

**TOWN OF HOPKINTON
PLANNING BOARD**

WORKSHOP

**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 Hopkinton Planning Board Workshop to order at 6:00 p.m.

MEMBERS PRESENT:

The workshop was conducted remotely. Town Planner Jim Lamphere, Senior Planning Clerk Talia Jalette, and Planning Board Chairman Al DiOrio were the only people present in the Council chambers. Members Emily Shumchenia, Carolyn Light, and Ron Prellwitz participated via Zoom, as did Planning Board alternate John Pennypacker and Town Council Liaison Sharon Davis. Planning Board Solicitor Maggie Hogan was also present. Planning Board member Keith Lindelow, and Conservation Commission Liaison Deb O’Leary did not attend the workshop.

DISCUSSION:

Forestation Policy and Agreements for the Community, as requested by Planning Board member Carolyn Light.

Mr. DiOrio explained that the only item on the Board’s agenda was the continued discussion of Ms. Light’s requests. Mr. DiOrio asked Ms. Jalette if Ms. Light was in the audience, and she replied that she was. Ms. Light then spoke before the Board. Ms. Light said that the “first thing” she wanted to do was ensure that the Board had “receive[d] the document that [she] sent, uh, during the last Planning Board” workshop. She continued.

Ms. Light: “Um, without going through it step by step – I don’t think we need to – I guess what I’d like to know is what’s everybody’s thought on, on the concept at this stage?”

Mr. DiOrio said that he would “entertain comments from the Planning Board members in attendance”, and that they were “looking for a status report.” When they did not hear from the rest of the Board members, Ms. Light joked that there was “nothing”, and then asked if they should “move on to the conservation efforts” aspect of the discussion. Ms. Shumchenia spoke first.

Ms. Shumchenia said that the “lack of, uh, comment was we, we had to request to be unmuted, Carolyn [Light]”, and that “it wasn’t because we didn’t want to talk about your thing.” Ms. Jalette interjected that the Board was “working in a webinar format”, and that she had met with Chris Scheib, the Town’s IT personnel to review the new aspects of that program, but that some aspects may still be a little “clunky”. As Ms. Jalette was explaining the webinar situation, Mr. Prellwitz was engaged in a coughing fit. Ms. Jalette jokingly asked if he was “going to make it”, and he replied in the affirmative. She said that she was “glad to hear it”, and then apologized to Ms. Shumchenia for interrupting her. Mr. Prellwitz jokingly retorted that he was not. Ms. Jalette then asked Ms. Shumchenia to proceed. She did.

Ms. Shumchenia: “So, all I was gonna say, um, about this topic was, um, you know, the document that you sent, Carolyn [Light], is really quite extensive, and I admit, I haven’t gone through it with a fine-toothed comb. Um, my impression is that we might have some low-hanging fruit in the existing Land Development and Subdivision Regulations, where we have opportunities to do some of the things that this draft that you sent accomplishes, within, sort of, our existing framework, um, instead of creating something entirely new, as this document seems to suggest – and, correct me if I’m, if I’m mistaken there, but it seems like this would, this is a draft for basically, like, a new ordinance, like a forest conservation ordinance -”

Ms. Light: “Mmm-hmm.”

Ms. Shumchenia: “Um, and so, given that that’s a complex undertaking – maybe it’s not more complex than amending the Land Development and Subdivision Regulations – I’d like to hear some input on that, but, um, my impression is there are certain places in those existing Subdivision Reg[ulation]s where we could potentially just beef up, or insert of the things you’re trying to do with this ordinance, and so, hearing from you, what are the main objectives that you want to, you want to achieve with this ordinance would be really helpful, um, especially if you do want to take, maybe a lower effort approach – and this is not to diminish the amount of effort you put into it, or the amount of effort that’s required to see it through to, uh, an approved ordinance stage – but, um, can, can we accomplish some of it with some amendments, and then reassess, and say, ‘Is, is an ordinance something that we do want to entertain?’, if it’s, if it’s not sufficient going the amendment route. That – those are my thoughts.”

Ms. Light responded.

Ms. Light: “Okay. Um, and my, my response to that is I, I’m a fan of low-hanging fruit, so, you know, the intention, um – my intention for bringing this to the table is so that, uh, we’re a community that is incented to preserve our trees and our forests and our landscaping and whatnot. We’ve got to maintain this rural character, and I don’t think we push hard enough inside the existing ordinances, um, to, to do that, and to cover our bases. Uh, the long-term objective, uh, isn’t just a Hopkinton issue, uh, the way I see it. It’s, it’s a global issue, but I’m only worried about what we’re doing here, and we don’t – we, we neglect the actual conditions of a lot of the clear cutting that’s actually going on in the State. Um, I don’t have a list of endangered trees. I haven’t been able to find one in Rhode Island. I could get a list of champion trees, but what, what, I, I’d like us to be able

to do is to recognize what we do and do-, don't do well while we're authorizing clear cutting of acres and acres of forests. Um, incenting people to pay attention to some type of guidance is what I would like to see happen. If there are excerpts from this document that we can insert into existing, uh, reg[ulation]s, I'm, I'm all for it. I, I don't want us to have to extend this effort any longer than we need to, if the general consensus is that there's a better, faster, smarter way to get it done. So, uh, that, that's the kind of feedback that we should focus on, and, um, you know, if, if we can get the rest of the Board to, uh, chime in, along the same lines that Emily [Shumchenia], uh, just brought to the table, I'd, I'd like to, to hear where we go. Do we have some consensus there?"

