there were two more hands raised; however, he was going to close the workshop in order to hold the regularly scheduled meeting and would reconvene the workshop thereafter.

The Council closed the workshop and at 7:06 PM convened the Town Council Meeting.

HOPKINTON TOWN COUNCIL MEETING – January 19, 2021

The meeting was called to order with a moment of silent meditation and a salute to the Flag.

HEARINGS

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO SIT AS A LICENSING BOARD.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

COMMERCIAL HAULERS LICENSE RENEWALS

The Council opened a hearing on the renewal of the following commercial haulers licenses: CWPM, LLC, 25 Norton Place, Plainville, CT; EZ Waste Systems, Inc., 67 Ledward Ave., Westerly, RI; On-Time Disposal, 203 Ashaway Rd, Bradford, RI; RPKK, Inc./RPE Waste Services, 9 New King’s Factory Rd., Wood River Jct., RI; Republic Services, Inc. 1080 Airport Rd., Fall River, MA; Sanitation by Quint Perry, 7 Sweet Corn Ln., Westerly, RI; Steven Piccolo Jr. & Sons, Inc., 7 Boombridge Rd., Westerly, RI; Waste Connections-MTG Mega Disposal & Patriot Disposal, 9 Industrial Way, Seekonk, MA; Waste Management, 1610 Pontiac Ave., Cranston, RI.

Most applications were received and filing fees received. Notice had been posted. Two applicants have not submitted applications. The Clerk reported it could be due to a change in ownership of a company. She recommended approving. No license would be issued unless an application and filing fee came in.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO GRANT RENEWAL OF THE COMMERCIAL HAULERS LICENSES SUBJECT TO RECEIPT OF ALL APPLICATIONS AND FILING FEES.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADJOURN AS LICENSING BOARD AND RECONVENE AS COUNCIL.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

PROPOSED ZONING ORDINANCE AMENDMENT

The Council opened a hearing on a Petition to consider amendments to the Hopkinton Zoning Ordinance, including the Farm Viability Ordinance, and Chapter 246 entitled “Non-Residential Photovoltaic Solar Energy Systems (PSES)” as amended January 22, 2019, filed by Tom & Cynthia Sculco, 192 Woodville Road, Hopkinton, RI 02833 and 132 East 95th Street, New York, NY. The application is filed in accordance with Section 16 of the Zoning Ordinances of the Town of Hopkinton, as amended.

The proposal would amend Sections 2, 5, 5.3, 5.5-7, & 10 of the Zoning Ordinance in order to substantially revise the manner in which “major”, “minor”, “accessory” and “contaminated” Solar Energy System proposals including roof-mounted and commercial solar energy systems are considered and approved throughout the Town of Hopkinton. Proposed changes include, but are not limited to, limiting principal use/commercial solar energy systems to manufacturing zones, requiring land development project review for principal use/commercial solar energy systems, requiring special use permit approval for such uses, altering the dimensional requirements for such uses, and establishing a precedence of approvals when multiple approvals are required. The application describing the proposed amendments is a 22- page document that, if adopted, would represent a comprehensive overhaul of the Town’s regulation of all proposed solar energy systems throughout the Town.

Attorney Skwirz was present on behalf of the applicant.

Filing fees were paid and notices posted. Additional billing for expenses incurred would be done.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO RESUME THE WORKSHOP AT THE CONCLUSION OF THE TOWN COUNCIL MEETING. Motion and second were withdrawn.

Dates were discussed for the continuation of the public hearing and all parties agreed to February 16, 2021. Attorney Skwirz acknowledged that he and the applicants agreed to a continuance of the public hearing to that date.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO CONTINUE THE PUBLIC HEARING TO FEBRUARY 16, 2021 AT 7:00 PM.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

Consider motion to resume workshop at conclusion of Town Council Meeting.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO RESUME WORKSHOP AT THE CONCLUSION OF THE TOWN COUNCIL MEETING.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR GEARY TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of January 4, 2021; Town Council Workshop Notes of December 28, 2020; Accept the following monthly financial/activity report: Town Clerk; Approve abatements to 2020 tax roll due to land curve adjustments, a duplicate billing, a vehicle correction for days owned and a Soldiers and Sailors exemption correction submitted by the Tax Assessor; Approve refunds due to overpayments by taxpayers on 2015 & 2019 MV Tax submitted by the Tax Collector.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

COUNCIL PRESIDENT REPORT

Council President Moffitt commented concerning the January 13, 2021 Chariho Regional School District Omnibus Meeting and wished to thank Brian Rosso for his preparation for that meeting and for his efforts in representing the town and leading the town forward in that discussion.

