

**TOWN OF HOPKINTON
PLANNING BOARD**

REGULAR MEETING

**Wednesday, February 3, 2021
7:00 p.m.
Hopkinton Town Hall
1 Town House Road, Hopkinton, RI 02833**

CALL TO ORDER:

Chairman Al DiOrio called the February 3, 2021 Regular Meeting of the Hopkinton Planning Board to order at 7:00 p.m.

MEMBERS PRESENT:

The meeting was conducted remotely. Town Planner Jim Lamphere, Senior Planning Clerk Talia Jalette, and Planning Board Chairman Al DiOrio were present in the Town Hall. Planning Board members Carolyn Light, Ron Prellwitz, Keith Lindelow, and Emily Shumchenia, Planning Board alternate John Pennypacker, Conservation Commission Liaison Deb O'Leary, Town Council Liaison Sharon Davis, and Planning Board Solicitor Maggie Hogan participated via Zoom.

APPROVAL OF MINUTES:

Mr. DiOrio explained that the Board would be approving the January 6th workshop minutes, as well as the January 6th regular meeting minutes. Ms. Jalette interjected that she had noticed an error in the workshop minutes. She had misspelled "January", and had "noticed that after [she] had printed them out, and put them all together". She said that she thought that having the Board amend it now was preferable to "printing out another ten pages". Mr. DiOrio thanked Ms. Jalette for bringing that to the Board's attention, and said that he was "still prepared" for a motion from a Board member.

MS. SHUMCHENIA MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 2021 WORKSHOP AND THE JANUARY PLANNING BOARD MEETING WITH THE NOTATION THAT THE FIX THAT TALIA [JALETTE] MENTIONED ABOUT THE MISSPELLING OF "JANUARY" [WOULD BE REVISED]. IT WAS SECONDED BY MR. PRELLWITZ.

IN FAVOR: DIORIO, PRELLWITZ, LIGHT, SHUMCHENIA
ABSTAIN: NONE
OPPOSED: NONE

4-0, MOTION PASSED.

During the vote to approve the minutes, Mr. Pennypacker stated that Mr. Lindelow was not in attendance, so he asked if he was to “vote on these”, as he “was there”, and he “read them”. Ms. Jalette indicated that Mr. Lindelow had just joined the call. Ms. Hogan asked to “jump in for just a moment”, and Mr. DiOrio granted her request. She said that in the future, “at the call of order – particularly when we have remote meetings, it would probably also be good to call the roll, and, um, note for the fact that Mr. Pennypacker is going to be, um, sitting, uh, not in his alternate capacity, but as a member of the Board.” Ms. Jalette replied that, as she had said, Mr. Lindelow “just arrived about a minute or so ago”, so she did not “think that that’s necessarily going to apply in this instance”, but that it would in the future. Ms. Hogan replied that “calling the roll and identifying who’s present, um, is important for, um, members of the public.” Ms. Jalette agreed. Mr. DiOrio thanked Ms. Hogan, and asked if she “suggest[ed] that [he] do [a roll call] now”. Ms. Hogan answered that it wouldn’t “hurt” to have Mr. DiOrio conduct a roll call. He continued.

Mr. DiOrio: “Okay. Having not having really done that before, is it as simple as calling the roll, and we each identify the fact that we’re present?”

Ms. Hogan: “That’s correct.”

Mr. DiOrio then began to call the roll.

Mr. DiOrio: “Al DiOrio, present.”

Mr. Prellwitz: “Ron Prellwitz, present.”

Here, Ms. Light and Mr. Lindelow accidentally spoke over each other, and Mr. Lindelow apologized for missing the workshop. Ms. Hogan recommended that Mr. DiOrio “call out the names, and they answer.” Mr. DiOrio said that he got it, but that he had forgotten where they were in calling the roll. Ms. Jalette laughed, and suggested that the Board start again. Mr. DiOrio agreed. Mr. DiOrio announced that he was present. He then read off the names of each of the Board members, and they responded that they were in attendance. Mr. DiOrio asked Ms. Jalette if she could “insert that as an agenda item”, and he said that he could “almost guarantee” that he would “not remember to do that.” Ms. Jalette asked if it would go from the call to order, to the roll call, to the approval of the minutes. Mr. DiOrio replied in the affirmative. Ms. Jalette said that she would, and Mr. DiOrio thanked her. Ms. Hogan then said that she had “one more item” that she wanted to add, which would be “totally for [the Board] to, to decide at a future point in time”. She said that they “might want to also have what they call a pre-roll”, which would allow the Board to “kind of get a feel” for if a member would be in attendance at the next meeting. She said that it was “helpful for applicants in planning their presentations”. She said that while it was not on the agenda for discussion purposes, she said that she had raised it because it was an administrative matter, and the Chairman could “chose to include that in the next agenda”. Mr. DiOrio asked Ms. Hogan to elaborate on that recommendation. Ms. Hogan replied that it was something that was done in Charlestown on some of their Boards, and that it was used to “determine whether or not each Board member that’s there this evening inten-, anticipates being present for the next monthly regular meeting.” Ms. Hogan explained.

Ms. Hogan: “Which is important, sometimes – if you’ve got an application that’s going to be continued from one, from one month to the next, um, and then the applicant will know, ‘Oh, well, gee, Mr. Smith said at the beginning of the meeting he didn’t think we was going to be here next month, so we need to make sure that the alternate who’s here tonight will, in fact, be here next month.’”

Mr. DiOrio said that he understood. He asked if the pre-roll would take place after he called the roll. Ms. Hogan replied that it would. Mr. DiOrio said that the Board would “incorporate that” into their meetings, and he asked Ms. Hogan to “continue to bring forth those wonderful ideas.” Ms. Jalette asked Ms. Hogan if she could send her an example from Charlestown so she could “see what the format is like.” Ms. Hogan said she would. Mr. DiOrio then said that the Board would be “continuing on.”

OLD BUSINESS:

Preliminary Plan – Public Hearing – 2-Lot Major Subdivision – CALSAR – 56 Woodville Alton Road - AP 9, Lot 22. CALSAR, LLC., and Michael Hennessey, applicants.

Mr. DiOrio began by noting that there was a Public Hearing component, and that he would “entertain a motion to open the Public Hearing”.

MR. PRELLWITZ MADE A MOTION TO OPEN THE PUBLIC HEARING. MR. LINDELOW SECONDED IT.

IN FAVOR: DIORIO, PRELLWITZ, LINDELOW, SHUMCHENIA, LIGHT
ABSTAIN: NONE
OPPOSED: NONE

5-0, MOTION PASSED.

Mr. DiOrio asked if the applicants were in attendance, and Ms. Jalette replied that they were. Chris Duhamel, of DiPrete Engineering, as well as Kelly Fracassa, of Naccarato & Fracassa - the attorney for the applicant - appeared before the Board. Mr. Duhamel began by explaining that he is a professional engineer and land surveyor, and introducing Mr. Fracassa. He continued.

Mr. Duhamel: “We represented the applicant at the January, uh, hearing for Master Plan reinstatement, and Master Plan, uh, review, and there were comments that were made, um, at the Master Plan that are now incorporated in the Preliminary Plan. This is, uh, Assessor’s Plat 9, Lot 22, a 9.78-acre parcel, located on Woodville Alton Road. The easterly boundary, Woodville Alton Road, um, four and four, uh, linear feet of frontage, it, on, on Woodville Alton Road, um, and leading down towards the Wood River. Uh, the site is currently, uh, developed – one single-family home, with a[n] onsite waste water treatment system leech field, and a private well. The proposal is to add a second lot with a, um, conforming to the Cluster regulations with, uh, waivers that were granted at the

Master Plan for less than ten acres of land, and a variable width for a, uh, for a no-cut buffer. At the Master Plan, there were, uh, suggestions, requirements to increase the buffer of the proposed second lot, uh, to Woodville Alton Road to achieve a one-hundred-foot buffer. Um, suggestions were to move the proposed septic system, um, within the area of testing, and we've done that. We've been able to move the septic system, and provide for a ten foot offset for maintenance of any vegetation, and, uh, with that, I could provide for a hundred-foot, no-cut buffer, um, to Woodville Alton Road, and that, that has been achieved on the submitted Preliminary Plan. We've also, uh, provided for less clearing on Lot 2, in the, in the rear of the, uh, the backyard, if you will, of the proposed home site. Uh, it was suggested to, uh, bring just a corridor to the well, and into this water service line, um, rather than clear all the way out to the well, and we've, we've been able to do that, and provide for less clearing on the lot. Um, I believe we have met, uh, the concerns raised by the Planning Board at that last month's meeting, and we're here to answer any questions on the Preliminary Plan."

Mr. Fracassa then explained that he had submitted a Cluster development agreement, as well as a declaration of restrictions, to Mr. Lamphere, but that he had forgotten to send said documents to Ms. Hogan. Ms. Hogan replied that it was okay, and that she had read them. Mr. Fracassa then stated that he "owe[d]" Mr. Lamphere a "homeowner's agreement" and a "set of bylaws." Mr. Lamphere replied that that was correct, and that he was aware of that fact. Mr. DiOrio then said that he wanted to "start with, uh, Planning Board members, in terms of comments [and] concerns" about the proposed project. Mr. DiOrio said that he did not "mind starting" the discussion. He thanked Mr. Duhamel for addressing the comments that the Board "discussed last time around", and that he "only [had] one last question". He continued.

Mr. DiOrio: "I think it's a matter of clarification, but straighten me out: so, I'm following your limits of disturbance, uh, around proposed Lot #2, and, typically, in the area of the existing driveway to be removed area to be loamed and seeded – are you with me?"

Mr. Duhamel: "Yes."

Mr. DiOrio: "Good. Tell me why – tell me why this – the limit of disturbance line – still seems to include that area. What, what am I missing? Why isn't that eliminated from your limit of disturbance?"

Mr. Duhamel: "I hope we'll be taking the asphalt out [of] that area, and loaming it and seeding it, and after that, it'll be a no-cut buffer."

Mr. DiOrio: "Okay. I'm pleased to hear that. You think on that notation that I just read to you, you could insert that language, and maybe someplace else? I did not see it."

Mr. Duhamel: "I could do that on, uh, Sheet 6."

Mr. DiOrio: "Uh, Sheet 6 – that is correct. Just so that we're all clear, that there's an area that is presently disturbed, that's going to be revegetated. Do I, do I interpret that correctly?"

Mr. Duhamel: "Yes."

Mr. DiOrio: "If we could get that notation on the plan, I would be thrilled. Other than that, I don't have any concerns."

Mr. DiOrio then asked if any of the Planning Board members had any comments. Ms. Shumchenia spoke first.

Ms. Shumchenia: “This is Emily [Shumchenia]. I’ll just say – I had in my notes from last time, um, as you already mentioned, Al [DiOrio], the, the note about the no-cut buffer and the limit of disturbance, and I see that both of those comments from us were addressed, so, this plan looks good to me.”

Mr. DiOrio thanked Ms. Shumchenia for her comments, and asked if any other members of the Board had further comments or concerns. Ms. Light said that she did not have any comments. Mr. Lindelow said the same. Mr. Prellwitz said that he had one comment.

Mr. Prellwitz: “This is Ron [Prellwitz]. The only comment that I have is – I don’t know if it’s a typographical error or what, but the Town map – I went to see the Zoning Official, and it shows 9.51 acres, and this is listed as 9.78 acres. Do we have any clarification on that? Is one correct and one incorrect? Are they both kind of almost correct?”

Mr. Duhamel: “They’re both close. Uh, we did, uh, a Class 1 Survey, and, and, uh, there, there could be a discrepancy, given the closing line along the River could, could, could vary that, uh, calculated area, but it’s essentially the same.”

Mr. Prellwitz: “Okay. Thank you.”

Mr. DiOrio then asked for comments from Mr. Lamphere. Mr. Lamphere “put forth the idea for the Planning Board to approve the Preliminary Plan this evening, uh, subject to the applicant providing the legal documentation that goes along with this that is acceptable to the Town Solicitor, and delegate the final review of the plan and those documents to the Town Planner, administratively.”

Mr. Lamphere: “That would be my suggestion.”

Mr. DiOrio: “Very good, Jim [Lamphere]. Thank you very much. Uh, Maggie [Hogan], anything from your end?”

Ms. Hogan: “Uh, just that, uh, at last month’s, uh, meeting, or, in advance of last month’s meeting, I gave you the beginnings of a draft motion, if anybody still has that.”

Ms. Jalette said that there were two members of the public who wanted to comment on the proposal. Mr. DiOrio replied.

Mr. DiOrio: “As soon as I’m done with the Solicitor, I’d be delighted to go to the public.”