Mr. DiOrio responded. He said that he "very much like[d] the idea of working within the existing framework to the extent possible, uh, for no other reason [than] that the framework is there." He said that "creating a new mechanism is, uh, always more complicated", though, "that said", he did not "want to, uh, dilute, uh, Carolyn [Light]'s efforts here." He continued.

Mr. DiOrio: "So, how about this as a strategy. How about if we start with retooling some existing language – let's then stand back, take a look at it, see if it accomplishes Carolyn [Light]'s objective, and if it does, let's kick it forward. If it doesn't, maybe we can go back and do a little bit more work on the existing language until we get it to the point where everybody's happy. What do you think?"

Ms. Light: "I think that's a, a great opportunity for us. Um, I, I'd also like to keep in mind that the conservation, the, um, design conservation efforts. Uh, maybe we could have those discussions together, and, and, and, you know, bring, bring us some that, some of that into the fold, or is that truly, uh, an independent discussion that needs to be had later?"

Mr. DiOrio: "Um – I, you know – Al DiOrio, so, my, my perspective on the whole Conservation Development idea is that this is a departure, a significant departure from the way we do business today, and, if we want to go there, that's perfectly okay, but I think that's gonna take significant effort."

Ms. Light: "Okay. Okay."

Mr. DiOrio: "That is not to say that we can't take elements of that concept, and get them into our existing Ordinance, but, keep in mind, I don't think – it's not the same. So -"

Ms. Light: "Okay."

Mr. DiOrio: "Again, I'm just thinking, let's try and work within the existing framework to the greatest extent possible, and then, at some point – listen, if the community decides that Conservation Design/Development is the direction that they want to move in, then let's, let's open that can, sure."

Ms. Light: "Okay. Alright. So, uh, how do we get there? I, I – we haven't heard from Keith [Lindelov] and Ron [Prellwitz] or John [Pennypacker] either."

Ms. Jalette interjected that Mr. Prellwitz was in attendance, but Mr. Lindelov was not. She also noted that Mr. Pennypacker was also in attendance. Mr. Pennypacker said that he was "happy to weigh in".

Mr. Pennypacker: “Um, again, I haven’t gone through either of these documents with a fine-tooth comb, um, and I know that I have to – it’s, it’s just a lot of it. Um, but at a high level, the concepts, I agree with, um, wholeheartedly. Uh, preserving the rural character of the Town, um, saving the forests that we all moved here for, that’s high on my list, and, so, I’m, I’m behind it, and I’m with you, um, and I also agree if it has to be a phased approach within, uh, existing frameworks, then let’s knock it down into small phases, and do it bit by bit.”

Ms. Light: “Okay. Alright. Um, John [Pennypacker], just, so, so I can give you – my true background on this was, uh, you know, during, um, the noisy, uh, solar hearings that were going on throughout the Town, uh, some, some are still going on, I guess, uh, it was noise of the neighbors, and we heard a lot of noise about the trees and the no-cut zones and all of that other stuff, and I was inspired to take their complaints into a positive direction, and said, how, how can, how can we take those concerns off the table when these matters come to the Planning Board or the Town Council. So, that’s ultimately, ultimately what spawned my, um, motivation to, to bring this to the table the way it is.”

Mr. Pennypacker: “I - and I completely agree. I, I, I’ve also witnessed the same, the same unrest, and, and, uh, I guess discomfort that residents have, and if we can make sure that that planning happens in a way that is going to please the residents, I think it’s a, a, a good move.”

Ms. Light: “Yeah, in conjunction with our Comp[rehensive] Plan, as well, um, I, I, uh, I guess, I guess we’re good to go – and Ron [Prellwitz] doesn’t have anything to offer? Um, you know, I – Al [DiOrio, what would your approach be? Should we lean on some things that Emily [Shumchenia] said? She’s got specific places in the Reg[ulation]s where she’d like to see some, uh, content, exploited, um, and, uh, um, address some of the issues that we’re looking at, with this document that I brought to the table.”

Mr. DiOrio replied that Ms. Shumchenia had “invested some time here”, and that his “suggestion would be – let’s take a look at her document.” He continued.

Mr. DiOrio: “Let’s see if, uh, the insertions that she’s proposing makes sense, and, you know, let’s, let’s start there.”

Mr. Prellwitz began to interject, and Mr. DiOrio replied that he’d “like to hear from Ron [Prellwitz] if he’s got something to say.” Mr. Prellwitz then spoke before the Board.

Mr. Prellwitz: “Yeah, this is Ron [Prellwitz]. Uh, I’d just like to throw my two cents worth in here. This is a, a good thing that we’re, we’re trying to accomplish here. First of all, John [Pennypacker] came up with an idea – he said because of the ‘rural character’ is why we ‘moved here.’ Well, I can’t get on that boat because I didn’t move here - I was born here. I’ve been here sixty-nine years -”

Ms. Light: “Woo-hoo!”

Mr. Prellwitz: “Uh, and the next thing is – maybe we should look at the old document, and see what we don’t like about it, instead of going through the whole, multi-page – I don’t want to use the word ‘fiasco’ – it’s not a fiasco, but go through the whole multi-page document, and pick out the parts that need to be addressed, instead of just changing over to a whole new operation.”

Ms. Light: “Yep. We’re with you, Ron [Prellwitz].”

Mr. Prellwitz: “I mean, Carolyn [Light], Carolyn [Light] and Emily [Shumchenia] have done a great amount of work, headed in a great direction. Let’s not get off the course, and pick out what we don’t like about the old one, keep the things we do – just kind of fine tune it, and come up with something that’s gonna work and benefit the whole Town.”

Ms. Light: “Okay.”

Mr. DiOrio: “Oh, Ron [Prellwitz] – Al DiOrio, again. Just to be clear – when you start talking about the ‘old document’, are you suggesting that we go back and look at the proposed amendments of May 2006? And take out the things we don’t like?”

Mr. Prellwitz: “Well, the document that is in question – this is Ron [Prellwitz] again – that document that is in question, and I use those words, ‘in question’, is, is the reason that this other wording is being brought forward. So, there’s got to be some reason why the wording is being brought forward. Do we want to just junk the whole thing? Do we want to just pick out the things we don’t like? Do we want to fine-tune them? You know, I, I would think that’s – that would be our goal, to see what’s what and who’s who, and work on it that way.”

Mr. DiOrio replied that “this is a little bit different than what [he] envisioned here.” He said that if Mr. Prellwitz was “referring to the May 2006 document, [he] had the opportunity to go through that again”, and that he had “ran out of highlighter ink, scratching, scratching out the things that [he] didn’t like.” He continued.

Mr. DiOrio: “I don’t want to go back to this document. It’s, it’s intense. I would much prefer to springboard off of Emily [Shumchenia]’s – sorry, Emily [Shumchenia], I don’t have a date on this - but the three- or four- or five-page document that she has provided for this evening’s workshop. That would be my proposal. Let’s take a look at that language, see if we can legitimately insert it into our existing Reg[ulation]s, stand back, take a look at it, see if it works.”

Mr. Prellwitz asked how the Board members would “get the opportunity to look at” Ms. Shumchenia’s document. Mr. DiOrio replied that it “should have been in [his] packet”, if he was “not mistaken.” He asked if he was “incorrect.” Mr. Prellwitz said that he was going to “go over” his packet again to see if he had “overlook[ed] something”. Mr. DiOrio encouraged Mr. Prellwitz to “take a few minutes” to engage in that activity. Mr. Prellwitz encouraged the Board to not “hold up” the discussion on his account. Mr. DiOrio asked the Board members if they were “okay with moving forward with this idea.” Ms. Light replied, “Absolutely.” Ms. Shumchenia also replied in the affirmative. Mr. DiOrio then said that as Ms. Shumchenia “took the initiative here”, which he appreciated, and that she had “put together a document”. He asked her if she “want[ed] to just, uh, lead the charge on this.” Ms. Shumchenia again replied in the affirmative, and began to speak before the Board.

Ms. Shumchenia: “Sure. So, the sort of impetus for this was – at our last workshop, we ended the conversation by saying, ‘How many more workshops do we want to have on this topic?’ We were kind of having fairly open discussion about forest conservation, and we had read the materials about Conservation Development, and we didn’t really have a

sense of direction about where we, as a Board, were going to go, and I believe it was Al [DiOrio] that sort of recommended, um, okay, first, we had to look at Carolyn [Light]'s document – a lot of us hadn't seen it at that point, so, let's – for the next meeting, let's send out Carolyn [Light]'s document, and I'll take a look at it, and then, second, um, because I had expressed some specific ideas, Al [DiOrio] asked that I take a look at the Conservation Development drafts from 2006, and kind of investigate if there is a way to insert some desirable elements of that into our current Subdivision – Land Development and Subdivision Regulations, or other, other ways that we could just take out the pieces that we like, and insert them in existing regulations, and so, I'm kind of, you know, read-, no, I'm not reading, but I'm, uh, talking about my notes and context session, section, in the document that's on Page 1. Um, the 2006 drafts had proposed changes to the Land [Development] and Subdivision Regulations, to the Comprehensive Plan, and to, um, the main Zoning Ordinance for the Town. I kind of just took the Comprehensive Plan amendments part, and the Zoning Ordinance, and put it aside. I focused all of my attention on the Land Development and Subdivision Regulation, and were there things, in that document, that looked like places of opportunity to insert some Conservation Development language. I also acknowledged that the, the phrase, or the term 'Conservation Development' might be kind of like, a trigger term for a lot of people, and, if they saw that in the Land Development and Subdivision Regulations, they might – developers might not like that, and might not read anymore, or think about developing in the Town or whatever, so, I didn't seek to insert those words into our Regulations either. Um, so, I simply just went through that – the existing Land Development and Subdivision Regulations document that's on the Town's website, um, and looked for places where we could insert some of that Conservation Development stuff. So, I found, first, right off the bat that in Article III, which is, um, just this 'Procedural Overview' is what it's called in the Subdivision Reg[ulation]s, um, there was a section called 'Alternative Development' – 'Where deemed possible and practical, the Planning Board may require the submission of appropriate plans to demonstrate the feasibility of creating other types of subdivisions. If the Planning Board determines that such an alternative development is in the best interest of the Town, the applicant may be required to develop the property in an approved alternative fashion.' I interpret that to mean the Planning Board could require, at least, the consideration of plans that, for example, maximize open space. We could ask a developer to provide, to provide us with that type of plan. Um, in our current Subdivision Reg[ulation]s, this is kind of like a Cluster subdivision, instead of a conventional subdivision, so we already have a section in the Subdivision Reg[ulation]s that talks about clustering development, clustering homes or houses or whatever buildings -"

Ms. Hogan: "Excuse me -"

Ms. Shumchenia: "In one part of a property, and leaving open space in another part of the property, and that's a lot of what the Conservation Development sought to do as well."

Here, Ms. Hogan interjected. She explained that the Board had a "little bit of a point of order here, that we need to focus on." She continued.

Ms. Hogan: "I'm reviewing the agenda for tonight, and it says a discussion on the 'forestation policy and agreements for the community, as requested by' Carolyn Light.

So, to the extent that we're going off of a forestation policy, into other areas, I'm not comfortable that that's adequately noticed on this agenda."

Mr. DiOrio then asked Ms. Hogan a question.

Mr. DiOrio: "What if I were to suggest that we were making our way toward reforestation? Does that get us back under the umbrella, or have we already strayed too far?"

Ms. Hogan: "Um, I'd say you've, said you've gone over the line, presently, because we're talking about, as I am understanding the conversation, Conservation Design, and amending Subdivision Regulations, and, um, that was not noticed to the public."

Mr. DiOrio: "Okay – let me phrase that a different way. Okay, so, Carolyn [Light]'s got – I'm gonna do some paraphrasing here – Carolyn [Light]'s got this idea of reforestation, which, stated another way, is striving to protect our natural resources. Conservation Design, at its root, seeks to do the very same thing – construct development around natural resources that are deemed worthy of protection. So, to the extent that we might consider revisions to our Subdivision Regulations, that get us close to that target – I don't necessarily see us getting too far afield, as long as we eventually circle back to the concept of protecting the natural resources. So, I, I may – I don't want to talk you out of a perspective. If we've gone too far, we've gone too far, but that's the way I'm looking at this."

Ms. Hogan: "It was a valiant effort, Al [DiOrio]."

Mr. DiOrio: "Oh!"

Ms. Hogan: "Valiant indeed. Um, so, um, as I've indicated to you, and, and it's probably a good time for the Board to know – I, I pretty much am going to jump in there when I see you guys going afield, so to speak, um, and straying off of forestation policy, which is a document that we've received, um, and, presumably, would have been available to the public to review. Um, that's the only thing that's on this agenda, and it's unfortunate – if you would like to discuss other things – but you really can't. Um, I think you could say, um, the things that you've said so far that, okay, you know, 'Can we possibly insert some of this stuff into Subdivision Regulations?' That's fair game, but, as we're getting into specifics of, you know, this particular element of the Comprehensive Plan, as it pertains to these kinds of issues – whoop! – we're gone off the track. We're not talking about a proposed forestation policy any longer, um, and I, you know, if you're going to have a continued discussion on this matter, you might want to, um, include some additional bullet items on here, um, including, you know, how do Subdivision Regulations get amended, vis-à-vis, how do we adopt, you know – if there was, this was actually to be in a Zoning Ordinance, um, that you would recommend to the Town Council, um, and those are all valid discussion, but they, they do have to be within the context, because someone might not be very interested at all in the forestation policy, but they might be very interested in Conservation Design, and would have tuned in, so those are my, um, recommendations."

Mr. DiOrio: "Very good. Well, listen, uh, I'm certainly not going to go, uh, against your advice. I have too much respect for you. So, listen, if we're off track, we're off track. This would be, uh, an item that we would put on another agenda, so, as I understand your recommendation, we would either need to return to the specific document of

reforestation, or do something else – but not talk about – not moving in the direction we’re moving.”

Ms. Hogan: “I think you can, you know, you can talk about forestation in, in the context of this document, and you actually started out, or maybe it was Emily [Shumchenia]’s – one of you had indicated, you know, how about Carolyn [Light] tell us, you know, ‘What were you trying to achieve with the proposed document?’, and that’s the perfect conversation, um, to have, uh, and, you know, the suggestion that, ‘Hey, listen, you know what, we could probably accomplish that, you know, because there’s these places in the Subdivision Reg[ulation]s’ - okay, that’s pretty good, um, and if you went back to this document, said, ‘Okay, let’s kind of pick up the highlights.’ So, for instance, if you were to ask my opinion about this particular document, um, which you haven’t, but if you were, I would suggest to you that it’s, um, it’s super broad, super detailed, um, and probably overkill for what you’re trying to accomplish from what I’ve heard, um, and it could be very well incorporated, your concepts, if they were distilled a little further, um, could, in fact, be incorporated into your Subdivision [Regulations]. Your Subdivision Regulations, I gotta say – [are] pretty darn good, um, you know, they don’t cover all the topics, obviously, that you’re, you’re contemplating here, but there’s places for that to go in. Um, so, you know, I would direct you back to the document itself. You’ve got some time on the books here. Pull out the things that make sense to you, and talk about whether they could best be incorporated elsewhere, and then, that particular document, um, a document that apparently Emily [Shumchenia] has drafted, and I’ve got to say, I don’t see it in my packet. It could be that it got mixed up with my sorting, but I’m gonna double check, um -”

Ms. Jalette: “This is Talia [Jalette]. I believe that I sent it out via e-mail to the Planning Board.”

Ms. Hogan: “Okay.”

There was further discussion of whether the document had been sent via e-mail by Ms. Jalette between the Planning Board members, Ms. Hogan, and Ms. Jalette. Ms. Shumchenia stated that she had received the material in her packet, and that it was also “on the website with the materials for this meeting as well.” Ms. Hogan said that she had received a great deal of material, so she would look through her “stack” again. Mr. DiOrio interjected.

Mr. DiOrio: “So, let me, let me, uh, jump onto that, Emily [Shumchenia] – if you’re representing that this document, that is, the document you prepared is on tonight, on the website for tonight’s meeting – Maggie [Hogan], does this, uh, allay any of your concerns?”

Ms. Hogan replied that this did “not really” change her mind, and that she hated to “be a pain, but, you know, the agenda talks about a specific document.” She continued.

Ms. Hogan: “It doesn’t talk about – I don’t know what the title of Emily [Shumchenia]’s is, but it doesn’t talk about a second document.”

Mr. DiOrio replied that “whatever’s on the agenda is what [the Board was] limited to”, and that he understood Ms. Hogan’s point. He said that “with that advice”, he asked if the Board could “return to Carolyn [Light]’s document, and sculpt out some items that [the Board] might then bring forward at another meeting, uh, under the, on, under the topic of, uh, possible revisions to our Subdivision Regulations.”

Mr. DiOrio: “Can we do that?”

Ms. Jalette: “This is Talia [Jalette] – and, also, if we were to have another workshop, we could just add Emily [Shumchenia]’s document to that agenda as well, and then -”

Ms. Hogan: “Yes.”

Ms. Jalette: “Both things can be discussed.”

Mr. DiOrio: “Yes.”

He asked the Planning Board members how they would “feel about that”.

Mr. DiOrio: “Is that gonna be acceptable?”

Ms. Light replied that she thought that that was “acceptable”, and that she had a copy of Ms. Shumchenia’s document in her packet. She said that Ms. Shumchenia could “actually go through her thoughts that are listed on document and present them to [the Board], so that [the Board] can cover that part of the discussion that [the Board] had initiated earlier”. Ms. Light suggested that the document could be read to the rest of the members, as Ms. Shumchenia had “summed up everything pretty cleanly.” Ms. Hogan responded.

Ms. Hogan: “To the extent that they are addressing the forestation document, yes.”

Ms. Light: “Yes.”

Ms. Hogan: “To the extent -”

Ms. Light: “Yes.”

Ms. Hogan: “That they’re not addressing the forestation document, no.”

Ms. Light: “Okay, then, uh, Emily [Shumchenia], would you be okay with picking up over there?”

Ms. Light said that Ms. Shumchenia could “pick up” on the “third page” of the document. Ms. Shumchenia replied that that was right, but that she was “not sure” how to proceed, “because it sounds like a lot of folks aren’t familiar with the document”. She said that that was “fine”, as she could “sort of describe that”. She continued.

Ms. Shumchenia: “One, just [to] address the agenda issue – I think it would be great if the next agenda included, explicitly, an item that we could talk about how elements of the Conservation Development drafts that we received previously could be incorporated into our existing Land [Development] and Subdivision, Subdivision Regulations, so that we can have that discussion at a, a subsequent workshop. Um, in the document that’s attached for this meeting, um, for this workshop tonight, I did two, sort of, two things – the thing that I was doing before, that we are not allowed to talk about tonight, and then, on Page 3, on Page 3, while I was going through the Land [Development] and Subdivision Regulations, I noticed a lot of places where some of the stuff Carolyn [Light]

was trying to achieve, in her draft ordinance, or whatever that is – I’ll just call it that from now on, Carolyn [Light], sorry – Um, there’s a lot of places where -”

Ms. Light: “How about -”

Ms. Shumchenia: “Where, in the existing Land [Development] and Subdivision Reg[ulation]s, where we could maybe do some forest stuff, too, and so, um, if we want to talk about that, I’m happy to kind of walk through those items.”

Mr. DiOrio replied that he was “suggesting that [Ms. Shumchenia] do that.” Ms. Shumchenia began again. Mr. Prellwitz asked which page Ms. Shumchenia was referring to, and if it was the part about “procedural overview”. Ms. Shumchenia replied that it was. She continued.

Ms. Shumchenia: “So, on Page 3, or on the third page, because they’re not numbered, there’s a long horizontal line, and under that, it says ‘Purpose – convey thoughts about how the Planning Board could use the existing Land [Development] and Subdivision Reg[ulation]s to improve conservation of existing forest resources’, and the document that I’m referencing, and then, you’re right, Ron [Prellwitz], it says ‘Article III, Procedural Overview, 3.6.1 – Project Review Fees’, so, basically, this is a blurb in our existing Land [Development] and Subdivision Regulations, which says that the Planning Board can impose a project review fee on an application that requires judgment – in the judgment of the Planning Board, requires review by outside consultants, due to the size, scale or complexity of the project. So, um, and you can read the rest – I interpreted this to mean we could, for any project, require an applicant to pay for the Town to hire, like, a registered forester -”

Ms. Hogan: “I’m sorry. You’re, you’re definitely going far afield. I apologize, but I, I really – I’ve got to keep you guys tight. You’re talking about changes to the Subdivision Regulations, fees, and, um, you know, experts. That – it’s not deforestation policy.”

Mr. DiOrio: “Maggie [Hogan], you keep us on the straight and narrow, please.”

Ms. Hogan: “I’m sorry.”

Mr. DiOrio: “I don’t want you, I don’t want you to feel apologetic about this! You, you, you [have] got to keep us pointed in the right direction. That’s your job. So, back to Carolyn [Light]’s document. We must stay there. We’re gonna return to Emily [Shumchenia]’s document at another point in time when we have that latitude. We don’t have that latitude this evening.”

Ms. Hogan explained that there were “some of the things” she thought that the Board “could talk about, uh, in regards to the forestation policy.” She continued.

Ms. Hogan: “Um, you know, there’s – my review of it, and again, it was not extensive, because the policy was so extensive, and it just seemed to be, um, probably more than what Hopkinton needs, based on what I’ve heard so far. Um, I think you could talk about – would a forestation policy, do we want that to be effective, like, on Page 1 of it, it says, uh, ‘for any development greater than forty thousand square feet’ – that’s pretty much anything in Hopkinton is what I’m thinking. Um, is that really what you intend, because, then, later on, there was something in here about, you know, the number of lots, of five lots or something like that. Is – there’s, you know, is there some threshold, if you will?”

Um, is it, um, the type of thing where you're mostly concerned with large tracts of land, or are you as, as concerned with, you know, a two-lot subdivision?"

Mr. DiOrio: "Yes. Okay, Maggie [Hogan], this is an excellent approach. So, if you can keep us on track with the things that we can legitimately discuss, we can, we can gain some ground here."

Ms. Hogan: "Yeah."

Mr. DiOrio: "So, to answer your question, we have had this discussion, and, Planning Board members, please correct me if I'm misremembering, but we decided that the threshold might be along the lines of Minor and Major Subdivisions. So, for example, to impose whatever we decide here on a two-lot Minor Subdivision might be a bit overkill, but -"

Ms. Light: "Mhmm."

Mr. DiOrio: "It might be entirely appropriate for a six- or eight-lot Major Subdivision."

Ms. Light: "Mhmm."

Mr. DiOrio: "That, that's my recollection. Planning Board members, please, uh, either endorse my memory or tell me I'm wrong."

Mr. Prellwitz: "This is Ron [Prellwitz]. That's how I remember things."

Ms. Shumchenia: "This is Emily [Shumchenia]. Me too."

Here, Ms. Light and Ms. Hogan spoke at the same time, so neither could be heard. Ms. Light then spoke again, and said that she was "not going to comment." Ms. Hogan asked Mr. DiOrio to "refresh [her] recollection", as she did not have her Land Development and Subdivision Regulations "open right in front of" her. She wanted to know what the "trigger" in Hopkinton would be for a Major Subdivision. Mr. DiOrio replied that he thought it was "greater than five", and Mr. Lamphere nodded. Mr. DiOrio then continued.

Mr. DiOrio: "So, to just tack onto that – so, here's my concern with – while I think I might have been an advocate for that demarcation, here's my concern -"

Ms. Hogan: "Yep."

Mr. DiOrio: "That if protection of our resources is the thrust of our efforts, it's great to focus on larger projects, where, obviously, there's gonna be greater, uh, greater potential for destruction of those resources. However, that needs to be balanced against the fact that uh, the, the, uh, the theory of the thousand cuts. We could have Minor Subdivision after Minor Subdivision after Minor Subdivision, causing as much -"

Ms. Hogan: "Yep."

Mr. DiOrio: "Uh, damage to our natural resources, and never see a Major Subdivision. So, that is my only concern about drawing this line in the sand. I'm not quite sure how to, how to overcome that, but -"

Ms. Hogan: "The document actually has something in it, and I forget what page it's on here, and it's sort of like, the [RI] Coastal [Resources Management Council] trigger. So, if you have a, you know, basically, a parent lot - I think it, what they call it, in this document here, a parent lot, um, that, you know, let's suppose you do a five-lot now, and three years from now, you want to cut off two more. That then triggers, because it's the, the parent lot is gonna be further subdivided, that would trigger whatever regulations it is that you're going to incorporate for these larger subdivisions. [RI] Coastal [Resources Management Council] does that, you know, if you're, if you're, if you're in the SAMP

[Special Area Management Plan] plan, and you do, uh, I think it's the same number – I think it's five lots. Any – and then, when, then if you go to re-subdivide to get that sixth lot, you now incorporate all of the, you know, all of the Major [Subdivision] requirements that, um, would have been required if you had done it six lots to begin with -”

Mr. DiOrio: “Right.”

Ms. Hogan: “So, you have that sort of a, um, a way to control that. The other thing that you could talk about and think about would be whether or not, um, the standards would be different for a Cluster Subdivision, which you're going to have open space preserved, vis-à-vis a conventional subdivision, um, which could have a lot of clear cutting on it.”

Mr. DiOrio thanked Ms. Hogan “for that clarification.” He said that the “issue of the damage by a thousand cuts, however” was really “getting at the fact that - not multiple Minor Subdivisions on one project, but, instead, multiple Minor Subdivisions scattered throughout the community, over and over and over again, will work against our, our efforts.” He said that that was his concern. Ms. Hogan replied that that was “a tough one”. Mr. DiOrio said that the Board did not have to “reinvent the wheel here”, as they had “initially decided that our line of demarcation would be Minor and Major” Subdivisions. He suggested the Board “go forward from there.” Ms. Light replied, “Okay.” Mr. DiOrio then spoke again.

Mr. DiOrio: “I have asked this question before. I will start here again. If the idea is to protect our forested resource, one of the first things has to be: where are they? So, an applicant is going to come before us. There are forested resources on their property. How do we start? How do we guide them accordingly? Because right now, they, they would – if we stand back and look at the process, they would show up with a Pre-Application application that, as far as I know, does not have to identify any of those resources, so, without that identification, how can we possibly consider protecting it? So, what's our first move?”

Ms. Light: “Forest stand delineation. Identify, um, the assets that are contained in the, in the lands.”