NEW BUSINESS:

TREE WARDEN

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO REAPPOINT SCOTT AHERN AS TREE WARDEN FOR A ONE-YEAR TERM TO JANUARY 2022.

IN FAVOR: Moffit, Davis, Hirst, Marvel

OPPOSED: None

SO VOTED

BOARDS & COMMISSIONS:

Recreation Commission - reappointment

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT ZAFAR AGHA TO THE RECREATION COMMISSION.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

Animal Control Commission - reappointment

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO REAPPOINT ROBERT GREENE TO THE ANIMAL CONTROL COMMISSION.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

Police Commission - reappointment

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT GEOFFREY COOK TO THE POLICE COMMISSION.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

Juvenile Hearing Board - resignation

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO ACCEPT JULIE DUMAS' RESIGNATION FROM THE JUVENILE HEARING BOARD WITH REGRET.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

Committee on Aging - resignation

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO ACCEPT ANNIE BURN'S RESIGNATION FROM THE COMMITTEE ON AGING WITH REGRET.

IN FAVOR: Moffit, Davis, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road wished a clarification from the Town Solicitor as to Title 42, State Affairs and Government, Chapter 42-46, Open Meetings, Section 42-46-6(b), regarding what they can and cannot say and what they can comment on. Attorney Sypole noted that the Council should not be discussing specific projects; however, it was fine for Mr. Moreau to bring those issues to their attention. He noted that he would review that portion of the Open Meetings Act and report back to the Council.

ADJOURN TOWN COUNCIL MEETING

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO ADJOURN IN MEMORY OF EDWARD P. BEARD AND NORMA POWERS.

SO VOTED

RECONVENE WORKSHOP – 7:33 PM

HOPKINTON TOWN COUNCIL WORKSHOP – January 19, 2021

The Council reconvened the workshop to continue discussions regarding proposed amendments to the Zoning District Use Table to amend permitted uses for solar energy systems throughout the Town of Hopkinton and to possibly change and/or amend the review and approval procedures for all solar energy systems within the Town of Hopkinton, as submitted by Peter Skwirz, Esq. on behalf of his clients Tom & Cynthia Sculco, including, but not limited to, discussions regarding potential impacts to the Photovoltaic Solar Energy Systems (PSES) Ordinance and the Farm-Based Photovoltaic Solar Energy Systems (PSES) Ordinance. For further details on the proposed amendments submitted by Attorney Skwirz, please visit the Town's Website at www.hopkintonri.org.

Eric Bibler noted that his prior comments had nothing to do with whether the Town Council should get any input from staff and other Boards and Committees in town; his issue is that the recommendations from the Planning staff and Building staff should be clear as they relate to the proposed changes; clear as to what are the proposed changes are; and, why they are being offered. He also noted that a workshop is a public process and its purpose is to get feedback from all sorts of stakeholders regarding proposed changes. He disagreed that the advice from any staff to the Town Council should be a private document and the public should know what the Councilors are talking about.

Councilor Hirst asked the Solicitor to clarify to what extent they have to make paperwork public when they were just collecting information from town staff which was for general information or fact-finding purposes. Solicitor Sypole felt that the answer to this would fall under the Open Meetings Act and the Access to Public Records Act and he indicated that he would review this and advise.

Councilor Geary asked the Solicitor whether the memo from staff to the Town Council should stay between them until it goes public. Solicitor Sypole noted that generally under the Access to Public Records Act, documents that are work papers and drafts that are exchanged amongst Council and staff are not subject to the Access to Public Records Act, but any time a document is introduced at a public meeting it does become a public document.

Councilor Marvel felt that the proper procedure that should be followed is to review the original Sculco proposal as proposed, make notes and amendments to it, and use that document as the official document going forward.

Council President Moffitt agreed that they would move forward reviewing the original Sculco proposal. He asked Councilor Marvel to take notes and provide the official notated copy to the rest of the Council and to Attorney Skwirz and it thereafter be posted to the town's website.

