

**TOWN OF HOPKINTON
PLANNING BOARD**

REGULAR MEETING

**Wednesday, May 5, 2021
6:00 p.m.
Hopkinton Town Hall
1 Town House Road, Hopkinton, RI 02833**

CALL TO ORDER:

Chairman Al DiOrio called the Hopkinton Planning Board meeting to order at 6:03 p.m.

MEMBERS PRESENT:

Town Planner Jim Lamphere, Senior Planning Clerk Talia Jalette, and Chairman Al DiOrio participated from Town Hall. Vice Chairs Ron Prellwitz and Emily Shumchenia, as well as members Carolyn Light and Keith Lindelow, as well as Planning Board alternate John Pennypacker participated via Zoom. Town Council Liaison Sharon Davis, Planning Board Solicitor Maggie Hogan, and Conservation Commission Liaison Deb O’Leary also joined the meeting on Zoom.

ROLL CALL:

Mr. DiOrio asked the respective Board members to “indicate their presence”. Mr. DiOrio, Mr. Prellwitz, Mr. Lindelow, Ms. Light, Ms. Shumchenia, and Mr. Pennypacker all affirmed that they were in attendance.

PRE-ROLL:

Mr. DiOrio explained that this portion of the meeting was devoted to determining “the prospective member attendance” at the Board’s Special Meeting, set for May 19, 2021. Mr. DiOrio said that he would be in attendance. Mr. Prellwitz explained that he was at “75%, uh, probability” that he would be in attendance, as he had “a property closing in Maine.” He said that he planned to be back the day before the meeting. Mr. Lindelow and Ms. Light confirmed that they would be in attendance, as did Ms. Shumchenia and Mr. Pennypacker. Mr. Prellwitz asked Mr. DiOrio if he should call the Planning Department prior to the meeting to let the staff know if he would be available for the meeting, or if he should just “wing it.” Mr. DiOrio replied that he thought that “it’s a good idea” to alert the parties involved in advance “to the extent that [he could]”, so that they could plan ahead. Mr. Prellwitz replied that he understood, and that he would call in advance of the meeting.

APPROVAL OF THE MINUTES:

MR. PRELLWITZ MADE A MOTION TO APPROVE THE MINUTES FROM THE APRIL 7TH MEETING. IT WAS SECONDED BY MS. LIGHT.

Mr. DiOrio asked if there was any discussion. Hearing none, he asked for those in agreement to indicate by saying “aye”.

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

4-0, THE MOTION PASSED.

OLD BUSINESS:

Third Master Plan – Public Informational Meeting – Major Land Development Project – Stone Ridge at Hopkinton – AP 11, Lot 47A, 0 Palmer Circle. RI-95, LLC., applicant.

Mr. DiOrio began by stating that before the Board got into “the meat of this evening’s meeting”, he had “a couple administrative items to go over”. He explained that the Board had two items on the agenda, both of which were public informational meetings.

Mr. DiOrio: “Uh, I would like to suggest, with the concurrence of my colleagues, that we divide our meeting in half, and allocate equal time to both applications. So, it’s a little past 6 p.m. Uh, we do have business at the tail end of our meeting – I’d like to allocate a half hour for that, so, if we gave both applicants the benefit of two hours, would, uh, would my colleagues be in agreement that that’s, uh, that’s legitimate?”

Mr. Prellwitz and Ms. Light spoke at the same time, and drowned each other’s comments out. Ms. Light then proceeded. She asked that if the first agenda item concluded earlier than the allotted time, could the Board “move right into the second one”. Mr. DiOrio replied that he “wasn’t really suggesting that the applicant and/or the audience needed to take up every minute of their two-hour allotment.” He continued.

Mr. DiOrio: “I would actually like folks to be more concise than that, but I understand that, you know, there’s a lot of material to cover – but certainly if we conclude business on the first item, I would like to immediately move into the second agenda item, of course. Thank you.”

Ms. Light said that she agreed, and that she was “on board” with that idea. Ms. Light then said that it was Cinco de Mayo, and Mr. Lindelow joked that it was a good thing that the Board was at home. Mr. DiOrio then joked that that was the first item. He then introduced his second housekeeping item, where he asked Board members to “consider if they want or need a site walk at either of these parcels, uh, as the evening goes on.” He said that he “would ask that, perhaps, at the conclusion of each presentation” the Board members would be prepared to “decide by consensus whether a site walk is necessary, or warranted, and perhaps arrive at a meeting date and time.” When he asked if the rest of

the Board was amenable to that idea, Mr. Prellwitz, Ms. Light, Mr. Lindelow, and Ms. Shumchenia all agreed. Mr. DiOrio then stated that he was “prepared to move into the rest of the agenda.”

Mr. DiOrio asked if the applicant was present. Ms. Jalette replied that they were. Bill Landry, the attorney for the applicant, appeared before the Board. Ms. Jalette asked if Mr. Landry was going to present in conjunction with Sergio Cherenzia, the engineer for the project. Mr. Landry replied that he was going to speak, then Mr. Cherenzia, “then a few other folks” from the applicant’s team. Mr. Landry offered to provide the order of speakers to Ms. Jalette prior to or at the conclusion of his testimony, and she asked that he provide them at the conclusion. She also asked the speakers to raise their hands before speaking, so they could be recognized sequentially. Mr. DiOrio interjected.

Mr. DiOrio: “So, before we launch, uh – Mr. Landry, before you launch into your presentation, I believe, uh, I believe Emily [Shumchenia] might have something to get out before you begin, and, again, I’ll, I’ll defer to, uh, Maggie Hogan if I’m, if I’ve got this in the wrong place, but, otherwise, Emily [Shumchenia], chime in please.”

Ms. Hogan asked that “all the attorneys that are involved in this” to be elevated to “participant status”. Mr. DiOrio replied that he thought that they could make that work. Ms. Jalette replied that she assumed that Ms. Hogan meant “panelist”, and made Mr. Landry a panelist. Ms. Hogan asked if there were “objector attorneys.” She continued.

Ms. Hogan: “And the reason I suggest that is because, you know, this is an awkward forum, and sometimes people’s hands are up, and we don’t see them – I certainly can’t see them, so, I think that it would be appropriate for, for all legal counsel to be, you know, present, and have the ability to, um, proceed as normal, as we would as we were in the chambers.”

Ms. Jalette replied that she had made Peter Skwirz, the attorney for the Dr. Tom and Cynthia Sculco, abutters and objectors to the project, a panelist, as well. Mr. DiOrio replied that he was going to “turn this back to Emily [Shumchenia], then.” Ms. Shumchenia began.

Ms. Shumchenia: “So, the Planning Board has received some guidance from our solicitors, and so, um, to address that guidance, and kind of describe it to the rest of the Board, or the rest of the Board’s, you know, on the same page about this in terms of the guidance that we’ve received - this motion will determine, you know, if we’re all in agreement that we can proceed, um, given what I’m about to read.”

MS. SHUMCHENIA MADE A MOTION TO FIND THAT THE SOLAR USE PROPOSED ON THIS SUBJECT PROPERTY IS PROPERLY BEFORE THE BOARD FOR THE FOLLOWING REASONS:

- 1) SINCE 2010, TOWN OFFICIALS, INCLUDING ZONING OFFICIALS AND TOWN SOLICITORS HAVE INTERPRETED THE 1990 ZONE CHANGE ISSUE