Mr. DiOrio: “Okay. What's the mechanism? Uh, are you going to do that, Carolyn [Light]? How do we, how do we suggest to an applicant that that is, uh, of paramount importance to us? Whose qualification -”

Ms. Light: “We make it a condition -”

Mr. DiOrio: “Whose qualification would you accept?”

Ms. Light: “You have to have a licensed forester, in the State of Rhode Island, or an arborist, licensed arborist – and we do have them.”

Ms. Light: “This is -”

Ms. Light: “So, your developer would, would be required to bring that forest stand delineation to us, um, and they would be required to – well, it would be like the opposite of some of the forestation plans we've seen for solar projects. Instead of telling us what they're gonna replace, um, they're gonna tell us what, uh, is that, you know, what's vulnerable to being clear-cutted. So, um, and, and, one of, one of my positions is that a homeowner that wants to lease a few acres of land to a solar developer, they don't necessarily all already – they don't know what they're, what they're leasing. They don't

know what they're giving away. Um, they don't know if they're cutting down endangered species of, uh, understory or trees, and, uh, you know, we trust that a developer is gonna be doing the right thing all along, but, um, you know, we, we have to hold people accountable to some measured. So, a licensed forester, uh, would be required to bring us a forest stand delineation, and then your developer is gonna be responsible to tell us if there are critical aspects defined in that delineation, um, how they intend to protect them, um, just the same way that they tell us where the wetlands are."

Mr. DiOrio: "Okay, uh, Al DiOrio. So, So, Carolyn [Light], I'm on board with that so far. Now, I'm hearing you use the term solar, but -"

Ms. Light: "Mhmm. We shouldn't have, but -"

Mr. DiOrio: "We're not -"

Ms. Light: "I know."

Mr. DiOrio: "I'm not chastising – so, we're not limiting this to those kinds of developments, though, right? This is across the board -"

Ms. Light: "No. Yes."

Mr. DiOrio: "Okay, okay. Just want to be clear."

Ms. Light: "Yeah, yeah, um, and, it, it was those projects that kind of spoke to the things that I thought we needed to cover as a community. That's the only reason why I brought that up."

Mr. DiOrio: "I understand."

Ms. Hogan: "Would you be delineating it, um, by Zoning District, um, Commercial, Industrial, Residential – would there be different standards for each Zoning District?"

Mr. Pennypacker: "I can, um, this is John [Pennypacker]. I can make a recommendation. Um, I saw, for example, in Emily [Shumchenia]'s document 'contiguous forest'. If we define 'contiguous forest', it doesn't matter what zone it is or how large it is. If we're talking about clear cutting one acre of land that connects to a thousand acres of forest, now we've got a definition that we can work with."

Ms. Light: "Mhm."

Mr. Pennypacker: "If it's one acre of forest that's kind of stuck in between a couple of roads, you know, it's not contiguous. Does that help -"

Ms. Light: "Mhm."

Mr. Pennypacker: "To make some definitions that we can enforce?"

Ms. Hogan: "Yes."

Ms. Shumchenia: "Just to add to that – this is Emily [Shumchenia]. Um, in our – the Master Plan checklist, um, there are already some required items that, to speak to, to John [Pennypacker]'s point, we could just add more specificity to – it does say, um, they must delineate un-fragmented forest tracts, so, you know, tracts greater than five hundred acres or something like that, we could say. Um, they must identify large or unusual trees, shrubs, or other unique vegetation – that speaks to one of the things Carolyn [Light] just talked about, um, and then, this one's kind of tangential – 'State, regional, or community greenways and green space priorities, but, those are already in the Master Plan checklist – I'm just not sure – do we hold all of our applicants to that? Are we, are we checking our list twice, to make sure that they've delineated these un-fragmented forest tracts, if that's something we care about. I think we can -"

Ms. Hogan: "Yeah, that's, that's something that – this is Maggie Hogan – that's something that you can do on each and every application. That, in fact, that is your

obligation as you review the applications. Um, to make sure that you're – that the plans cover those areas, because they've been identified as checklist items.”

Ms. Shumchenia: “Right. There's further -”

Mr. Pennypacker: “This is John [Pennypacker] -”

Ms. Shumchenia: “Oop, sorry, John [Pennypacker].”

Mr. Pennypacker: “I'll, I'll add to that – there are designations in the maps within the Comprehensive Plan that indicate, uh, cultural resources. Um, I have seen applicants come before Boards in the past where they say, ‘Oh, yeah, I think there's a salamander that lives over there,’ um, so it's, it's a little poorly defined, but that does capture, I think, a lot of the elements that you're describing.”

Mr. DiOrio: “I think Talia [Jalette] had something to add.”

Ms. Jalette: “So, again, this is Talia [Jalette]. Um, so, I actually have the Land Development and Subdivision Regulations right in front of me right now, and, even before the Master Plan stage, at the Pre-Application stage, Number 12 on the checklist: ‘location of wooded areas and notation of existing ground cover’, uh, and then we have Number 20, which is ‘existing site analysis map, including topography with approximated contour intervals of two feet, locations of significant and existing natural and man-made environmental features, including wooded areas, wetlands, steep slopes, rock outcrops, easements on, or immediately adjacent to the subdivision’, and, I mean, you could also probably shoehorn [Number] 24 in there, which is ‘general location of any unique, natural, cultural, and/or archaeological and historic features or sites, including stone walls’, trans-, walls, ‘trails and landscapes’, as well as [Number] 35, which is ‘notation on plan if the subdivision parcel is/are located with any of this, within any of the following areas’, and one of them is ‘un-fragmented forest tracts.’ So, this is just to go off of Maggie [Hogan]’s earlier point, in that you can ask these developers to, I guess -”

Here, someone coughed very loudly, which was heard over Ms. Jalette’s closing statement. Mr. DiOrio thanked Ms. Jalette, and said that it was “poignant.” He then said that there were “two points” that he wanted to make.