They started discussion of the Zoning District Use Table, Page 4. Councilor Marvel believed that their intent, as a town, was to minimize the major development projects that have been coming into town; therefore, he wished that items 306 and 307 be non-permitted (N) in all columns which would eliminate attempts to do spot zone changes. Councilor Davis and Council President Moffitt both agreed with this. Councilor Davis noted that item 308 should be permitted (P) in all zones but she was unsure about what should be in the aquifer columns. Councilor Marvel concurred if they were going to specifically define what accessory solar was. Council President Moffitt also agreed. Councilor Davis felt item 309 should have an "S" in the Manufacturing column. Councilor Marvel felt that Primary Aquifer should be an "A" which Mr. Lamphere explained meant that an aquifer permit was required and they would have to go before the Zoning Board. Mr. Lamphere also noted that the Sculco proposal for item 308 had an "S" in both the Aquifer Primary and Overlay Secondary which was not correct and it should be "A". Mr. Lamphere did not feel an aquifer protection permit should be required for roof top solar and felt item 308 would be "P" across the columns. He noted that item 309, if they put an "S" in the Manufacturing zone, they should put an "A" in the aquifer zones. Regarding item 309, Councilor Hirst felt that the RFR-80 column should also have an "S" because most of Hopkinton's land was zoned RFR-80 and if there was contaminated land or nonconforming uses that may be a solution to the problem. Councilor Marvel noted that if they use the land use table to allow for exceptions or special situations, they would be allowing it for everything under RFR-80; he felt there would be an impact to the Planning Board and the Planner to review additional applications. Councilor Hirst asked about the Councilors position on contaminated sites and how they

planned on addressing those issues; he noted that a special use permit was not an automatic approval. Councilor Marvel asked what the town did now with properties that were contaminated or a nonconforming use. Town Clerk Cook-Martin asked about the potential solar farm at the town's landfill which was zoned RFR-80, and whether this change would prevent that project from occurring? Council President Moffitt did not wish to discuss any particular projects at this point. Solicitor Sypole felt that there should be no discussion about any particular project or particular piece of land and felt it was not appropriate during the workshop. Regarding how a nonconforming use is currently handled, Mr. Lamphere explained that proposals are based on the zoning of the property and did not consider whether a site was contaminated or what type of contamination may or may not exist.

Carol Desrosiers of Pleasant View Drive felt that if they were going to put "N's" across the columns for items 306 and 307, it would make sense to reduce it to one line entitled 'Principal Solar Energy System Land Development'. She did feel that there should be a way to incorporate town owned contaminated sites into the ordinance.

Clifford Heil of 211 Chase Hill Road explained that it was troubling to him that they were talking about contaminated sites for they were setting themselves up for bad behavior down the road. They should be working on cleaning up contaminated sites and not letting people off the hook because it is very important for the aquifer.

Council President Moffitt felt that they should look at this again and possibly change the "A's" in the Aquifer Overlay primary and secondary to "N's".

Councilors Davis, Marvel and Geary all agreed. Mr. Lamphere explained that if they did that than nothing would be allowed at all because the entire town was either in a primary or secondary aquifer. Councilor Marvel wondered if they should have an "S" in Manufacturing and an "A" in the Aquifer Overlay Secondary. Council President Moffitt asked Mr. Lamphere to explain the requirements for an "A" in the Secondary Aquifer Overlay. Mr. Lamphere explained that they would have to go before the Zoning Board for a special use permit and an Aquifer Protection permit and the Zoning Board would look at the

proposal and assure that it employs best management practices and imposes no harm to the aquifer. Council President Moffitt asked if there were certain standards that the Zoning Board used as they were not experts in ground water. Mr. Lamphere indicated that when an applicant went before the Zoning Board they had their own experts, who testify and answer questions of the Zoning Board members. Before the Zoning Board grants a special use permit they have to make certain findings of fact based upon the testimony presented to them. There is standard procedure outlined in the Zoning Enabling Act which the Board needs to follow. Councilor Marvel asked what Mr. Heil thought about having an “S” in the Manufacturing column and an “A” in the Overlay Secondary column. Mr. Heil suggested that he would still be concerned because the secondary aquifer is connected to the primary aquifer; he felt that there should be some very strict restrictions in place. Councilor Davis asked if in item 308 there should be “N” for primary aquifer and “A” for secondary aquifer, in case people did not use their roof for the accessory solar. Council President Moffitt disagreed noting that accessory uses would not be large systems and would be sparse and spread out. Mr. Heil felt that the developer should have to provide a very detailed characterization of depth to aquifer and there be guidelines in place by the town regarding the aquifer. Council President Moffitt reiterated that he would like “P’s” in all columns for item 308 which Councilor Marvel agreed with. Councilor Hirst asked the Town Clerk if either of the fire departments had gotten back to her with comments and she indicated no. The definitions were discussed next. Council President Moffitt read the definition of *Accessory solar energy system*. Councilor Davis wished to end the definition after the word “parcel” in the first line. Council President Moffitt disagreed and noted that he would like to change the 100% to 125% so that if the owner needed more energy in the future this could be allowed. Councilor Davis indicated that she did not wish to have any restriction on accessory uses. Councilor Marvel asked Attorney Skwirz if his definition of *accessory solar energy system* allowed for ground mounted and Attorney Skwirz advised that if they changed the “and” before (2) to an “or”, that would allow for ground mounted that could only generate up to 100% of the parcel’s necessary energy. Councilor Davis suspected that even roof-mounted

solar may generate more than 100% of the residence's energy needs. Councilors Davis and Geary noted that they wished to do away with solar canopies.