WRITTEN FINDINGS THAT GENERAL COMMERCIAL USES ARE PERMITTED ON THIS PROPERTY. THE PLANNING BOARD HAS PREVIOUSLY GRANTED APPROVALS FOR SOLAR PROJECTS ON ADJACENT PARCELS THAT WERE PART OF THIS 1990 ZONE CHANGE – SPECIFICALLY, ON APRIL 4TH, 2018, THE HOPKINTON PLANNING BOARD GRANTED DEVELOPMENT PLAN REVIEW APPROVAL FOR A PSES ON PLAT 11, LOT 47D, KNOWN AS PALMER CIRCLE, AND ON MAY 1ST, 2019, THE HOPKINTON PLANNING BOARD GRANTED DEVELOPMENT PLAN REVIEW APPROVAL FOR A PSES ON PLAT 11, LOT 47, KNOWN AS PALMER CIRCLE II SOLAR. SO, THE CURRENT APPLICANT REQUESTED AND RECEIVED VERBAL AND WRITTEN ASSURANCES FROM TOWN OFFICIALS, INCLUDING THE PLANNER AND ZONING OFFICIAL, BASED UPON PRIOR LEGAL OPINIONS ISSUED BY TOWN SOLICITORS, THAT THE PROPERTY MAY PROPERLY BE USED FOR COMMERCIAL USES. SPECIFICALLY, ON JANUARY 8TH, 2011, THE ASSISTANT TOWN SOLICITOR, TODD J. ROMANO, ISSUED AN OPINION TO BRAD WARD, THE HOPKINTON BUILDING AND ZONING OFFICIAL. IN THAT OPINION, ATTORNEY ROMANO ADVISED THAT ANY OF THE USES PERMITTED BY RIGHT OR BY SPECIAL USE PERMIT IN A COMMERCIAL DISTRICT ARE APPLICABLE TO PLAT 11, LOT 47D. IN RELIANCE ON THIS OPINION, MR. WARD ISSUED A LETTER TO MR. ROY DUBS, WHEREIN HE ADVISED THAT THE JULY 2ND, 1990 AMENDMENT PERMITS “NOT ONLY THOSE USES ALLOWED IN A COMMERCIAL ZONE IN 1990 – REFERENCING ARTICLE 2, SECTION 3, SUBSECTIONS 1 THROUGH 15 OF THE 1971 CODE, AS REPRINTED IN 1989 WITH AMENDMENTS - BUT ALSO THE MIXED USE PLANNED DEVELOPMENT AS CREATED BY THE AMENDMENT.” MR. WARD ALSO FOUND THAT PLAT 11, LOT 47D MAY ALSO BE USED AS “PERMITTED, BY RIGHT, IN THE ZONING CODE, CHAPTER 134, ADOPTED DECEMBER 19TH, 1994, IN A COMMERCIAL ZONE.” ON DECEMBER 27TH, 2019, MS. SHERRI DESJARDINS, HOPKINTON ZONING OFFICIAL, ISSUED A LETTER TO SERGIO CHERENZIA CONCERNING THE ZONING USES OF PLAT 11, LOT 47A. ON DECEMBER 31ST, 2019, SHE ALSO ISSUED A MEMO TO MR. CHERENZIA INDICATING THAT USE CATEGORY 486 – A COMMERCIAL SOLAR FACILITY – IS ALSO A PERMITTED USE ON THE PROPERTY. IN RELIANCE ON THESE MEMOS, THE APPLICANT PROCEEDED. ON FEBRUARY 5TH, 2020, THE HOPKINTON PLANNING BOARD CONDUCTED A PRE-APPLICATION FOR THE SUBJECT APPLICATION, STONE RIDGE. THEREFORE, AS ARGUED BY ATTORNEY LANDRY IN A MEMO TO THIS BOARD, DATED MARCH 11TH, 2020, I BELIEVE THAT THE DOCTRINE OF EQUITABLE ESTOPPEL PREVENTS THE TOWN FROM CHANGING ITS MIND NOW CONCERNING THE LAWFUL USE OF THE PROPERTY FOR SOLAR.

Mr. DiOrio thanked Ms. Shumchenia for the motion she had made.

MR. PRELLWITZ SECONDED THE MOTION.

Mr. DiOrio asked if there was any further discussion. Mr. Skwirz asked if there would “be, um, an opportunity for the attorneys to weigh in.” He continued.

Ms. Skwirz: “And I’d also like to point out I did not receive Attorney Landry’s memo, ah, and I would also, before there’s a vote on this, uh – first, I’d object that this is a finding required in your ultimate findings of fact, um, under 45-23-60, ah, and second of all, ah, I would like to make an argument requiring Mr. Prellwitz to recuse, uh, before there’s a vote on this, so, ah, if, if it’s okay, I would ask to be heard.”

Ms. Hogan: “Mr. Chairman, this is, uh, Maggie Hogan. Uh, the memorandum referenced, uh, to Mr. Landry’s authorship is one that you, in fact, received back in March of 2020. We’re not re-, referencing any new memoranda.”

Mr. Skwirz: “Is this the prior memorandum?”

Ms. Hogan: “That’s correct.”

Mr. Skwirz recognized that the memo being referenced was not a new memorandum. Ms. Hogan elaborated that Mr. Landry had provided a memo, Mr. Skwirz had provided a memo, and the previous solicitor had provided a memo. Ms. Jalette interjected to ask Mr. Skwirz if he could move the mic closer, so he could be heard more readily. He changed how he was sitting, and asked if he could be heard in that configuration. Ms. Jalette replied that it was better, and thanked Mr. Skwirz. Ms. Hogan continued.

Ms. Hogan: “The second item that you’ve addressed is that, you know, this is an ultimate finding. Um, we’ve interpreted this to be a threshold issue, based upon the argument of counsel to date, and so, um, dealing with that, at the moment, allows the Board to proceed to a full evidentiary hearing, and I have recommended the Board that the deal with this, uh, legal interpretation right up front. It doesn’t, doesn’t require any evidence on the record at this stage of the game, that you’ve all argued, you’ve all submitted papers, and I believe that the question is ripe for determination.”

Mr. Skwirz: “Uh, then could I just be heard to argue, and then, also, on, uh, the recusal issue?”

Ms. Hogan: “That will be up to the Chairman.”

Mr. Skwirz: “Thank you.”

Mr. DiOrio: “Certainly. That’s the, uh, whole idea behind the discussion item.”

Ms. Hogan: “So, the – on the arg-, the argument would be on the motion, if you’re allowing him to do this, procedurally. The recusal matter is separate. We’ll handle that next.”

Mr. Skwirz: “So, if, if I – should I address the motion first, and then I’ll have an opportunity to address a recusal after that?”

Ms. Hogan: “I, I would recommend that, sir.”

Mr. Skwirz: “Okay. Thank you. Uh, well, to start with, um, it, it’s, it’s, you know, it’s kind of black letter law, and I, I hate to use that phrase, but, you know, frankly, it is, that equitable estoppel does not apply, um, to official’s interpretations of a local zoning ordinance by building officials and zoning officials, and the case that I cited in the papers on this is *Martel Investment Group, LLC. v. Town of Richmond*, and I’ll quote that case right now, uh, the Rhode Island Supreme Court – now, this is me – uh, has repeatedly held that a property owner’s quote – and now this is the quote: ‘Failure to comply with

the zoning ordinance is neither mitigated nor excused by the mere fact that the town building official also erred.’ The argument in that case was an equitable estoppel argument. Uh, essentially, what happened was that that, um, landowner was issued a building permit. Uh, they were later told that they couldn’t move forward because it violated the zoning ordinance, and, and they argued estoppel, which is, essentially saying, ‘We got a building permit. We relied on it. Therefore, um, you can’t change your mind.’ The Court said, ‘No. Estoppel does not apply in that instance.’ The reason it doesn’t apply is because it would allow officials, that are mistaken about the law, or that want to ignore the law, to change the law. Essentially, the official’s determination is not the law. The law is the written word. So, uh, there’s *Martel Investment Group* – is the case that clearly would hold estoppel does not apply in those circumstances, uh, and it’s based on an earlier case – *Johnston v. The Town of Pezza*¹, which I didn’t cite in my, my papers, but, uh, that’s the case that start, that, that, where the Rhode Island Supreme Court first held, uh, that estoppel doesn’t apply in these circumstances. In that case, it was a building official in Johnston that actually issued a permit to an asphalt plant. They started building the asphalt plant. There was a change in political leadership. They had a new building official, and that building official said, ‘You have to stop. You didn’t go through the right permitting process.’ The asphalt plant said, ‘Hey, we started building this thing. We have a reliance interest. It’s estoppel.’ The Court said, ‘No. Estoppel does not apply. There’s the law that needs to be followed, and it’s written down, and you have to do what it says.’ So, what’s the written law here. We’ve all looked at it. The zone change that was passed here was passed in accordance with a number of conditions, and the condition that I think is open and shut, in my opinion, is Subsection B of Paragraph 11, and this is the condition: ‘The maximum number of structures and uses in this zone permitted in connection with this project shall be as proposed: one hotel, one conference center – have a combined total of two hundred rooms, one country club, 165 units of residential housing, one 18-hole golf course.’ So, you can’t ignore that language just because prior officials ignored that language. Everybody that develops their property is bound by the law, and, you know, to, to draw an analogy, imagine if you entered into a contract with someone. Let’s say you’re getting your kitchen redone, or your bathroom redone – you entered into a contract. You sign written words on a page, then, later on, that contractor says, ‘Uh, well, you know, it says this – say I was gonna do it for ten thousand, but really, I meant this, even though what I wrote is different.’ No one would buy that argument because, when a law is passed, you have to follow the written word – and this is a lot more important than a contract. This is a contract with the citizens of this Town, um, so, I think the case law is totally against the estoppel argument, and I think you can’t abdicate your duty to, to make a finding on whether this is consistent with zoning, and that requires you to look at the language, and explain it, and really, there’s no explanation for why that restriction should not apply. When, when Brae Bern came in – it’s in the minutes that we’ve sup-, supplied in our memo – when they came in, they said, ‘We would not do any other commercial use than the use we’re applying for.’ The Planning Board said, the Planning Board asked them to withdraw some provision in their, in their proposal that they thought could lead to other commercial uses. They did that, and then the Council passed this with a restriction, so, you know, you have some future events,

¹ Clerk’s Note: The case Mr. Skwirz meant to cite was *Town of Johnston v. Leonard Pezza, et al*, not ‘*Johnston v. Town of Pezza*’.