Mr. DiOrio: “So, first of all, whatever we decide to do has to take place at the Pre-Application stage.”

Ms. Light: “Mhm.”

Mr. DiOrio: “Catching someone at the Master Plan is already too late. Secondly, while I appreciate that we have these things on a checklist, uh, and I, I bring with me, uh, forty years of working through that same checklist. When it says ‘show the wooded areas’, I break out the tree line hatch, and I put that on my plan, so I can put a check mark next to that box. What's missing is the emphasis on the checklist that these elements are significant to the Town, and need to be protected. That's the thing that we're pointed toward. It's not that we're -”

Ms. Light: “Yep.”

Mr. DiOrio: “Not already asking for the information. I'm, I'm confident that we do, but what the applicants don't know, and this is not a criticism – there's no way for them to know, is that these elements need to be protected. That's why we want to see them on the plan.”

Ms. Light: “So, they give us the information – this is Carolyn [Light] – they give us the information, but, basically, we don’t do anything with it. We’re just looking for, uh, boundary lines.”

Mr. DiOrio: “Well, well – Al DiOrio – it’s actually a little bit more than that, Carolyn. Yes, yes, we’re asking for it. Yes, they show it to us. Yes, we acknowledge that it’s there, but then they run their proposal right over the top of them, because -”

Ms. Light: “Right.”

Mr. DiOrio: “They don’t know that they are sensitive, and we’re striving to protect them. So -”

Ms. Light: “Mhm.”

Mr. DiOrio: “That’s the missing component. That’s what we’re trying to get, to, to embed -”

Ms. Light: “Mhm.”

Mr. DiOrio: “That emphasis into the Regulations. Whether we do that by the reforestation arrangement, or some other vehicle, that’s what we need to get to, so that the applicant, even before they get to us, don’t forget, an applicant has already done significant work before they show up before us.”

Ms. Light: “Mhm.”

Mr. DiOrio: “They have to know what we’re thinking, in order for them to not waste a whole bunch of time and money.”

Ms. Light: “Mhm. I think, um, early on in this, in this, uh, workshop effort that we’ve had, I actually suggested that some of the research I had done at URI [University of Rhode Island] and in other communities suggested that the way the Planning Board handles these things is kind of backwards. We’re, we are at the, um, back end of it if we’re trying to introduce the concept of no cut, uh, zones, etcetera, to a developer, so, I, I completely agree that this needs to be a preliminary? Am I right?”

Mr. DiOrio: “Pre-Application.”

Ms. Light: “Yeah.”

Ms. Hogan: “Um, those kinds of things – no cut buffers, conservation areas, um, open space requirements – they all need to be in your Subdivision Regulations. An applicant should be able to pick up the regulations, and know what they’re getting into before they even purchase a piece of property in Hopkinton.”

Ms. Light: “Well, I think for the most part right now, they do, um, but, I, I think what we’re, what we’re talking about is, uh, enforcing, um, identification and acknowledgment that the forest tracts, uh, you know, five acres of land, uh, with forest or wetlands, I – these things need to be preserved and conserved and, and, you know, Maggie [Hogan] that’s some of how we get caught up in the Conservation Development scheme that we were discussing earlier, uh, because there’s a great place for these things to meld together, but, um, at the Preliminary, we can ask them to give us their forest stand delineation, give us your plan on how you intend on protecting as much of the, uh, native habitats, etcetera, around the property, um, just like we do with the wetlands. We can ask them to respect, uh, the, uh, you know, hundred-year-old trees, etcetera.”\

Ms. Hogan interjected to ask Ms. Light if she meant Pre-Application instead of Preliminary. Ms. Light replied that she did mean Pre-Application, and then joked that it

was “the age speaking”. Mr. DiOrio then said he wanted to “bring everybody back to, uh, feet on the ground”, as it was nearly time for the regular meeting to begin. He continued.

Mr. DiOrio: “So, let’s recap, let’s recap quickly. We’ve covered some good ground, uh, I, I think we’re – please correct me if I’m wrong mistaken, but I think we’re queuing up for another workshop, with a slightly more, uh, a somewhat more liberal, uh, agenda, that allows us to tackle some of the topics that we initially touched upon this evening. Are we all in agreement with that?”

Ms. Light replied in the affirmative, as did Mr. Prellwitz. He continued, and said that some of the topics “should include, uh, continued discussion of Carolyn [Light]’s reforestation document, to the extent that we need to get into that, and certainly a review of Emily [Shumchenia]’s document, which she prepared for a January 2021 workshop.” He asked if the Board was in agreement “that those things should be on the agenda. Ms. Light replied in the affirmative, as did Mr. Prellwitz. Mr. DiOrio then asked Ms. Hogan if the Board needed to add “any other language to afford us the latitude to talk about the things that we got started on.” Ms. Hogan replied that she “would also add, um, that [the Board would be] discussing, uh, future concepts for Subdivision Regulations.” Mr. DiOrio replied that he liked “the words ‘future concept.’”