Ms. Jalette: “Okay. I just said that because of the mention of the motion.”

Mr. DiOrio: “So, I think Maggie [Hogan] might be waiting for a response. Do we have a draft? Does someone have a draft motion in their possession?”

Mr. Lindelow: “I don’t.”

Mr. DiOrio: “I’m sorry – was that in the affirmative?”

Ms. Jalette: “I believe that was Keith [Lindelow] – this is Talia [Jalette].

Mr. Lindelow: “That I don’t, no.”

Ms. Shumchenia stated that she had a draft motion for reinstating the application, which had been done at the last meeting. Ms. Hogan replied that if Ms. Shumchenia were to scroll further down in that document, she would find a draft motion “for the beginnings of an approval, because [she] wasn’t sure whether [the Board was] going to do that last month or not.” Mr. DiOrio asked if a Board member could “pull that [motion] forward, that would be outstanding.” He said that “in the meantime”, he “could go to public comment”. Mr. DiOrio said that if there were members of the public who wanted “to be heard on this application this evening, now would be the time.”

The first caller was Ann Roth. She explained that she had “never called into one of these before”, but that she and her husband, James, were abutters to the project. She continued.

Ms. Roth: “Um, so, we are the, um – my husband, James, and I are the neighbors directly adjacent to 56 [Woodville Alton Road], on the side of the, um, plot – the, the proposed lot is going, and we’ve read through – Jim [Lamphere] was kind enough to send us, um, I think, pretty much everything related to it, including the, um, the legal documents, and this, I guess my question is mostly directed towards Kelly [Fracassa]. I want to make sure, in reading through, I understand correctly that Lot 22 is going to be part of an easement that cannot be developed, regardless who, of who owns it going forward.”

Mr. Fracassa: “Well, let me pull up the map here -”

Mr. Duhamel: “The open space that, that’s being referred – it shows AP 9, Lot 22 within the center, and that’s for the entire parcel, but the open space that is 6.2 acres, uh, would be undeveloped.”

Ms. Roth: “Okay, and that passes from owner to owner?”

Mr. Fracassa: “Yes. It runs with the land.”

Ms. Roth: “Okay. I think that was our only question about it.”

Mr. DiOrio thanked Ms. Roth, and asked if there were any other members of the public who wanted to be heard in relation to that application. Ms. Jalette replied that there were. She asked the person in question to state their name for the record, and asked them to press *6 to unmute themselves.

The caller was William Gordon. He spoke before the Board.

Mr. Gordon: “My land is located at 60 Woodville Alton Road. I am the adjoining landowner on the southerly – on the northerly side of this property. Can I ask you people in anybody from this place have even been here, including you, Chris [Duhamel]? Have you been there? To this site? First of all.”

Mr. Duhamel: “Me? Chris Duhamel?”

Mr. Gordon: “Yes.”

Mr. Duhamel: “Yes.”

Mr. Gordon: “It’s not a paved driveway.”

Mr. Duhamel: “It’s, it’s a -”

Mr. Gordon: “Just, you just said you’re gonna remove pavement for a paved driveway. It’s not a paved driveway. It’s a dirt driveway, first of all. Second of all, can any one of you people here des-, describe a Cluster Subdivision? This lot is blatantly getting its

frontage from Woodville Alton Road. It's not a Cluster Subdivision. It's two driveways going in, off of Woodville Alton Road. Second of all, you've known about this for a long time, and that's why I wasn't invited to the prior meetings – that there's a land dispute. They started out, when Sheldon Estates tried to develop this property in 2001, with 7.34 acres. Now, we don't even know what they're up to. One person's saying 9.61 [acres], and the other one's saying 9.84 [acres], and you just reiterated that, Chris [Duhamel]. You don't know what it is. Can, can somebody make up their mind what the boundary is here? My deed blatantly reads four hundred feet parallel to the wall. It goes from four hundred right now to three hundred and seventy-one. Four hundred is four hundred, not three hundred and seventy-one. Their deed says the same thing. They've gained land, and I've lost land, but nobody can explain this. Come on."

Mr. Duhamel: "Uh, I can, I can -"

Mr. Gordon: "Come on!"

Mr. Duhamel: "I think that we did, uh, DiPrete Engineering had completed a Class I Survey, well, we, we, uh, had received a Class I Survey, an accurate boundary survey from American Engineering. We -"

Mr. Gordon: "American Engineering mo-, before they did the engineering, Bob Sheldon from Sheldon Estates moved the boundary. Second, of all, why does [this] not just have to go to the Zoning Board? First – third of all, you didn't answer my question. Where is this lot getting his sub-, [h]is frontage from? It's a blatant lot on Woodville Alton Road. One hundred and twenty feet, when there's one hundred and seventy feet available – why are they saving the other seventy feet – the fifty feet, excuse me – because, what the other lady on the other end just asked – you're gonna come back, and try to get another lot in here, [in] years to come. One hundred and twenty feet of road frontage. Why did they up it to two hundred and twenty-five, years ago, to eliminate this process? You don't even know how many acres are there. You just said it. You said it, right out."

Mr. Duhamel: "I wasn't, I wasn't allowed to finish -"

Mr. Gordon: "Close enough or not, you haven't been there. You're lying, because -"

Mr. Fracassa: "Oh boy, here we go."

Mr. Gordon: "Paved driveway, when it's not a paved driveway. It's not a paved driveway. It's a dirt driveway, and they are receiving frontage off of Woodville Alton Road. That's not a Cluster Subdivision, and I don't care what any one of you say!"

Mr. DiOrio: "Okay, Al DiOrio. Let me interject. Sir, we've heard your comments. I get it. You've put your concerns on the record. You've asked some questions. I think you've gotten some of the answers. Uh, if there are other answers that you need, I'm happy to try and get them for you. We don't need to keep beating a dead horse. Tell me what the question is. We'll get you an answer."

Mr. Gordon: "We're beating a dead horse?"

Mr. DiOrio: "Yeah."

Mr. Gordon: "This does not meet the requirements of a Cluster Subdivision."

Mr. DiOrio: "And I'm going to counter with yes, it does."

Mr. Gordon: "No, it doesn't."

Mr. DiOrio: "Well, uh, I don't know what your qualifications are, but I'm pretty firm on mine."

Mr. Gordon: "I know what you are. I know -"

Mr. Fracassa: "Sir, if you've got any problems with it, just take an appeal to the Zoning Board."

Mr. DiOrio: "Alright, Kelly [Fracassa]."

Mr. Gordon: "And you can just say that?"

Mr. Fracassa: "Absolutely. I just did."

Mr. Gordon: "Right. Let me ask you another question. How come I was never notified of these two previous meetings? This is the first one I've [been] notified of, because you didn't want me there. Chris Duhamel doesn't even know how much land exists there. He admitted that, five minutes ago, in the previous meeting."

Mr. Duhamel: "Let me, let me reiterate, if I can get -"

Mr. Gordon: "Just a minute!"

Mr. Duhamel: "Finish my sentence."

Mr. Fracassa: "He didn't – who is this guy?"

Mr. Gordon: "He said 'It's close enough'!"

Mr. DiOrio: "Folks – Al DiOrio. Look at – I understand passions run high here. Let's at least be a little bit civil here -"

Mr. Gordon: "I am being civil!"

Mr. DiOrio: "If you've got a question, pose it – we'll get you an answer. Simple as that."

Mr. Gordon: "Can I ask the question -"

Mr. Duhamel: "Mr. Chairman, if I may -"

Mr. Gordon: "If you know, you know everything about land surveying, engineering, et cetera, et cetera. Can you answer a question for me, please?"

Mr. DiOrio: "Just pose the question. I will see that we try – we'll do our best to get you an answer."

Mr. Gordon: "My deed reads: 'Four hundred feet on Woodville Alton Road, and four hundred feet on the River. Eleven hundred and some feet on one side, and the other. Do I have four hundred feet on Woodville Alton Road?'"

Mr. DiOrio: "I -"

Mr. Gordon: "My warranty deed, in 1982 -"

Mr. DiOrio: "Here's the response -"

Mr. Gordon: "And these people came before this, before – they we were gonna put a road in, to make it a Cluster Subdivision. Now, all of a sudden, you don't need a road for a Cluster Subdivision. The reason they don't need to improve the road is because when they get in for the road, and the land for the wetlands, it doesn't comply with the Cluster Subdivision and/or the acreage. They started out at 7.34 acres. I've asked everybody in the Town to go to the archives, and pull out those three prior subdivision plans that Charlie Mauti brought to my house, and showed me that I had a problem. They started out with 8-, 7.34, 8.51, now they're at 9.61. Chris Duhamel's sayin' now -"

Mr. Duhamel: "9.78, sir. 9.78 acres."

Mr. Gordon: "You just said five minutes ago that you didn't know."

Mr. Duhamel: "In calculated area."

Mr. DiOrio: "Okay -"

Mr. Duhamel: "9.78."

Mr. DiOrio: "Listen, listen -"

Mr. Duhamel: "9.78."

Mr. Gordon: "You've never been there!"

Mr. DiOrio: "Listen, folks -"

Mr. Gordon: "They say it's a paved driveway. It's not a paved driveway. You've never been there. You don't even know what you're talking about. I've been on this, on this property for almost forty years. You never set foot on this property, and know more about it than I do."

Mr. DiOrio: "Folk, I'm gonna stop you right here. I'm gonna stop you right here. If you don't calm down, I'm just gonna pull your plug."

Mr. Gordon: "Unfortunately, you can do that."

Mr. DiOrio: "You're gonna be civil, or we're not going to do anything. Sir – you keep talking over me, I'm gonna have someone -"

Mr. Gordon: "I can't do that, but you can pull my plug?"

At this point, Mr. DiOrio had Ms. Jalette mute Mr. Gordon. Mr. DiOrio then continued.

Mr. DiOrio: "Okay. I think we've got that squared away. Is there anyone else in the audience that wishes to be heard this evening?"

Ms. Jalette: "There is not."

Here, Ms. Hogan asked Mr. DiOrio if the applicant could "respond to the issue[s]" raised by Mr. Gordon.

Ms. Hogan: "Mr. Chairman?"

Mr. DiOrio: "Yes, Maggie [Hogan]?"

Ms. Hogan: "Hmm. So, would we have Mr. Duhamel please respond to the issue that was raised in regards to the, um, size of the property, and the, um, type of survey that was performed?"

Mr. DiOrio: "And actually, that's a very good – I'd like to go one step further, because there were some questions that were posed – Chris, I'm directing this at you."

Mr. Duhamel: "Okay."

Mr. DiOrio: "I indicated I would try and get this individual an answer. I want to try and live up to my obligations, so, you've gotta touch upon the fact that – and I'm gonna, I'm gonna put this in, uh, some cautionary language – the Planning Board is not here to adjudicate boundary disputes. That's not what we do. But, to the extent that you could shed light on this concern, that would be, uh, advantageous for all [of] the parties."

Mr. Duhamel: "Uh, again, uh, DiPrete Engineering has completed a Class I Boundary Survey, the highest accuracy survey that, uh, is, is, required, is required by the Rhode Island, National Board of Land Surveyors. Uh, with that survey, we, we had, um, abutting deeds, and we found, um, tight conformance with abutting deeds calls for the re-, for the, uh, the stone wall, calls for drill holes, uh, calls, um, uh, for the street, of course, and, and for the Wood River. We have four hundred foot of, of, uh, frontage that is, uh, deed, and, uh, we had measured 404.66, that is measured. Um, we've got calls for the southerly boundary on a stone wall, with a drill hole found in the stone wall, running towards the Wood River. Um, the calculation of the, of the, uh, survey for the entire parcel, uh, the proposed Lots 1, 2, and the open space, is 9.78 acres. Uh, there was talk of 'Why do we have one hundred and twenty foot of, uh, lot frontage for the, for the, uh, the now clustered lots. It's because, uh, that is what is required under the Cluster Ordinance,

for forty thousand square foot, single-family. Um, we exceed the, the, uh, the lot sizes for the, uh, two, two, uh, Cluster lots. We exceed the open space requirement, um, for the, for the, uh, Cluster Subdivision. We had asked for, uh, consideration in waivers to, uh, to complete a Cluster Subdivision, um, that is less for possible – it is less than ten acres, being 9.78 acres. We were granted that at the Master Plan. We asked for consideration for, uh, the perimeter buffer, no-cut buffer, to be one hundred feet – uh, we less than one hundred feet. We were granted that, given, given, uh, variables to allow for a house in the existing, uh, use on the northerly side for the, for the, uh, existing well. Um, um, access to the site – we have two, two points of access, it, uh, that are being revegetated, um, to create a hundred-foot buffer on the, on the new lot. Um, there's no provision on this, that would allow for an additional lot. Um, there are deed restrictions on the open space, so that even the homeowners of, uh, that would own that open space would not be able to develop it into, uh, a gazebo, or, or an open area, or anything of that nature. It's to remain in its natural state, um, as required by the, by the Cluster Development regulations, and by the Planning Board in their review. So, we're looking for two lots. One additional lot – one exists today.”

Mr. DiOrio thanked Mr. Duhamel for his explanation. Ms. Hogan spoke again.

Ms. Hogan: “So, uh, just to let the record reflect, I believe the, um, gentleman calling in was Mr. Gordon. I believe that's to the northern property line. Is that correct, Mr. Duhamel?”

Mr. Duhamel: “Yes.”

Ms. Hogan: “Okay, and, um, the gentleman raised a question as to not receiving notice for prior hearings. Um, Mr. Lamphere, or Mr. Fracassa, would you care to address that?”

Mr. Fracassa: “Um -”

Mr. Lamphere: “Jim Lamphere, Town Planner – okay, go ahead, Kelly [Fracassa].”

Mr. Fracassa: “Yeah, I don't – I would have to dig through the notices, uh, when that was sent out. Um, that was quite a while ago, so, um, frankly, I, I, I couldn't tell you. You got a notice for this one now.”

Ms. Hogan: “Yes. I understand that – I'm just trying to cover the bases that were raised, um, in rapid function. I think we have them all now, Mr. Chairman, um, if you would like to, perhaps, if the caller is still there, see whether there are any other items, so that this is a full and fair hearing.”

Mr. Lamphere: “Jim Lamphere, Town Planner. If I could interject, and put a little bit [of a] fine point on that, um, I have an Affidavit of Notice, that was sent by Kelly Fracassa on June the 27th of 2018, testifying that the owners on this list were all sent notice of the Master Plan public informational meeting, and on this list, you will find William E. and Susan M. Gordon checked off. Now, they, uh, it was sent out by First Class mail, and there was no receipt, uh, or signature required, uh, as part of – according to our regulations. So, Affidavit says that they were sent out, so that was what the app-”

Ms. Hogan: “So that's because that's a public informational hearing at Master? Is that right?”

Mr. Lamphere: “That is correct.”

Ms. Hogan: “And so the notices are required for this stage, but not that stage – I mean, that the return notices.”

Mr. Lamphere: "That is correct. Return receipt requested is, uh, required for Preliminary Plan, on a Master - uh, on a Major [Subdivision]-"

Ms. Hogan: "Very good, and so, yeah, the abutter is here this evening, or it was earlier, I don't know if he still is, but, um, so, Mr. Chairman, I would suggest now that there's been an opportunity to have some of those questions answered, and a little bit of a cooling down period, let's see if the gentleman is still available, um, and wishes to be heard further – on specific questions."

Mr. DiOrio: "Uh, I certainly appreciate your giving everyone wide latitude, and I don't mind extending the invitation once again, but let's make no bones about it – if he steps out of line, I'm not gonna be as courteous -"

Ms. Hogan: "[I] understand."

Mr. DiOrio: "As I was the first time."

Ms. Hogan: "[I] understand."

Mr. DiOrio: "Okay. Good. I wanna, I wanna give everybody an opportunity, but treating people fairly and civilly is paramount here, so if we can conduct business that way, and Mr. Gordon would like to call in again, with any additional questions, but [with] the understanding that we'll do our very best to get him an answer, I'm opening that invitation."

Ms. Jalette: "He would, I believe. He, he had his hand raised – but he's now lowered it. Alright, now he has it raised again. Please press *6, and then please state your name for the record again."

After a pause, Ms. Jalette reminded Mr. Gordon that he would have to press *6. Mr. Gordon began to speak again.

Mr. Gordon: "They won't let me back on. I'm trying to get back on."

Ms. Jalette: "You are, Mr. Gordon. Please state your name for the record."

Mr. Gordon: "William Gordon."

Ms. Jalette: "Thank you."

Mr. Gordon: "And I have a couple other questions. Can anybody come here now, and get a frontage lot with one hundred and twenty feet, on the, on, on Woodville Alton Road?"

Ms. Jalette: "I'm sorry, Mr. Gordon. Could you repeat the question?"

Mr. Gordon: "Can anybody else come to the Town, and get a frontage lot with a hundred and twenty feet on Woodville Alton Road? Or any other road in the Town?"

Mr. DiOrio: "If they – this is Al DiOrio – if they -"

Mr. Gordon: "This is a frontage lot. It's not a Cluster Subdivision."

Ms. Jalette: "Mr. Gordon -"

Mr. Gordon: "This is a frontage lot."

Ms. Jalette: "Mr. Gordon!"

Mr. DiOrio: "Would you like -"

Ms. Jalette: "This is Talia [Jalette]. Please let Mr. DiOrio respond to your question."

Mr. Gordon: "I am."

Mr. DiOrio: "Okay, so, just, just hold on. So, the answer is: if an applicant employs the Cluster Subdivision, uh, mechanism, the answer is yes. It's been done -"

Mr. Gordon: "I -"

Mr. DiOrio: "Please, let me finish."

Mr. Gordon: "How do you consider this -"

Mr. DiOrio: "Please."

Mr. Gordon: "A Cluster Subdivision?"

Mr. DiOrio: "Please, let me finish."

Mr. Gordon: "I am trying."

Mr. DiOrio: "It was done on Tomaquag Road. That's -"

Mr. Gordon: "This isn't Tomaquag Road."

Mr. DiOrio: "Sir -"

Mr. Fracassa: "For Pete's sakes."

Mr. DiOrio: "It was done on Tomaquag Road. That was the first example in Town, where the Cluster Ordinance was utilized in a road frontage configuration. So, this has been done before. This is not the first time that we've seen this, uh, incantation of the Cluster Ordinance. Now, that said, is, does this embody the classic Cluster concept? No, it doesn't. But it does conform to the Cluster Ordinance requirements."

Mr. Gordon: "Okay. Let me ask you another question. In the previous meeting, report, before this, the agenda the, the attorney for the Town here said a Major Subdivision is five or more lots. This is one lot. Why is this considered a Major Subdivision? Because it has so many waivers for it, or so many inconsistencies? You – can you answer that?"

Mr. DiOrio: "Yes -"

Mr. Gordon: "It doesn't meet the road frontage requirements. It doesn't meet the thing. They keep saying, 'Well, would you rather let us put a road in, and have three lots?' If they do that, and subtract the wetlands, which there's plenty of wetlands back there, I've been back there a thousand times – again, you people know more about my land than that land. You've never walked on it. I have. It doesn't meet the requirements. If they subtract the wetlands and the road, they can't get three lots back there. So, this is a ploy to let them have what they want, when it doesn't meet the requirements."

Mr. DiOrio: "So, again, Al DiOrio – I think I can answer your question. It is – while it is only a two-lot Subdivision, which would typically be considered a Minor Subdivision -"

Mr. Gordon: "Well, why is it called a Major?"

Ms. Jalette: "He's explaining that, Mr. Gordon."

Mr. DiOrio: "I'm get, I'm getting there. Uh, whenever a waiver is requested from any portion of the Regulation, for a Minor Subdivision, it is automatic, it is automatically boosted to a Major Subdivision. Hence, its designation as a Major."

Mr. Gordon: "Does that make sense? What was the waiver – what was the waiver, Al [DiOrio]?"

Mr. DiOrio: "Um, I just put my notes away -"

Mr. Gordon: "The waivers."

Mr. DiOrio: "Perhaps the applicant could, uh, refresh us -"

Mr. Duhamel: "Uh, acreage – uh, Cluster Subdivision, less than ten acres minimum. We have 9.78 acres -"

Mr. Gordon: "You have 9.78 now, but you didn't know that twenty minutes ago, or a half hour ago. You didn't know that."

Mr. Duhamel: "I'm not gonna – I'm not gonna to respond to that."

Mr. Gordon: "You can't, because I'm, I'm right, and you're not."

Mr. DiOrio: "Was there any other question that you might have?"

Mr. Gordon: “Yeah, what – like I said, what about a zoning change? This does not have to go to the Zoning Board? This is a zoning change on frontage, on, on, on everything! This is a zoning change, and you’re saying it doesn’t have – that’s another waiver, you have another waiver. It’s right in Page 4, on the thing, that it doesn’t have to go to the Zoning Board. Why doesn’t it have to go to the Zoning Board?”

Mr. DiOrio: “The Zoning Board is not involved in this process.”

Mr. Gordon: “Since when does the Zoning Board not be involved in a zoning change?”

Mr. DiOrio: “This is not a zone change.”

Mr. Gordon: “It’s not a zoning change? My property – I have four hundred feet on Woodville Alton Road. If I wanted to get another lot off here, I’d have to get a zoning change to variance, to adjust my frontage. These people are going with one hundred and twenty feet. What is the other fifty feet over there for? What are they saving that for, to put a road in later, like Sheldon [Estates] had, when he tried to subdivide the thing, to put more lots in the back, and they’re gonna come back for another lot?”

Mr. DiOrio: “So, I believe your question had to do with the involvement of the Zoning Board. My response was the Zoning Board is not involved in this process.”

Mr. Gordon: “The Zoning Board turned this down prior, two or three times, when Sheldon Estate[s], Knollwood Estates. Knollwood Estates came in under three different [n]ames, under three different land acreage. The things are in the Archives of the Town Hall, and nobody can get them for me. I can prove my point. My deed, it’s four hundred feet. I’m at three [hundred] and seventy-one, currently.”

Mr. DiOrio: “Is there another question in there?”

Mr. Gordon: “They moved the boundary.”

Mr. DiOrio: “Is there another ques-”

Mr. Gordon: “Nobody wants to understand that. Yeah, there is a question. I’m asking you, how you can just come and move boundaries?”

Mr. DiOrio: “I’ve already discussed the fact that the Planning Board does not adjudicate boundary issues. If you have a boundary problem, I suggest a civil remedy.”

Mr. Gordon: “Well, we do have a boundary problem, because Chris Duhamel said prior, in this discussion, he didn’t even know how many acres were there – if it was 9.61, if it was 9.78, if it was a hundred!”

Mr. DiOrio: “I don’t believe -”

Mr. Gordon: “He didn’t know!”

Mr. DiOrio: “- that’s an accurate representation. What’s you, what’s the next, what’s the next question?”

Mr. Gordon: “I’m getting nowhere here, because this is all cut and dried to begin with. My next question is why wasn’t I notified to the previous meetings. When you muted me, you discussed it in front of me, and I couldn’t even make a comment. I was not notified, Al [DiOrio]. I got notified on Tuesday, this week – last week, excuse me – of this, which gives me eight days to get my ducks in a row, and now you’re saying I gotta get a Class I Survey, I’ve gotta do this, I’ve gotta do that. Can you do that in eight days?”

Mr. DiOrio: “So, my understanding -”

Mr. Gordon: “Could you do that in eight days?”

Mr. DiOrio: “My understanding was that we have an affidavit from the applicant’s counsel, indicating that notice was previously distributed -”

Mr. Gordon: “And that’s a lie! That is a lie.”

Mr. DiOrio: “Well -”

Mr. Gordon: “I don’t care who he is, or what he’s done – I never received any notice. If I was – I was at every meeting when Sheldon was trying to subdivide his property. Why wasn’t I at these meetins’ if I was notified?”

Mr. DiOrio: “I cannot -”

Mr. Gordon: “I was not notified.”

Here, at the 00:42:41 mark, Mr. Gordon began to yell over Mr. DiOrio, so the content of what they were saying became unintelligible. They spoke again.

Mr. Gordon: “I was at every meeting prior to this – I would have been at these, trying to put a stop to it. They’re trying to take two and a half acres of my property, and nobody seems to care, except for me. When I’ve got it in writin’, what I have – four hundred feet, down the stone wall, in the front, in the back. Right now, my current - this is at three hundred and seventy-one feet. They said, at a Town meeting, which we can’t seem to get the minutes of that meeting, either, because nobody wants to produce it, that they only have four hundred and seven- four [hundred], seven feet, four inches, and I have four hundred and three feet, two inches, and I asked Dan Carter if four hundred and fifty-one was more than four hundred and seven, and they walked out of the meeting, at the Zoning Board. That’s why you don’t want it to go to the Zoning Board, because the Zoning Board is gonna shut this down, and you know it! Again, Chris Duhamel don’t even know how much land’s there. It’s a paved driveway, it’s a dirt driveway – it’s not even a paved driveway! He’s never been there. I’ve been on my property for forty years! I know where the boundaries are, I know where they were, I know where they are now. They moved them!”

Mr. Fracassa: “Mr. Gordon, I am going to reiterate Mr. DiOrio’s suggestion. You’ve got a problem with the boundaries -”

Mr. Gordon: “I got a problem with you!”

Mr. Fracassa: “Then hire an attorney, hire an attorney, file suit in Superior Court in a title clearing action. We will meet you there, and we will prove that what you’re talking about is baloney, okay?”

Mr. Gordon: “You know what -”

Mr. Fracassa: “That’s the long and the short of it.”

Mr. Gordon: “How many times have you been on this property?”

Mr. Fracassa: “I don’t need to be on the property.”

Mr. Gordon: “Yeah, you do!”

Mr. Fracassa: “No, I don’t.”

Mr. Gordon: “What’s your point? You’re all mouth! You can’t back up anything that you’re saying!”

Mr. Fracassa: “Yes, I can.”

Mr. Gordon: “Back it up!”

Mr. Fracassa: “Go to Superior Court, Mr. Gordon -”

Mr. Gordon: “Why -”

Mr. Fracassa: “I will back it up.”

Mr. Gordon: “Four hundred feet!”

Mr. DiOrio: “Okay -”

Ms. Hogan: "Mr. Chairman?"

Mr. Gordon: [unintelligible yelling] "four hundred feet!"

Mr. Fracassa: "The only mouth I hear is Gordon's."

Mr. DiOrio: "Okay, so we're right back to where we started, where, which is where I did not want to go, so, listen – I've extended every courtesy here. If there are questions, I've tried to get you answers. I've heard your concerns. I don't want you to tell me that I don't care. We do care, otherwise we wouldn't try and get you answers, so -"

Mr. Gordon: "I have one question, one more question for ya, Al [DiOrio]."

Mr. DiOrio: "Go right ahead."

Mr. Gordon: "Is three hundred and seventy-one less than four hundred? Can you answer that?"

Mr. DiOrio: "What, what, what is the value to my response? I don't -"

Mr. Gordon: "Can you answer the question? Is three hundred and seventy-one less than four hundred?"

Mr. DiOrio: "I, I don't, I don't see the value of a response."

Mr. Gordon: "Okay – everybody. Does anybody else see the value of the response?"

Mr. Fracassa: "No."

Mr. Gordon: "You don't! Of course you don't want to!"

Mr. DiOrio: "Okay, so, I -"

Mr. Gordon: "Three hundred and seventy-one is less than four hundred! I'll -"

Mr. Fracassa: "Let's go to Superior Court, Mr. Gordon."

Mr. Gordon: "Three hundred and seventy-one is less than four hundred. Nobody can answer that? Nobody -"

Mr. Fracassa: "Let's go to Superior Court."

Mr. Gordon: [unintelligible yelling]

Mr. DiOrio: "Okay, folks -"

Mr. Gordon: "Superior Court, your ass!"

Mr. Fracassa: "Yeah."

Mr. Gordon: "Three hundred and seventy-one is more than four hundred, buddy!"

Mr. Fracassa: "Mhm-hmm."

Mr. Gordon: "You know what I mean."

Ms. Light: "Hey, hey guys -"

Mr. DiOrio: "Thank you very much."

Ms. Light: "This is Carolyn Light. Can we, can we move on?"

Mr. DiOrio: "Yup. We're movin'."

At the 00:45:55 mark, Mr. DiOrio motioned to Ms. Jalette to ask if Mr. Gordon had been muted. Ms. Jalette nodded. Mr. DiOrio continued.

Mr. DiOrio: "Okay. Very good. Alright, so, I think we've heard from just about everybody this time, uh -"

Ms. Hogan: "Mr. Chairman?"

Mr. DiOrio: "It's me again. Uh, so, in the event that Mr. Gordon is still listening, um, there was a suggestion here that, um, Town officials were withholding records, uh, and I do believe that should probably be addressed, and my response to that is all Town records are available to any member of the public by filing an, uh, public records request. Um, I

would – if it’s a Zoning record, I would direct the gentleman to, uh, the Town Clerk, and/or the Zoning Clerk, uh, to assist him in that endeavor. Um, typically, they would like to have an idea as to what is the time frame of the – that they should be looking, or under what name for the records, but those are certainly, um, available, um, to him, and, finally, the issue in regards to his property, I think what I was taking from that was that he’s, there’s an allegation that someone’s stealing his land, and, uh, the answer to that question, as the Chairman right pointed out, is not a, an issue that is within the Planning Board’s jurisdiction, that this is, in fact what Mr. Fracassa has suggested, that is a civil matter, and that he would need to take the appropriate action to protect whatever rights he believes he has. Uh, all that having been said, Mr. Chairman, uh, thank you very much for, um, allowing the questions, um, and I do believe it is time for the Board to move on.”

Mr. DiOrio replied that he “could not have stated that better [himself]”, and that, after the discussion that had been had, he was “prepared to, uh, entertain a motion to close the public hearing, and move on to a motion.”

MR. PRELLWITZ MADE A MOTION TO CLOSE THE PUBLIC HEARING. MR. LINDELOW SECONDED THE MOTION.

IN FAVOR: DIORIO, PRELLWITZ, LINDELOW, LIGHT, SHUMCHENIA
ABSTAIN: NONE
OPPOSED: NONE

5-0, MOTION PASSED.

Mr. DiOrio thanked the Board, and reiterated that he was “prepared to entertain a motion.” Mr. Prellwitz asked if he could interject, and Mr. DiOrio replied that he could.

Mr. Prellwitz: “Before we move on, I have a question for, uh, Attorney Hogan.”

Ms. Hogan: “Yes?”

Mr. Prellwitz: “Would it be inappropriate if I was to meet with Mr. Gordon, with the set of plans that I have, and show him what we’re talking about, where everybody’s going with this?”

Ms. Hogan: “Um -”

Mr. Prellwitz: “You know, I’d be glad to meet with him at his convenience, and show him these plans, where the four hundred and the three [hundred and] seventy-one have a conflict?”

Ms. Hogan: “I’m not sure to what end, um, and, um -”

Mr. Prellwitz: “I’m just thinking it through – oil and troubled waters, so to speak.”

Ms. Hogan: “Well, you know, I – unless you’re a registered land surveyor, and that you drew the plan, I’m not sure that it has much value, uh, number one, and number two, um, while one individual of the Planning Board meeting with a member of the public, um, doesn’t violate Open Meetings, um, it does violate, um, the fact that all of the aspects of an application need to be discussed and vetted at the public meeting. So, it would be my recommendation that you do not undertake such a meeting.”

Mr. Prellwitz: “Okay. Thank you.”

Ms. Hogan: “You’re welcome.”

Mr. DiOrio then said that he was “about to inquire” if any Board members were “able to locate the draft motion, or at least the skeletal remains of a motion”. Ms. Shumchenia replied that she had one, and that she would “take a whirl”.

MS. SHUMCHENIA MADE A MOTION TO APPROVE THE PRELIMINARY PLAN FOR THE TWO-LOT CLUSTER SUBDIVISION, PRESENTED BY CALSAR, LLC., FOR PROPERTY LOCATED AT 56 WOODVILLE ALTON ROAD, ALSO KNOWN AS PLAT 9, LOT 22, WITH THE FOLLOWING FINDINGS OF FACTS:

FINDING[S] OF FACT NUMBER ONE: CALSAR, LLC., IS THE APPLICANT AND OWNER OF THE SUBJECT PROPERTY BY DEED, RECORDED IN BOOK 532, PAGE 132, AS REPRESENTED BY NOTE 2 ON SHEET 3 OF 6 OF THE PLANS DATED DECEMBER 23RD, 2020.

NUMBER TWO: BY UNANIMOUS VOTE OF 4-0, THE APPLICANT WAS GRANTED MASTER PLAN APPROVAL ON SEPTEMBER 4TH, 2018, FOR A TWO RESIDENTIAL SUBDIVISION LOT, AND OPEN SPACE LOT. THE APPROVAL EXPIRED, BUT WAS REINSTATED BY THE PLANNING BOARD ON JANUARY 6TH, 2021.

[NUMBER THREE:] THE MASTER PLAN APPROVAL INCORPORATED TWO WAIVERS: ONE REDUCING THE REQUIRED SIZE OF THE OVERALL LOT FOR A CLUSTER SUBDIVISION FROM TEN ACRES TO 9.5 ACRES, AND TWO, ONE THAT REDUCED A ONE HUNDRED FOOT PERIMETER TO A VARIABLE WIDTH BUFFER OF SUBSTANTIALLY ONE HUNDRED FEET ON THE WEST SIDE, FIFTY FEET ON THE SOUTH SIDE, ONE HUNDRED FEET ON THE NORTH SIDE, ONE HUNDRED FEET ON THE EAST SIDE. BASED ON INPUT FROM THE PLANNING BOARD ON JANUARY 6TH [2021], THESE WAIVERS WERE FURTHER SPECIFIED TO INCLUDE A NO-CUT BUFFER ON THE WEST SIDE AS CLOSE TO ONE HUNDRED FEET AS POSSIBLE, AND A REDUCED LIMIT OF DISTURBANCE ON PROPOSED LOT 2.

SO, AS A RESULT, THE PLANNING BOARD MAKES THE FOLLOWING FINDINGS:

THAT EACH SUBDIVISION IS CONSISTENT WITH THE REQUIREMENTS OF THE HOPKINTON COMPREHENSIVE COMMUNITY PLAN, AND SATISFACTORILY ADDRESSES THE ISSUES WHERE THERE MAY BE INCONSISTENCIES,

EACH LOT IN THE SUBDIVISION CONFORMS TO THE STANDARDS AND PROVISIONS OF THE HOPKINTON ZONING ORDINANCE,

THERE WILL BE NO SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS FOR THE PROPOSED DEVELOPMENT AS SHOWN ON THE FINAL PLAN, WITH ALL REQUIRED CONDITIONS OF APPROVAL,

THIS SUBDIVISION AS PROPOSED WILL NOT RESULT IN THE CREATION OF INDIVIDUAL LOTS WITH SUCH PHYSICAL CONSTRAINTS TO DEVELOPMENT THAT BUILDING ON THOSE LOTS ACCORDING TO PERTINENT REGULATIONS AND BUILDING STANDARDS WOULD BE IMPRACTICABLE,

ALL PROPOSED LAND DEVELOPMENTS AND ALL SUBDIVISION LOTS SHALL HAVE ADEQUATE AND PERMANENT LEGAL ACCESS TO A PUBLIC STREET,

EACH SUBDIVISION PROVIDES FOR SAFE CIRCULATION [OF] PEDESTRIAN AND VEHICULAR TRAFFIC, FOR SURFACE WATER RUNOFF CONTROL, FOR SUITABLE BUILDING SITES, AND FOR PRESERVATION OF NATURAL, HISTORICAL, OR CULTURAL FEATURES THAT CONTRIBUTE TO THE ATTRACTIVENESS OF THE COMMUNITY,

AND THE DESIGN AND LOCATION OF THE STREETS, BUILDING LOTS, UTILITIES, DRAINAGE IMPROVEMENTS AND OTHER IMPROVEMENTS IN EACH SUBDIVISION MINIMIZE FLOODING AND SOIL EROSION.

THIS APPROVAL IS ALSO CONDITIONAL ON THE REMAINING LEGAL DOCUMENT BEING FILED AND PROVIDED IN ACCORDANCE WITH THE SOLICITOR'S GUIDANCE, AND WE THEN DELEGATE FINAL REVIEW OF THOSE DOCUMENTS TO THE TOWN PLANNER.

Ms. Light asked if she could "chime in." Initially, Mr. DiOrio said that she could, but then said that "there should probably be a second for discussion, and then [the Board] can discuss." Ms. Hogan said that that was correct. Mr. DiOrio asked for a second.

MS. LIGHT SECONDED THE MOTION FOR DISCUSSION.

Mr. DiOrio explained that Ms. Light could now "call for further discussion." Ms. Light asked if the Board was approving the Preliminary Plan, which had been "dated 1-11-2021." Mr. Lamphere and Ms. Hogan replied in the affirmative. Mr. DiOrio then asked if there were any other members of the Board who had anything further to discuss. When he did not hear from the rest of the Board members, he asked for a vote.

IN FAVOR: DIORIO, PRELLWITZ, LINDELOW, LIGHT, SHUMCHENIA

ABSTAIN: NONE

OPPOSED: NONE

5-0, MOTION PASSED.

NEW BUSINESS:

Pre-Application – 8-Lot Major Subdivision – Bobcat Trail – 206 Skunk Hill Road – AP 21, Lot 3C. Bobcat Realty, LLC., applicant.

Mr. Duhamel and David D’Ambra appeared before the Board. Mr. D’Ambra asked Mr. Duhamel if he wanted “to do a little introduction, and then, then maybe [he could] speak” before the Board. Mr. Duhamel began.

Mr. Duhamel: “Chris Duhamel, professional engineer and land surveyor with DiPrete Engineering. With me, uh, is David D’Ambra, the, uh, owner of the, of the property. Uh, we asked for a Pre-Application Plan meeting to discuss, uh, different challenges this property has. Uh, I’ll start by introducing that this is Assessor’s Plat 21, Lot 3C – a twenty-acre parcel on Skunk Hill Road. Uh, there’s approximately, uh, forty feet of width, uh, for frontage access to Skunk Hill Road. Um, the parc-, the parcel is shaped so that there is a reserved strip, um, forty foot or greater – forty to forty-three feet in width that runs three hundred and sixty-five feet, uh, along the frontage lot, then it opens up into a twenty-acre parcel. This parcel is a remainder parcel, um, where all the frontage lots along Skunk Hill Road were, were carved out. There were, uh, nine frontage lots that were cut out in succession, so senior rights, senior, uh, first rights to all, um, metes and bounds, uh, of the described lot, uh, has to be maintained by the, uh, frontage lots, and then whatever is left, uh, would go to this remainder parcel, this twenty-acre parcel. I, I believe that they had, uh, tried to reserve fifty feet, in order to meet the requirements of a, uh, public road, defined in the Hopkinton Subdivision Regulations, but initial survey that’s been completed by DiPrete Engineering has shown that there is, uh, forty feet, and then opening up forty-three feet. Uh, we-, we’re here today to, uh, consider, uh, subdivision, um, initial-, you know, way back, uh, this, this parcel had received approval for one single lot, with a variance for the fifty feet. Um, it was, uh, requested in 2003 to do a subdivision, uh, provide for a new public road, uh, to allow for the, the required frontage in an R[FR]-80 zone. Um, that was, uh, evaluated and, and, uh, considered not to be approvable by the Planning Board. It was sent to Court. I’m not here to address the Court, um, cases – uh, later on in the, in the Master [Plan] or another Pre-Application Plan, Attorney [William] Landry will, will assist. He was the original attorney that worked for the Picernes, um, uh, before David [D’Ambra] had, had purchased this, this parcel. We’re here tonight to look at alternative subdivision. In 2003 – 2006, we had considered a Cluster Subdivision. Um, those plans were made available, uh, to Mr. D’Ambra, and he felt very strongly that, um, given the character of the surrounding lots, the character of the, uh, of the rural character of the area, that eighty thousand square foot would be a minimum sized lot, that, that, uh, should be built in this area, so, we, we provided for a plan, um, that shows a forty-foot right-of-way, um, full pavement, with, as required by the Subdivision Regulations, um, and then to, uh, have conforming, uh, R[FR]-80 lots of two hundred and twenty-five foot of, of frontage, eighty thousand square foot or greater of a, a lot area. We have thirteen hundred feet of, of a road being proposed, uh, with eight, um, separate lots. Um, it’s – the inclusionary zoning, uh, would, would kick in, so, uh, if this were approved, we could, um, potentially identify two of these lots as, as, uh, as affordable lots, or we could come back to you with another, uh, Pre-App, and have, uh, ten lots shown, meeting the twenty percent, uh, required. Um, the

lots are shown, uh, to be, um, in areas that would provide, um, on-site, uh, waste water treatment systems, uh, on-site private wells for each lot, and a drainage area on Lot 6 that would accommodate the, uh, uh, the proposed roadway. Again, we're, we're at the very beginning stages of this. Different options are being, uh, considered, and, probably the biggest, uh, concern, or our question would be a waiver for the width of the right, right-of-way. We would provide for, you know, all, uh, with utilities within the right-of-way, that forty feet, but we would need a waiver, given the constraints that the frontage lots have, uh, have encroached upon, to have, have a minimal forty-foot right-of-way. David [D'Ambra], do you want to help, uh -"

Mr. D'Ambra: "Yeah, yeah. Can – we can let -"

Ms. Jalette: "Excuse me, Mr. D'Ambra? State your name for the record."

Mr. D'Ambra: "Oh, I'm sorry – Dave D'Ambra, with, um, Bobcat Realty."

Ms. Jalette: "Thank you."

Mr. D'Ambra: "Um, we – we've contacted Bill Landry about this. He, he worked on it extensively in years past for the previous owner, and he, he's pretty sure they worked up a solution to it. Um, you know, it went to Court, and it, and it came back that the Planning Board had the authority to, to create the road that would service the new lots, um, you know, so, I'll let him speak about how they, they solved that issue. There is an issue – we will need to ask for a forty-foot wide road, instead of a fifty-foot wide road, um, but, I'll, I'll let him speak, speak to that, um, at some time. The other things is, uh, you know, when I met with Jim [Lamphere], he had asked me what I, what I was looking to do here. We're looking to get, you know, eight lots, um, we're not looking to, to build this as a – you know, I'm not, I'm not a developer. I'm looking to move there. I'm looking to move into one. I've got some interest in other ones from people who, who I know, and some family, and we were hoping, maybe, to sell off two or three, and try to fund the project. So, you know, we're not building cookie cutter. We're not gonna go in and clear cut. We're, you know, we were looking to get eight conventional lots, you know, larger lots, um, that, that's why Chris [Duhamel], you know, we touched on the Cluster, but to me, the conventional was a, was a better option, um, but we, we'd welcome your input, um, you guys ultimately, you know, will, will be shaping what we do here. Um, so, you know, we would, we would ask, um, you know, uh, for the forty-foot waiver, maybe we can, maybe we can do something better. Maybe we can put more sidewalk than is required. Maybe we can put street lighting in. You know, we, we'd be amenable to build it like I'm gonna live there, because I, I do intend to, to take a lot in the corner and live there, so, um, you know, it's not just a developer looking to get what we can get, you know, we, we've got an interest in a lot, so, um, I don't know if you've got any questions. We touched about the, uh, the affordables. I haven't done enough research to find out, you know, if – what it'll cost to build the affordable. Um, obviously, I don't, don't need to make money on it, but I wouldn't want to lose, either, so, we might come back to you and ask for five conventional lots, um, or, we might ask for eight, and maybe, maybe we just divvy it up a little bit, and put two more in, two more one acre lots, make them affordable, or maybe we make, you know, a total of nine – two affordables. That, that's where we're, we're here tonight to kind of ask, what are your thoughts and, you know, what, what do you think we will be required to do, should we go with that route. Um, ten fit on the conventional, I mean, on the Cluster, but, to me, that, you know, by the time you incorporate the no-cut buffers, but the time you put the setbacks in, and you're

down to one acre lots, it, it really just becomes a tight, cookie cutter kind of neighborhood, so, we were hoping to space it out and go with conventional, but we still need to be compliant, and fit the affordable requirement in there, so, we'd ask, you know, your opinion on what direction you want us to go when we come back the next time, you want to see, um, because, you know, Chris [Duhamel] can, Chris [Duhamel] can design anything you need, and, again, I know we have the, uh, the driveway issue, but Bill Landry can work that out."

Mr. DiOrio thanked Mr. Duhamel and Mr. D'Ambra for their comments, and asked to "start with, uh, Planning Board members". He said that he would be "happy to lead off". He began.

Mr. DiOrio: "So, I have two, two concerns – the, uh, forty-foot entrance right-of-way gives me pause, uh, and it gives me pause not because, uh, technically a roadway can't be fit in there. I'm concerned that – I'm concerned about the issue of precedent, and perhaps Maggie [Hogan] can begin to consider that when I come back to that topic -"

Mr. D'Ambra: "Did you say 'precedent'?"

Mr. DiOrio: "Yes."

Mr. D'Ambra: "Okay."

Mr. DiOrio: "What my concern would be here is that, uh, Planning Board says, 'Sure, we'll, uh, we'll reduce our requirement here for you, from fifty to forty feet', and the next thing you know, everyone in Town who has a forty-foot strip is coming before the Planning Board, looking for the very same thing. So -"

Mr. D'Ambra: "Understood."

Mr. DiOrio: "If we can address that concern, I might be a little bit more comfortable."

Mr. D'Ambra: "Okay."

Mr. DiOrio: "My second concern is, uh, your approach to conventional vers[us] Cluster. So, if I'm not mistaken, and Jim [Lamphere] can straighten me out if my memory is, uh, is misdirected, is that you have to prove to us that a conventional subdivision is somehow superior to a Cluster. So, just because you think a Cluster – a conventional subdivision is a good idea doesn't necessarily sway my thinking. Uh, we just had a very lengthy workshop with regards to this very topic, and so it would certainly be my advice that we start by looking at a Cluster project, and then the Planning Board can decide if your conventional format is somehow superior. I think you have, uh, I think you're pushing the rock uphill there myself, but, I don't know the site well enough at this point. So, those are my two big concerns. I'd like to hear from the other Planning Board members, and then we'll circle back."

Ms. Hogan asked if she could weigh in. He replied that she could. She then spoke before the Board.

Ms. Hogan: "So, I just wanted to correct the record slightly, and I don't think the applicant misspoke on purpose, uh, certainly not, um, but the Superior Court action that took place, um, did not grant any rights or approvals to the road as I understood to be what he said. Basically, what happened there was the Planning Board refused to hear the application, uh, and, um, because of the Zoning Board's prior limitation that the property

not be further subdivided, and the, and the, and you had some advice there that this was the doctrine of administrative finality kicking in, and the Court said, 'No, it's not', and, um, the Planning Board couldn't've, uh, ruled on zoning matter. So, this comes to you at square zero, so you can forget, really, all the prior proceedings. This comes to you as the applicant having a forty-foot width, and requesting the relief, and proposing what he's proposing, but there was no, uh, Superior Court approval in any way, shape, or form, uh, of the ability to have a forty-foot width roadway."

Mr. DiOrio thanked Ms. Hogan "for that clarification." Mr. D'Ambra responded that he understood, and that that was correct.

Mr. D'Ambra: "You're right. You're right. You corrected me."

Mr. DiOrio then asked for the thoughts of other Planning Board members. Mr. Prellwitz offered to speak next.

Mr. Prellwitz: "I'm looking at Page 4, uh, the forty-foot as opposed to fifty-foot road. Aside from that - that's something that isn't involved in my way of thinking right now, that's up to the final decisions. This eight-lot division here, whether we call it a subdivision or a Cluster or however you want to word it, looks good. Now, the, uh, affordable housing - is there an availability to make one of these lots, instead of a single family home, a duplex to cover the subdivision? I'm not - I'm sorry - to cover the affordable housing regulations. The next thing is, on one of the pages here, that was in this packet, the alternative things, this says 'I would like to know how the applicant plans to abide by these regulations. Our Ordinance allows an applicant to create these units through a number of different avenues.' For example, Number 4 looks good to me. There are other buildings, residential dwellings in Town that are vacant, some that need to be upgraded and put into service. Is that a viable option?"

Mr. D'Ambra: "I, I would be open to, to really anything. Um, you know, I, I like the idea of a duplex. It's something I never even thought of. Um, you know, we, we could do more than one duplex. We could blend them in. We, you know, we - I would be open to anything, and an off-, off-site works for me too, you know. Um, maybe I have an edge there, too, you know. Um, I don't know if you know what - my family owns the quarry in Richmond, and the concrete plant, and, you know, that, that's one of the reasons I want to move down here, is, you know, we're close to where I work, so, maybe we have an edge, to come into Town, and do something like that. That, that's a great idea. I never even considered that."

Mr. Prellwitz: "I, I brought that up because, you know, there are homes in Hopkinton, in Hope Valley particularly, right on Main Street, that are vacant."

Mr. Lamphere: "Yeah."

Mr. Prellwitz: "Other families could be put in there, they could be brought up to code. There's, there's a lot that could be done, and in my way of thinking, that's, that's a double-edged sword. It takes care of the affordable housing things, and it helps to spruce up the community a little bit, and give nice places to live, for people that really need it."

Mr. D'Ambra: "Yeah, I, I would be absolutely open to that. That, that's great."

Mr. DiOrio then asked for contributions from other Planning Board members. Ms. Shumchenia spoke next.

Ms. Shumchenia: “This is Emily [Shumchenia]. Um, I would echo the request to see alternative, um, layout designs, such as Cluster, uh, configuration for this. I think that’ll be good for us to see. Um, I also had a thought about the forty-foot width of this sort of remainder parcel section here, and it occurred to me that, you know, we cannot – well, maybe we can, if there’s, if there’s notes – but I didn’t, I didn’t have the thought process of the Planning Board that created this subdivision, I don’t have that knowledge in mind, but did someone create that on purpose, to preclude a road being put in, um, and give it those dimensions so that a road would not be put in, into that unit, um, so I was just thinking about the process by which this, this particular piece of property was created, and didn’t wanna, um, you know, create an exemption for the very thing that a previous Planning Board was trying to prevent. So, that was my only thought about that.”