Councilor Marvel asked how a solar canopy was defined and did it mean covering the parking area? Mr. Lamphere pointed out that the definition was on page 3. It was unanimously agreed to delete solar canopies from the proposed ordinance and to change the "and" before (2) to an "or".

Carol Desrosiers of Pleasant View Drive was adamantly opposed to any accessory ground mounted solar systems.

Clifford Heil of Chase Hill Road was not comfortable with the ordinance specifying 100% of the energy necessary to support the principal use and felt they should follow for National Grid's guidelines.

Council President Moffitt noted that there could be stipulations put on an accessory use to limit the size and limit the scope. Councilor Marvel asked to delete the "s" where it states principal use(s), as there is only one principal use on a property. Solicitor Sypole advised that he was not comfortable with the use of the word "principal" to define so many things in the ordinance because it is not a term defined in the Zoning Enabling Act. The definition of *Contaminated site solar energy systems* was read. Attorney Skwirz suggested that they end this definition in the second sentence, after the words "...major land development."

Councilor Davis also wished to remove the word "principal" in the first line.

These changes were agreed to by all. The definition of *Ground-mounted solar energy system* was discussed and it was agreed to change "...is not supported to a structure..." to "...is not attached to a structure..." Attorney Skwirz suggested that the definitions of *Major solar energy system Land Development Project* and *Minor solar energy system Land Development Project* be removed from the ordinance and a new definition for *Principal use solar energy systems* be added with the definition being "any solar energy system that is not a contaminated site solar energy system or an accessory solar energy system." Councilor Davis asked why they had to mention this at all and Attorney Skwirz indicated that the only point of mentioning this was because then in the use table they could put an "N" indicating that all other solar energy systems are not allowed. Councilor Marvel noted that they could just remove items 306 and 307 and substitute it with a line

entitled *Commercial Energy Solar Energy System* with the definition as outlined in Mr. Lamphere's proposal. Attorney Skwirz believed that they should just state that if it was not a contaminated site and not an accessory use, then it would not be allowed. Mr. Lamphere asked if they were eliminating major and minor solar energy systems, why define this other type of system if it was not allowed. He noted that it was his understanding that if a particular use was not specifically stated in the ordinance, it is not allowed and there should only be items 308 and 309. Attorney Skwirz felt that for the sake of clarity, if it was the intention of the Town Council to prohibit solar energy systems in town that do not meet these definitions, they should explicitly state that. Mr. Lamphere suggested calling that item *Photovoltaic solar energy system (PSES)* and define it as "a solar energy system whose main purpose is to generate energy for sale back into the energy grid system rather than being consumed on the site and note that it is prohibited in all zones. Councilor Marvel felt they should put that in the use table with "N's" across the board. Councilor Davis did not like this and just wished the words "major" and "minor" stricken from items 306 and 307. Mr. Lamphere suggested adding an item entitled *Solar energy producing facility* with a definition and Councilor Davis concurred. Attorney Skwirz was concerned that if they define the use by its main purpose it would leave room for a developer to say that they had some different purpose and be able to have it approved. He believed they should define it by noting that everything else that is not an accessory use or contaminated site is not allowed. Councilor Marvel felt that they could call this item *Large scale solar energy system* with Attorney Skwirz' definition. It was acknowledged that the definition for *Principal solar energy system* was no longer needed and would be taken out. Regarding *Roof-mounted solar energy system* it was agreed to replace the word "appended" with "attached". *Solar canopy* was to be removed. In the definition of *Solar energy system*, where it states: "...or electricity produced for a nonrenewable..." this should be changed to "...or electricity produced from a nonrenewable..." Mr. Lamphere also noted that in the first line they had discussed adding "...requisite hardware and structures that provide..." which was agreed to by all; and he noted that they had wished to put commas in the last sentence to have it read: "A solar energy system, when the

principal use of a parcel, shall...” It was agreed that the last two definitions were left as is. Councilor Davis questioned Attorney Skwirz as to why he felt it was prudent to add the category ‘contaminated sites’. He noted that they wanted to come up with a proposal that not only said where solar would not be allowed, but to say where it could be allowed if they had the right limits and controls.

It was agreed that Attorney Skwirz would rework the proposed ordinance with all changes that had been made and he would provide that to the Town Clerk for distribution to the Council for their review and for posting to the town’s website.

This workshop was continued to Wednesday, January 27, 2021 at 6:30 p.m.

Council President Moffitt adjourned the workshop.

9:45 PM

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk