

ZONING BOARD OF REVIEW, SITTING AS THE BOARD OF APPEALS MEETING  
MINUTES – April 22, 2021

State of Rhode Island

County of Washington

In Hopkinton on the twenty-second day of April, 2021 A.D. the said meeting was called to order by Zoning Board of Review Chairman Jonathan Ure at 7:10 P.M. in the Town Hall Meeting Room with a moment of silent meditation and a salute to the Flag.

PRESENT: Jonathan Ure, Joe York, Dan Harrington, Chip Heil via ZOOM

Zoning Board Clerk: Tiana Zartman

Zoning Official: Anthony Santilli

Zoning Board Solicitor: Per Vaage of Gidley, Sarli & Marusak LLP

Absent: Member Ronnie Sposato, Alternate Member Phil Scalise; Town Council

Liaison Michael Geary

Sitting as Board for Petition I: Ure, York, Harrington, Heil

Member Daniel Baruti recused himself for Petition I

Petition I

A petition filed on an appeal of the decision of the Hopkinton Planning Board filed by Revity Energy LLC appealing two of the conditions set by the Planning Board granting the development plan for photovoltaic solar energy system located at 15 Frontier Road and identified as AP 7, Lots 62, 62A, and 63, filed by Revity Energy LLC in accordance with R.I.G.L. 45-23-67, as amended.

Applicant or representative present.

Presentation of parties' positions

Board deliberations.

Decision.

ZONING BOARD OF REVIEW, SITTING AS THE BOARD OF APPEALS MEETING  
MINUTES – April 22, 2021

Chairman Ure explains that because of scheduling issues between the applicants and the attorneys, they were asked to continue the appeal to next month's regularly scheduled meeting on May 20, 2021.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO CONTINUE THE APPEAL UNTIL THE MEETING OF MAY 20, 2021. ALL WERE IN FAVOR.

SO MOVED

A MOTION WAS MADE BY MEMBER YORK AND SECONDED BY MEMBER HARRINGTON TO APPROVE THE MINUTES FROM THE MARCH 18, 2021 MEETING. ALL WERE IN FAVOR.

SO MOVED

Joe Moreau of Old Depot Road wished to speak to the board. He has been following the solar meetings and hearings since day one, including this Revity project. He wished to ask if a resident has the ability to testify during this appeal process. Chairman Ure explains to Mr. Moreau that the Board of Appeals has a very narrow scope of the appeal. All of the testimony has been received during the Planning process and the Board will not accept new evidence. Chairman Ure goes on to state that there are two issues the applicant is appealing; the hours of operation and the setbacks. The Board of Appeals is there to make sure the Planning Board has made the appropriate steps for the application. They will either affirm or deny the appropriate steps had been taken. Chairman Ure explains that after a decision has been reached, the applicant can take it from there. Chairman Ure states that this board doesn't operate with a formal public forum like the Town Council. They invite the residents to speak openly about issues or to add testimony. Chairman Ure explains that all the testimony has been received and has been closed at this point.

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Mr. Moreau then asks how would a taxpayer be able to add testimony in the event something like this were to happen in the future because he would like to point out some examples on the Maxson Hill Rd project. Chairman Ure says that the testimony would have to happen at the planning level. He goes on to say that if Mr. Moreau has presented those issues during the Planning Board approval process, then those concerns are already on the record. Chairman Ure explains that they are sitting as the Board of Appeal based on the decision the Planning Board has made and is not allowed to take any more evidence. Chairman Ure then states that the board does not operate with an open public forum. He uses the Zoning Board of Review as an example. If the applicant was before the Zoning Board of Review, the public would be allowed to speak based on the application. Chairman Ure explains that, since they are sitting as a different board, the process is different and does not allow for new evidence to be submitted. Mr. Moreau thanks the Board for the clarification.

A MOTION WAS MADE BY MEMBER HARRINGTON AND SECONDED BY MEMBER YORK TO ADJOURN THE MEETING AT 7:17 PM. ALL WERE IN FAVOR.

SO MOVED

Respectfully Submitted,

Tiana Zartman

Zoning Board Clerk

Next Scheduled Meeting: May 20, 2021