Mr. D’Ambra responded.

Mr. D’Ambra: “I would probably let Bill Landry address that. Um, one thing to note is that I don’t believe, and maybe, maybe Chris [Duhamel], Chris [Duhamel] can correct me – I don’t believe we need to have a forty-foot wide road. I believe we could do fifty-foot wide road. I believe the issue of the forty feet is, is in the frontage itself, and I also believe that there are recorded easements for radiuses, so, and, and, again, you know, we can talk about it – we really should be talkin’ about all this later, when, when we can get Bill [Landry] with us. He’s, he’s out of the country, um -”

Mr. Duhamel: “I, I can jump in real quick, um, Dave [D’Ambra]. The lots weren’t created by Planning Board review, as is required since, uh, 1990-something. Al [DiOrio], you, you were, you were part of the change in the State law. Um, they recorded -”

Mr. DiOrio: “The early 90s, the early 90s, yup.”

Mr. Duhamel: “They were cut out as frontage lots, where the metes and bounds, uh, showing the minimum frontage, and the minimum area was just, just by one recorded lot after another recorded lot. There wasn’t a plan, and there wasn’t a, certainly a Master Plan of, the, of the remainder lot. All that is required, you know, by law today, um, so, it’s our research that this should have been a fifty-foot right-of-way, but, because, because the lot squeezed in, um, from either direction, you know, holding known monuments, called for monuments, that’s how the forty-foot, uh, was left.”

Mr. DiOrio: “And, so, uh, Chris [Duhamel], Al DiOrio again – so, let me just interject. So, uh, I appreciate this is a Pre-Application. Have you actually gone through the exercise of, uh, putting the senior rights together in the order that these parcels were cut out to confirm that there’s only forty feet left?”

Mr. Duhamel: “Yes. Um, after the court case, we were authorized to do, uh, the survey, and we, we put the, the parcels in, and, uh, you know, the Pre-App plan that the Board had seen back in 2006 had a fifty-foot access road, and, uh, you know, once we started during the survey, we recognized it was an issue. Um, we haven’t, we haven’t recorded a plan yet, but we’ve done the field work and the deed analysis, to represent to David [D’Ambra] that this, this is an issue.”

Mr. DiOrio: “And Chris [Duhamel] – one last question. Again, so, is the forty-foot width consistent throughout, as we move from Skunk Hill Road to the east, or is there, uh, uh, a diversion, if you will, of the property lines? Is that forty feet increase at all throughout that first, uh, three hundred and sixty-five, sixty-seven feet?”

Mr. Duhamel: “It does. It goes from forty feet at the Skunk Hill [Road] frontage to, uh, midway, forty-two [feet], to the, to the opening – forty-six [feet].”

Mr. DiOrio: “Okay, so then, just to be clear – Al DiOrio, again – your request for the forty feet is only at the frontage? Or the – let me, let me rephrase – at the intersection of Skunk Hill Road, and then, as the right-of-way moves in an easterly direction, it’s actually going to increase, until it reaches something like forty-six feet?”

Mr. Duhamel: “Yes, and then, from there on-, onward, it could be, uh, fifty-foot minimum, and, as David [D’Ambra] said, there’s this turning radiuses that are deeded, um, easements, all over the existing lots, would allow for, uh, proper construction of, uh, curb radiuses.”

Mr. DiOrio thanked Mr. Duhamel “for that clarification.” Ms. Hogan stated that she had “one item”. She apologized for not being “as familiar with the Hopkinton Zoning Regulations as of yet”, but that she would “get there”. She continued.

Ms. Hogan: “Um, but, if the fifty-foot road width is a requirement also within the Zoning Ordinance, the Planning Board will have to engage in, uh, I hate to use the term, but ‘the precedence of approvals process’, whereas it comes here, then it will go to Zoning for a dimensional variance, and then come back to Planning – if that’s applicable. If it’s not in the Zoning Ordinance, then it would stay with you as a waiver. I don’t know if Jim Lamphere might know that off the top of his head, um, [but I wanted to] call that to your attention.”

Mr. Lamphere replied that, “off the top of [his] head”, he “would say that there’s no zoning requirement for a fifty-foot right-of-way. That’s a Subdivision Regulation requirement.” Ms. Hogan replied, “Okay.” Mr. DiOrio asked if the Board would be responsible for “work[ing] to make sure that that’s an absolute”, and Ms. Hogan replied that they “would need to confirm that.” Mr. D’Ambra spoke again, and responded to Ms. Shumchenia’s comments.

Mr. D’Ambra: “Um, speaking to what, uh, Emily [Shumchenia] said, I believe that when they recorded the turning radiuses, that – and I don’t even know if, if we should even keep saying it or, or whatnot, but I believe that those turning radiuses were recorded with, with both lots on each side, knowing that there would be the ability to bring a road in there. Um, at the time, they, they created that lot, they elected not to, and, again, this was all really stuff – if we’re gonna talk about the driveway, you know, I, we, probably should have, uh, Bill Landry here with us, you know? We can almost just, just put it off ‘til, ‘til he’s able to address these concerns, because he’s done countless hours of work on it, and you know, I don’t want to waste everybody’s time. He knows the solution.”

Mr. DiOrio replied that there was “certainly no wasted time here.” He continued.

Mr. DiOrio: “You’re going to get the benefit as, as is required there in the Pre-Application, of the Planning Board’s initial thoughts, so, yes, I appreciate that there are some, uh, dangling details that we’ll return to, but, issues like, uh, you know, getting a Cluster arrangement before us, and things along those lines, that’s not wasted effort. That’s, that’s right on point.”
Mr. D’Ambra: “Understood.”

Mr. DiOrio then asked if there were any other Planning Board members who wanted to comment on the application. Mr. Lindelow said that he did not have any questions, but that he would “defer to [Mr. DiOrio’s] guidance” and the guidance of Ms. Hogan. Mr. Pennypacker began to speak, but Ms. Light unintentionally spoke over him twice to communicate that she did not have any comments. Mr. Pennypacker then spoke. He said that he wanted to “repeat” what Mr. DiOrio had “said about setting precedent.” He continued, then Mr. DiOrio and Ms. Hogan weighed in.

Mr. Pennypacker: “I have heard in the past that neighbors get a little upset, um, when it turns out that the person next to them can do something that they can’t. Um, I want to make sure that we follow the rules that are set forth in Town, um, and I realized that the, the previous Court decision, I guess, is not strictly, strictly relevant at this point, but it does demonstrate that we’ve kind of gone down this road before. The Town has provided some relief before, and, kind of where my head is, like, how does that – how do we get past that? What’s the plan to, to solve that in a meaningful way?”

Mr. DiOrio: “That sounds like a Maggie [Hogan] question. Maggie [Hogan], let me circle back. So, let’s talk about the issue of precedent. So, here we have a set of conditions. It’s unique to this property. Uh, how do I get past my concern over this surfacing again and again, and being forced to issue the same kind of approval, simply because I did it here?”

Ms. Hogan: “Um, so, that is a concern – is a valid concern, and, um, like all, uh, land use matters, they’re all supposed to stand on their own, uh, and you can evaluate whether or not the circumstances, um, uh, circumstances by which the applicant[’s] predecessors, or him, found themselves with an error. So – and that’s what has been presented this evening – is that it wasn’t intended to be forty feet, it was intended to be fifty feet, and that was a question that I actually wanted to have answered this evening, because in a, you know, an adjoining town, back in the day, when they did the frontage lot situation, back then, it was a forty-foot right-of-way that was required under the regulations, but, today, it’s fifty feet, and so, you know, the towns have taken different positions on those. So, you’ll need to evaluate whether or not the applicant meets the burden under – I think it’s 11.2, or whatever the number is in your Reg[ulation]s, for a waiver, and each and every application that would come before you seeking a waiver would need to meet a burden. The fact that you grant – it’s sort of like a Zoning Board - the fact that a Zoning Board would grant a variance for a setback for a garage in one case does not obligate the Zoning Board to grant a variance for a setback on a garage in in another case. They’re all supposed to stand on their own, and so the applicant has the burden to establish that, that it should be granted a waiver. Um, clearly, you’re sending a message this evening that that’s a bit of an uphill climb.”

Mr. DiOrio: “Okay. So – thank you. So, so, to restate that – is it fair to say that there could be a set of circumstances that exist on this application that would sway us toward

granting the waiver, whereas, tomorrow, a similar application comes before us, the set of circumstances is just a little bit different, and I'm not necessarily obligated to grant the same waiver?"

Ms. Hogan: "That is correct. Each application stands on its own and has a burden of proof."

Mr. DiOrio: "And it's the applicant's responsibility to -"

Ms. Hogan: "Yes."

Mr. DiOrio: "Delineate that set of circumstances that he or she believes warrants the waiver?"

Ms. Hogan: "That's correct, um, and the fact that this particular parcel has had some history with the Zoning Board and – pardon me, the Planning Board, and then gone to Court, and then come back, as I said, is – it's starting on a clean slate, so it's irrelevant. You don't have to feel like, 'Oh my gosh, it's been to Court once, we can't send it back again,' not that that's your intention, but, my point is, is that it stands on its own at Day 1, and you, you would review this like any application under your regulations. That's why I asked, actually, the question, as to whether or not the, um, the road widths are also incorporated in the Zoning Ordinances, as they are in some towns – they're in both places, so you have to do the ping pong, go to Planning, go to Zoning, and come back to Planning, so, um, it remains to be seen. Uh, you know, Jim [Lamphere] doesn't think they're in there, so, but, we'll, we'll confirm that one way or the other, and I'm sure that Mr. Duhamel is perfectly capable of doing that as well."

Mr. DiOrio thanked Ms. Hogan for her explanation. He then asked Mr. Lamphere if there was anything he had to add "from [his] end". Mr. Lamphere replied that at this "point, uh, in the process, there's a lot [he] could potentially say about this." He continued.

Mr. Lamphere: "Um, we're still scoping it out, as to what, you know, it's gonna be. Um, I heard Mr. Prellwitz ask a question, uh, could one of those eight lots be the affordable lot, um, if the applicant was gonna seek approval for seven lots, the twenty percent inclusionary zoning would be 1.4, which is rounded down to one, so, I guess one of them could be, one, one of the eight could be, if you're asking for seven. But, again, we don't even know at this point if it's gonna be a conventional layout, with the preference is to go with, uh, a Cluster, and, if you're gonna go with a Cluster, I would say that in our Subdivision Regulations, on Page 115, I was looking at today, is that if there's no more than seven lots in the Cluster, and the roadway is proposed to be a private road, and I believe, I believe this is being presented as, ultimately, a Town road, that could, that could have some bearing on this forty-foot right-of-way issue as well. So, but again, in our Sub[division] Reg[ulation]s right now, uh, it says that if it's no more than seven units, and a private roadway, um, that the roadway could be built to Planning Board standards. So, I interpret that to mean that the Planning Board has its power to approve a forty-foot width right-of-way here, in this case, but, that remains to be seen. So, again, those are the issues as I see, is, is it – do we want a private road? Public Road? Cluster preferably, I guess, unless the conventional's proved to be better, and then, once we figure out how many lots we're asking for, then we can apply the Inclusionary Zoning Ordinance appropriately. I think that was a great idea that Mr. Prellwitz had, is if they want to do it off-site, in another location, uh, along Main Street – I can think of a few, a few places,

um, that might be a great idea as well, so, it's up to the Planning Board what, what the Board wants to see, but I, I'd rather see these, uh, more fundamental questions answered first, before we even get there. I'd like to hear, I'd like to hear what Mr. Landry has to say, um, and this – that can all be done at the Master Plan level, when we come out for the Public Informational Meeting with the Master Plan. Master Plans change along the way before Master Plans are approved, so this is, this is really the initial introduction of this to the Town at this point, and we'll, we'll take the, you know, guidance that we've got from the Planning Board, and the applicant can do, factor that into their thinking when they come back for the Master Plan. So, we'll see what they, you know, it would be nice, as Emily [Shumchenia] said, if they come back to, with the Master Plan, with some alternate development scenarios that might be amenable to the Board.”

Mr. DiOrio thanked Mr. Lamphere for his comments, and said that he “appreciate[d] that” insight. He continued.

Mr. DiOrio: “So, I might be thinking, though, uh, unless I've misconstrued, um, I'd be thinking this is up for another Pre-Application, um, if we just focus on the issue of conventional versus Cluster. Um, I know that I would really like to get that topic squared away, uh, before we suggest that they move on to Master Plan.”

Mr. Lamphere: “Mr. Chairman – Jim Lamphere, Town Planner. I would agree. That's - in this particular case here, that's entirely appropriate, and a good way to go, I think, from the applicant's standpoint as well, to avoid a lot of wasted time, uh, preparing Master Plans, and notice – everything that goes along with the Master Plan. I, I agree with you. Another Pre-App would be appropriate on this.”

Mr. DiOrio then asked if there was “anything else” the Board “need[ed] to hear about tonight.” Mr. Prellwitz said that he had a question.

Mr. Prellwitz: “My question is the question over the forty-foot, as opposed to fifty-foot roadway. Is there any hard, concrete reason why it can't go to fifty feet, and be brought into being as a Town road? Now, this is just my opinion – I would think road maintenance over the next – however many years, would greatly outweigh the cost of making it ten feet wider. You know, if we can get the door open that way, if the Planner – uh, not the Planner, excuse me – if the developer can find a way to make it fifty feet wide, it almost seems like it would be advantageous to do that, so that the Town maintains the road.”

Mr. DiOrio: “Uh, uh, Al DiOrio, uh, Ron [Prellwitz], what, uh – I, I think I follow your, your train of thought, but, if it turns out to be a private road, the equation might not be that difficult to solve. Why, do you think there's some advantage to the Town taking over another twelve hundred feet of road, or, I'm sorry, whatever the number is? I would say no myself.”

Mr. Duhamel: “He was thinking the opposite. It's the developer that would, would, uh, benefit from private to public.”

Mr. DiOrio: “Well, forgive me, but my -”

Mr. Prellwitz: “That was my way of thinking, that the – if it was a Town road, the Town is responsible for maintenance of the road, but, if it’s a private road, all the people in that cul-de-sac are responsible for taking care of it.”

Mr. DiOrio: “And, I’m sorry – so, what’s the point?”

Mr. Prellwitz: “Well, the point was, is there any big stumbling blocks going either way? Is there not enough land to go fifty feet wide? Is it another reason why they only want to go forty feet wide?”

Mr. DiOrio: “Yeah, there’s not enough -”

Mr. Prellwitz: “It almost seems like we’re arguing over something that doesn’t really need to be argued over.”

Mr. DiOrio: “Yeah, Al DiOrio – Ron [Prellwitz], there’s not fifty feet there.”

Mr. Prellwitz: “Okay.”

Mr. DiOrio: “Otherwise, we wouldn’t be having this discussion. There’s only forty feet.”

Mr. Prellwitz: “That settles that.”

Mr. DiOrio: “I believe so.”

Mr. DiOrio then asked if there was anything else. Mr. D’Ambra asked if they could “touch on, on, on the Cluster, um, versus conventional.” He continued.

Mr. D’Ambra: “Um, I, I guess, I guess what you’re saying is we, I really have to prove to you that the conventional is better – is that, you know, how set in stone is it? I mean, do you guys want all new developments to be, to be clustered? To me, um, I live in an HOA [Homeowners Association] now, and I’m, I’m looking to, to leave that. So, if you guys said, ‘There’s no way you’re gonna have a conventional here, I, I could just try to build one house on it. I mean, I, I feel strongly against the Cluster, so, I have no problem trying to produce the documents, and, and what we could need to prove that, but, um, there’s really low, low interest in, in this becoming a Cluster. So, uh, you know, but I, you know, you guys tell me what I’ve got to do, and that’s what we’ll do.”

Mr. DiOrio: “Let me – Al DiOrio – let me give you some thoughts. First of all, you need to go back and read our Subdivision Regulations. If, if memory serves correct, the Cluster is where we’re pointing applicants, because we have some objectives that we’re trying to accomplish in our Town, and two acre lots doesn’t do it. So, that, that considered – I’m not, I, I also want to take the perspective that, uh - and I’m not trying to tell you what to do with your property, but, I am. So, there are other alternatives that you might discuss with your designer that, after you review our Cluster Subdivision Ordinance, you might take elements from that Ordinance, and meld them into your conventional subdivision. Don’t forget – you have to prove that the conventional subdivision is superior. There is a chance that you can do that. That’s the whole idea behind presenting us with the alternative versions. I’m not going to tell you that it’s easy, but, it’s not ‘set in stone’, to use your terms.”

Mr. D’Ambra: “Okay, well, then I would – whatever you, whatever, whatever those, those elements are, we, we’d welcome a little direction. Um -”

Mr. DiOrio: “I’m not designing your project. Go hunt them up.”

Mr. D’Ambra: “Okay.”

Mr. DiOrio: “The objective is to embody the characteristics of a Cluster Subdivision in your proposal. To the extent that you can do that, the chances of your garnering the

Planning Board's support increases. To the extent that you fail, chances are you're going to be directed to do a Cluster Subdivision. Am I being explicit enough?"

Mr. Duhamel: "Uh, I understand. I understand what you're looking for, um, Mr. Chairman, so we'll, we'll meet, we'll go over it."

Mr. D'Ambra: "Uh, well, I, I could use a little more clarification. When you said 'two acre lots just, just don't do it', what, what did you mean by that?"

Mr. DiOrio: "So, shall we talk about -"

Mr. Duhamel: "Are you considering buffers?"

Mr. DiOrio: "Want to talk about design philosophy here? Listen, you show, uh, if I look at your property – if you take Lot #8, just for an example, all I see here is someone cutting – coming in and clear-cutting this lot to put their house in. They're moving down from another part of the State. Their idea of a piece of property is every tree is cut down, okay? So, that doesn't do it for our community, and that's why we're trying to move away from conventional subdivisions. They don't – they don't protect the characteristics of our Town – necessarily. Again, there are elements that you can incorporate that would accomplish that, but you're not doing it in a conventional subdivision. See where I'm coming from? Long pause. So, if your idea of a conventional subdivision is to come in and clear cut every lot so you can put your house on it, that's probably not what this Planning Board is going to approve."

Mr. Duhamel: "So, we'll, we'll look at buffers to the lots, on individual lots, and, uh, try to have an alt-, a few alternatives that the Board, the Board might support, as opposed to a full Cluster, with narrow, uh, one acre lots."

Mr. DiOrio: "So, I would still suggest, and Planning Board members, please, uh, feel free to add – you still need to come in with a Cluster Subdivision – but then, if you also wanted to come in with an alternative, to try and sway us, to get over this 'superior', I, I'm prepared to at least take a look at it. I'm speaking for myself."

Ms. Shumchenia said that she would "agree", and that she thought that there were "some creative things that could be done", as the applicant has "a lot of space." She continued.

Ms. Shumchenia: "Um, some alternative layouts, in various configurations – I, again, I echo what Al [DiOrio] said about reading the Cluster Development section of the Subdivision Reg[ulation]s. It's – it talks about open space, and some of the priorities that the Planning Board's looking for preserving in new developments here."

Mr. DiOrio asked the applicant if the Board had given them "at least some ideas, as [the Board] should in our Pre-Application discussion." Mr. D'Ambra replied.

Mr. D'Ambra: "Yeah. Yeah. I mean, I, I, as a developer, would, would rather trade no-cut buffers for sidewalks, open space, park, whatever, um, you know, I, I, I'd like to be free on a lot that I have to do, to do what I want, um, and that has a value when I go to, you know, sell other lots to, to other people. Like I said, I'm coming from an HOA now, and I have all that, and it's, it's, it's the reason I'm looking to, to make a move, so -"

Mr. DiOrio: "I understand."

Mr. D'Ambra: "So, we will, we will generate a, a plan with some mixed-in features, and we'll, we'll see what, see what you guys think of it."

Mr. DiOrio: “There we go. Very good.”

Mr. DiOrio then explained that as it was a Pre-Application meeting, the Board would not make any motions or render any decisions. He said that as long as the applicant was “walking away with some solid direction”, and that Mr. Duhamel “[understood] exactly where we’re coming from”, he thought that the Board had “done [their] job”. He then told the applicant to “be in touch with the Planner with regards to scheduling a second Pre-Application”. Mr. Duhamel and Mr. D’Ambra thanked Mr. DiOrio and the Board, and he thanked them in return.

SOLICITOR’S REPORT:

Appeal of Revity Energy, LLC. – Update.

Mr. DiOrio stated that there was a Solicitor’s Report. Ms. Hogan then spoke before the Board. She said that, “presumably”, the Board had received a copy of the Revity Energy, LLC. appeal memo that she had “filed on the Board’s behalf, uh, with the Zoning Board of Review.” She said that there were also some extra hard copies available to the Board. She continued.

Ms. Hogan: “Um, that matter was supposed to be heard last week, uh, but it was continued. They didn’t have, um, a quorum at the Zoning Board of Review, so that has been continued to, uh, a future date, and I don’t have it off the top of my head, but, it’s, um, in the next few weeks.”

Response to Planning Board’s inquiry concerning access to Comolli solar project.

Ms. Hogan moved on to the next portion of her report.

Ms. Hogan: “Um, there was an inquiry last month, when you were talking about the Comolli solar project, um, in regards to, uh, the front condominium unit, and whether it could be used for access to the middle unit, which is proposed for the solar project, so, um, I looked at that matter. I’ve prepared a memo, and, as you know, it has been – it was my recommendation that the matter be referred to the Zoning Official for determination, and I believe Jim [Lamphere] has sent that along to the Zoning Official. Um, I do not know, uh, when to expect a response in that, uh, but I also have, um, scheduled a, a meeting with the Town solicitor’s. Uh, we haven’t actually formally met ourselves yet, but we’re going to do a Zoom on Monday, and there’s a couple of items that we want to touch base on, that being one of them. Um, Jim [Lamphere], have we heard back from the Zoning Official, or I’m assuming no?”

Mr. Lamphere responded that he had discussed the matter with the Zoning Official, and that he “believe[d] we’re going to be looking for some guidance from our solicitors on this.” He said that “off the top of [his] head”, there were “four questions that were, that [Ms. Hogan was] asked there”, and that he believed that on “three of them, we, we agreed the answer is no, and one was a yes.” He said that, based upon the “informal discussion”

that was had, he “would say it’s probably going to be a tough, a tough road, um, for them to have access across there.” Ms. Hogan said that she would “follow up with the solicitors” on the scheduled Zoom meeting, but “once, uh, that’s concluded, and, uh, they’ve given whatever advice they need to give to their Zoning Official, then I suspect that matter will move along, um, and we’ll have an answer at some point.” She continued.

Ms. Hogan: “Now, the important point of that memo really is that zoning matters are not within the jurisdiction of the Planning Board, um, and nor do, nor can we be coaxed or pushed, you know, into rendering zoning decisions – it’s not, it’s just not our jurisdiction, and so, you’re going to see that recommendation again. There’s another one, perking along here, where the recommendation is that it may need to go to Zoning for a determination, um, but, you know, it’s really important that we stay in our lane, um, and one of the cases we’re gonna talk about tonight sort of talks about that. Actually, it was the case that we just, we talked about at the last, um, the last application that was just before us, the matter that had gone to the Court. Um, you know, there, it said that the, the Planning Board, you know, that – pardon me, the Zoning Board – had had no authority to limit the subdivision of a parcel, so the Zoning Board had stepped out of its land into the Planning Board’s lane, and so it’s very important that we stay in our, our respective lanes, because once you act beyond the scope of your jurisdiction, it’s illegal. So, um, you don’t want to do that.”

Recent Superior Court Cases of interest:

Davis v Town of Exeter, et als, C.A. No. WC-2019-0228, decided January 13, 2021. <https://www.courts.ri.gov/Courts/SuperiorCourt/SuperiorDecisions/19-0228.pdf>. Discusses the doctrine of exhaustion of administrative remedies.

Ms. Hogan then explained that she had sent two Superior Court cases to the Board for their review. She said that they were not related to Hopkinton, but that she “thought [the Board] could take a few minutes every meeting or every other meeting just to give [the Board] like, um, you know, Land Use 101, Land Use Law 101”. She said that the Board “may already know these issues”, and that she apologized if she was “telling [the Board] something [they] already know”, but that she “thought it would be helpful to, you know, bring land use cases that, that, um, may have some bearing on the things that come before [the Board] from time to time.” She explained that the first one had been decided in January, and “the legal issue that was discussed was the exhaustion of administrative remedies”. She continued.

