

**Memorandum**

To	Chairman DiOrio, Members of the Hopkinton Planning Board & James M. Lamphere, Planner
From	Margaret L. Hogan, Planning Solicitor
Date	January 29, 2021
Re:	Inquiry from Board Member Carolyn Light concerning the Applicant for the solar project proposed for Skunk Hill Road, Plat 18, Lot 14

This memorandum is submitted in response to Board Member Carolyn Light’s inquiry dated December 30, 2020 concerning seeking clarity on the legal name of the Applicant for a solar application on Skunk Hill Road, Plat 18, Lot 14.

In connection with this response, the Solicitor’s Office has reviewed the following documents which were provided by Ms. Light.:

1. Copy of Zoning Certificate dated July 2, 2020, for **Hopkinton Land I, LLC** for property located at Plat 18, lot 14.
2. An unsigned, unrecorded document entitled “Corrected Record.” In Relation to Chapter 266, An Ordinance in Amendment of Map 13 of Future Land Use Map of the Comprehensive Plan of Hopkinton, As Amended, Recorded at Book 570, Page 541. This document indicates that the recorded decision for Chapter 266 has a scrivener’s error, in that the name of the entity/applicant should have been Skunk Hill Solar, LLC, not Atlantic Solar, LLC.
3. RI Secretary of State’s Office Business Portal link to the Business Entity registration for **Skunk Hill Road Solar, LLC** (I.D. # 001676820), created on 8/31/2017, with a principal place of business listed as 260 West Exchange Street, Suite 102A, Providence, R.I. 02903. The Registered Agent for this entity is Rickie M. Sonpal, Esq., Robinson & Cole, One Financial Plaza, Suite 1430. Managers are Maarten Reidel and Frank A. Epps, III.
4. RI Secretary of State’s Office Business Portal link to the Business Entity registration for **Hopkinton Land 1, LLC** (I.D.#001680472), created on 1/12/2018, with a principal place of business at as 260 West Exchange Street, Suite 102A, Providence, R.I. 02903. The Registered Agent for this entity is Joseph B. White, Esq., Robinson & Cole, One Financial Plaza, Suite 1430. Manager is Maarten Reidel.

5. A listing generated from the RI Secretary of State's Office of 21 Solar LLCs with Maarten Reidel listed as the Manager. Included on this list are: **Hopkinton Land 1, LLC**, and **Skunk Hill Road Solar, LLC**.
6. A listing generated from the RI Secretary of State's Office of 19 Solar LLCs with Frank A. Epps listed as the Manager. Included on this list are **Atlantic Solar, LLC** and **Skunk Hill Road Solar, LLC**.
7. Planning Board Meeting Minutes from October 7, 2020.
8. Town of Hopkinton Tax Assessor's database

The issues presented are:

1. What is the correct name of the Applicant?
2. Does this matter?

This memo responds to these questions in reverse order.

***Does this matter?***

Section D of the PSES Ordinance provides: "The prospective owner of the proposed PSES shall be the only party eligible to submit an application to the Planning Board seeking Development Plan approval for a proposed PSES. The prospective owner of a proposed PSES shall be referred to herein as the Applicant."

Therefore, since the ordinance specifically requires that the Applicant be the prospective owner of the PSES, it is important to clarify this issue at the commencement of the application.

***What is the correct name of the Applicant?***

The Town Clerk's corrected record document indicates that the zone change in question should not have referenced Atlantic Solar, LLC, but instead should have referenced Skunk Hill Solar, LLC. That record also indicates that future land use **map # 13** was amended<sup>1</sup>. A review of all the TC's agendas and minutes for the Zone change application (From January through June 2019) indicate that the name of the Applicant was Atlantic Solar LLC.

<http://www.hopkintonri.org/wp-content/uploads/2019/06/SP-TC-Meeting-Minutes-June-10-2019.pdf>. (This is the link to the TC's decision which also contains the various conditions of approval.)

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<sup>1</sup> Whether the future land use maps are different from Assessor's maps is unclear. However, the minutes indicate that Tax Assessor's Map 18, Lot 14 was under consideration.

Whether the current land owner, Hopkinton Land I, LLC intends to transfer this project, at some point to Skunk Hill Solar, LLC should be clarified. If that is the case, then Skunk Hill Solar, LLC should be the applicant for the project.

It is recommended that the Applicant provide an affidavit as to the identity of the intended owner of the PSES.

The PB does not have authority to prohibit the transfer of property rights or any business interests. However, the PB does have the obligation to ensure compliance with the terms of the PSES ordinance.

The TC records indicate that the zone change was for Map 18, lot 14. Any inconsistencies as to the appropriate name of the applicant for that zone change, do not, in my opinion, affect the legality of the zone change. It is curious how such a simple matter got so confused, but in the end, the TC changed the zone for Map 18, Lot 14. The name of the owner for that purpose is not relevant to the PB now. The PB's concern needs to be with insuring that the applicant appearing before it is the intended owner of the PSES.