Ms. Hogan: “And, um, this was a case where a fellow had basically plowed through a road, was claiming rights to use it, etcetera, etcetera, and then, when the town shut him down, he sued the town, and the town’s defense to the case was, ‘Hey! He never even applied for this road opening, and so he’s – it’s prematurely before you. He has to - what’s known as exhaust his administrative remedies, um, at the lower level before he can come to court’, and the court agreed, and said, ‘Listen, you didn’t apply for a road, so you haven’t been denied, and so, basically, you’re not harmed yet – you just, you know, kind of went off half-cocked, and, and didn’t, um, follow the proper procedure.’ So, it’s

really important for folks to exhaust their administrative remedies, um, at a, at the, at the administrative level before they have standing to appeal something, or to file suit in the Superior Court.”

She asked if any Board members had any questions after reading the case. As there were not any questions from the Board, she continued to the second case.

Donatelli v Town of South Kingstown Zoning Board of Review WC 2019-0107, Decided October 30, 2020. <https://www.courts.ri.gov/Courts/SuperiorCourt/SuperiorDecisions/19-0107.pdf>. Deals with recusals and the importance of timing of Board member recusals.

Ms. Hogan explained that this case was “a little unusual”, and that when she had first read it, she thought that the point was “the importance of recusing early”. She said that after she read the case again, she no longer thought so. She explained.

Ms. Hogan: “So, this is the Donatelli case, and this was also just recently decided in October, um, by the Justice that is actually still sitting in the Superior Court in Washington County, and in this case, um, the Zoning – this was a Zoning Board case – and the Zoning Board is required to have five votes. So, the Planning Board doesn’t necessarily have that – it’s not a statutory requirement, so, if you had four members that showed up one night, as you did recently, a few months ago, um, and, um, you could have had a three-to-one, you could have had a four-to-zero, and those would have been satisfactory, but with a Zoning Board, statutorily, they are required to have five voting members, which is the reason why the Revity Appeal, that I mentioned at the beginning of the report was not able to be heard because they didn’t have five voting members. So, that’s required by state statute. So, in this case, what happened was, uh, they got to the point of, of voting on the application, and one guy said that he wanted to, he wanted to recuse, and he probably should have said abstain, but he said, ‘I want to recuse’, and it was, ‘Well, why do you want to do that?’, and he said, ‘I’m conflicted.’ And when I first read this case, I thought he meant, like, he had an ethics conflict, and he had to actually recuse. When I read the case again, I thought, ‘I think what he was saying was, ‘I’m conflicted. I don’t know which – I don’t know how to decide this case, and, you know, I have some feelings this way, some feelings that way’, and so, what, what happened was the solicitor was saying, you know, ‘You gotta vote. We need five votes. You gotta vote’, and so he voted, and the Superior Court said, ‘Nope. When you said, ‘I’m recused’, that was the end of it, and you voted illegally, and there should have, you know, you should have had a – basically, Zoning Board, you should have an alternate there for this purpose.’ So, I, you know, it’s one of the things we talked about early on, was the importance of having alternates, and the importance, of course, nor recusing at the end of a hearing. If you have a reason to recuse – if you have an ethics reason why you cannot participate, you have an obligation to disclose that early on in the process. So, when I first, like I said, when I first read this, I was like, ‘Jeepers. That’s so basic. Why wouldn’t you have recused earlier?’ and then I read it again, and said, ‘Oh – he didn’t mean ‘conflicted’ in the sense that I need to recuse ethically – it was ‘I’m conflicted – I don’t know which way I should go on this case.’ So, anyway, that’s, that’s, uh, Law School, Land Use 101 for tonight, and, um, you know, like I said, we’ll, we’ll periodically do a

couple of these. Uh, if you have any particular questions about land use, or, um, your regulations or anything you'd want me to address in the future when we have a light night like tonight, I'm happy to do so with the Chairman's, um, permission, and certainly, I will update you, um, on any cases that we're involved with, with litigation. Hopefully there're not too many of those. Um, it was – I would, and I would also say, I commend all of your for, um, the time and energy that you put into, um, this Planning Board, and the applications that come before you. Uh, when I took up the Revity appeal, I needed to, I got the big box from Jim [Lamphere]. I had to read the big box, understand the big box, and then write the brief on the big box, and, u, you know, some of those minutes went on for fifty pages. Um, you had some very long, extensive hearings, and you really, um, you should be commended for the amount of time and energy you put into it. Hopkinton's lucky to have all of you – and that's all I have.”

Mr. DiOrio thanked Ms. Hogan, and said that he thought that “Land Use 101” was “a great idea”, and that he knew she was “on top of this stuff every day”. He then commented on the last case that had been discussed. He said that he, too, “had to go back and read it twice”, and that he was “still topsy-turvy over what transpired there”, and that he agreed that that case “was a very unusual one”. He again thanked Ms. Hogan for “bringing both of these to [the Board's] attention.

PLANNER'S REPORT:

Mr. Lamphere did not have a report.

CORRESPONDENCE AND UPDATES:

There was not any correspondence and there were not any updates.

PUBLIC FORUM:

Mr. DiOrio asked if there were still any attendees in the audience. Ms. Jalette said that there were. She then stated that she was going to read off the last four digits of the phone number of the caller in question, and then asked the caller to press *6. She then asked them to state their name for the record.

The first caller was Joe Moreau, of Old Depot Road. He teased Mr. DiOrio for suggesting that the remaining participants had left the meeting, and Mr. DiOrio responded that he knew that Mr. Moreau “would be out there” in the audience. He then spoke before the Board.

Mr. Moreau: “I want to, uh, compliment the Chair. I also want to compliment the Planning Board members, as our solicitor pointed out, for the work that you guys do, especially tonight, uh, where you guys really have held your cool, and try to calm the situation. Um, I like the idea that the solicitor mentioned, uh, and I read them today, about the court examples. I think it's a good training tool. Uh, I know the Town Council is working on having the Chief of Police, for example, give a report, and kind of give us

an update on what's going on in our Town. Um, one thing that I've been trying to get a clarification on, and maybe the, uh, solicitor could look into this for us – is Title 42, State Affairs and Government, which is Chapter 42-46, Open Meetings, Section 42-46-6. Again, I think it's a good training tool, especially when there's new residents, new folks on the Boards and Commissions that, 'What can I say? What should I not say?', so that we all learn, and I think that might be something that we could get some training assistance on that, when we have time during our agenda, but, again, thanks for what you guys do, and I appreciate your help. Take care."

Mr. DiOrio thanked Mr. Moreau for his comments. Mr. DiOrio asked if there were other members of the public who wanted to make comments during Public Forum. Ms. Jalette replied that there were, and she asked the next caller to state their name for the record after pressing *6. The next called was Eric Bibler, of Woodville Road.

Mr. Bibler: "I just wanted to note that, um, I sent a letter to all of you to – on the Planning Board – to the Chair, and everyone on the Planning Board on January 6th. I know this, um, this project is not a topic of discussion tonight, but I highlighted a number of very significant concerns on the, um, Comolli project, over and above this issue with the road, and, I'll just pick one issue, and I'll tell you what I'd like the Planning – I'd like to ask the Planning Board to do about it. In the Town Council Hearings, um, I did ask the question whether or not, uh, this is an unusual situation. It had three land condominium units, and I did ask the question whether, um, it would need to do – it would require a land subdivision from your Board, from the Planning Board, because a condominium unit is, um, is not the same as a lot, um, and in fact, I took the trouble of going to Town Hall, and getting the condominium declarations, and I sent you a link to those, and these three land condominium units all share, uh, ten feet of property, you know, around the perimeter. So, um, I did ask the question in the, um, and I had asked through the Chair that the, uh, Town Solicit-, the former Town Solicitor address it, he declined, and the President of the Town Council instead invited the applicant to give the applicant's attorney to give her opinion, but what really matters for the Planning Board is to determine whether or not a land subdivision is required, um, to split zone this lot into two residential units. You know, the road goes over one of them, you just discussed tonight, and one that would have been rezoned Commercial Special. So, um, I know that the Planning Solicitor does not work for me, and my requests don't really mean anything unless some member of the Planning Board reviews that letter that I sent on January 6th, and decides that it merits, you know, further inspection, so, I would, I would, please, um, beg, beg you to take a look at that and decide whether or not these issues need resolution. Um, Solicitor Hogan also mentioned, in a different context tonight, um, possible requirement to, um, following this procedure known as precedence of approvals, which is invoked – which is required under state statute and also in our Subdivision Regulations – in certain situations that involve the Planning Board and one other Board. So, it could be in the instance cited tonight – the Planning Board and the Zoning Board, but it can also be the Planning Board and the Town Council. So, the reason I mentioned this is that, um, the Comolli project was, uh, obligated, was required to follow this procedure, on precedence of approvals. It was required to get an Advisory Opinion on the consistency with the Comp[rehensive] Plan. You did that. The Planning Board reviewed it, and issued

an adverse Advisory Opinion, saying it is – by unanimous vote, that it’s not consistent with the Comprehensive Plan. It was supposed to go next to, back to the Planning Board for Master Plan approval. That didn’t happen. Instead, it went to the Town Council, and the Town Council granted, uh, a conditional zoning approval. Now, the reason why that’s a big issue is – if you read your Subdivision Regulations, um, Number 1, um, under Article 3.2.2, it clearly states that you have to follow this precedence of approvals procedure, but, the other point on interest here, which I think you need to settle before this, uh, project comes before you is, on any development proposal that you review, uh, and, and, uh, issue an opinion on, uh, you cannot, uh, under the Subdivision Regulations, under 3.5, you cannot approve it unless you make certain, um, required findings. There’s required findings you’re required to make, and the very first one is 3.5.1 – the proposed development is consistent with the Comprehensive Community Plan. So, you’ve already found that this project is not consistent with the Community Plan. It’s gone to the Town Council, which gave conditional zoning approval anyway, and now it’s back to you, and I don’t think that the Planning Board necessarily has to, uh, agree with the Town Council’s opinion on the consistency of the Compreh-, with the Comprehensive Plan, but, in any case, it’s sort of a mess, so, you know, my question then is – what does the Planning Board do when this comes back to you, out of order. Are you now obligated to somehow make a required finding that’s completely contrary to the finding that you already made on the consistency of the Comprehensive Plan? Um, could you simply reject it, because you still think it’s not consistent with the Comprehensive Plan? I don’t know, but, um, this is not the first time that this has happened, and I think we got to get it straight, and, um, I think for that, you’re gonna need an opinion from your, uh, Planning Board Solicitor. So, I raised a couple of other issues in that letter. Um, I think it’s very important that you get to the bottom of it. Um, tonight, we’ve already seen in, um, Solicitor Hogan’s, um, opinion to you, or, I guess she summarized her, you know, her findings on Revery, and you’ve been informed tonight that the – in her interpretation, that the minimum setback between Commercial structures on a solar project and the boundary of the Residential Zone is one hundred feet. Um, I can give you a list of projects in Hopkinton where our former Town Solicitor, and Town Planner interpreted our Ordinances to mean that the minimum boundary to the Residential Zone from structures on solar projects, um, is twenty-five feet, so, um, as the Solicitor said, in this discussion about setting precedents, every application, every application stands on its own. Just because you got it wrong before doesn’t mean that we should keep – I mean the Town got it wrong, I don’t mean to personalize it – but, you know, just because the Town got it wrong previously doesn’t mean that we should continue repeating the error, and, I think it’s really important to get this right because, really, all you have to do is travel over to the Maxson Hill site, where the developer cut all of the standing trees, up to twenty-five feet of the abutter’s stone walls with just catastrophic consequences, and, uh, it turns out that the abutters were right about that. They deserved to have a hundred-foot buffer. That was violated. Now their living it, with it, and there are several projects in, uh, Hopkinton not just that one, that fit that description. So, I, I, in closing, um, I know we can’t, you know, it’s not right to discuss the project, but I just want to refer to my letter. I want to ask that some member, preferably the Chair, refer that letter to the, um, the Town’s, to the Planning Solicitor, and ask that these, these questions be resolved before we go into a

hearing, uh, and don't know what to do with them. I think it's going to come up on other issues, other projects as well. Thank you."

Mr. DiOrio thanked Mr. Bibler, and asked if there were any other members of the public who wanted to speak during the Public Forum. Ms. Jalette replied that there were not. Mr. DiOrio read the date of the next meeting, and asked for a motion to adjourn.

DATE OF NEXT REGULAR MEETING: March 3, 2021

ADJOURNMENT:

MS. LIGHT MADE A MOTION TO ADJOURN. IT WAS SECONDED BY MR. PRELLWITZ.

IN FAVOR: DIORIO, PRELLWITZ, LINDELOW, LIGHT, SHUMCHENIA

ABSTAIN: NONE

OPPOSED: NONE

5-0, MOTION PASSED.

THE MEETING WAS ADJOURNED AT 9:02 P.M.

By: Talia Jalette, Senior Planning Clerk, 2-17-21