where building officials kind of looked the other way, but that's no excuse, and, and, finally, I, I, I'd come back to this – the, the previous Council had enacted a number of commercial special zones, limited to solar uses, and they promised, up and down, that they would only be solar uses, and never be anything else. Now, let's say five years from now, ten years from now, you have another building official, and that building official write a memo saying, 'Hey, turns out you can do whatever you want there,' it – does that mean that any developer the comes in now can say, 'Well, I relied on this memo. You have to ignore the law'? That, that's against the case law, it, it's, it's a bad argument, and I'd asked the, um, Board not to accept it. Um, and then, I, I'd reserve the right to make the recusal argument, um, but, of course, giving Mr. Landry the opportunity to respond, and the Board the opportunity to ask questions. Thank you."

Mr. DiOrio: "Thank you. Any further discussion on this topic?"

Ms. Hogan: "Mr. DiOrio -"

Mr. Landry: "May I respond?"

Ms. Hogan: "I would allow Mr. Landry to respond."

Mr. DiOrio: "Yes."

Mr. Landry: "I'll, I'll be brief, Mr. DiOrio. I know a lot of time's been – it's been almost a year since we – the lawyers – all submitted very thick packages, covering this issue. Uh, Mr. Skwirz's partner, Mr. Teitz, who's been doing this for a long time submitted a brief. I submitted a brief. You've had two sets of, of solicitors under your watch here for the past year, digging through those materials. They dug through similar materials. Uh, the, the two points that Mr. Skwirz made, with all due respect to, to Mr. Skwirz, are not applicable to this, uh, situation. The first one, the *Pezza* case, and that doctrine – those cases say that when you have a clearly illegal use – one of them, someone wanted to put a factory, uh, in a, in a residential zone – someone that a fourth grader, reading the zoning ordinance, would understand was not a permitted use, and all the Court said there is that a mistake by a building official can't permit a change in the zoning ordinance. That's not what we've got here. We've got a fairly debatable issue, that was analyzed as a matter of interpretation of a zoning ordinance by very, very competent law firms, uh, building officials – I mean, it's a, it's a determination that was made by the people that have the responsibility ther-, and the difficult job of making those determinations. So, uh, estoppel would never apply if, if someone could never, uh, rely, to their detriment on something, and have it produce a result. These, these are not [unintelligible] – other cases, all have well articulated the doctrine of estoppel. I don't think we need to get to estoppel because I think the interpretation that all of the lawyers made, uh, consistently on this matter for the last ten years, and that the Planning Board has implemented in approvals of projects with the same DNA as our land, all happened to be correct, and we could take up all of our two hours tonight on this issue – probably more than that, but I think the thing has been vetted to a fairly well – uh, and I think the arguments have all been well made. The second point Mr. Skwirz made about the conditions for the specific approval for Brae Bern – every specific zoning amendment has conditions applicable to what is proposed in that project. The common thread of all of the legal opinions that have been given on this project is that the Brae Bern decision didn't overturn, or somehow supplant the provisions of the Zoning Ordinance itself, which have been determined to permit, uh, in a commercial zone the uses that are permitted within that zone, under the menu of uses – there being no language or indication of any other, uh, order, to be, to be followed in the

application of the law. We think that the way that everyone, to date, has interpreted that is correct, and, and we stand by that.”

Ms. Hogan: “Mr. Chairman, um, before you proceed on additional, um, discussion, I want to note, um, a little bit of an anomaly in connection with this. Presently, we have Mr., uh, Prellwitz as seconding the motion, um, and there is going to be a second motion, uh, or motion made by, uh, the objector’s attorney, to have Mr. Prellwitz recuse himself in this case. So, in an abundance of caution, I’m going to suggest that, um, if Mr. Prellwitz is willing to withdraw his second on this motion, and let’s see if somebody else will second the motion in his stead – then you could proceed to conclude, uh, the motion, and then Mr. Skwirz would have the ability to deal with his, his other motion. Um, are legal counsel, uh, are you in agreement with proceeding in that manner – to allow, if Mr. Prellwitz is so inclined, to allow someone else to second the motion?”

Mr. Skwirz and Mr. Landry agreed. Ms. Hogan continued.

Ms. Hogan: “Okay, so, Mr. Prellwitz – it’s up to you. Um, it might make some sense for you to withdraw your second and allow someone else to second this particular motion.”

Mr. Prellwitz: “Okay. I will withdraw the second.”

MR. PRELLWITZ WITHDREW HIS SECOND TO THE MOTION MADE BY MS. SHUMCHENIA.

Mr. DiOrio: “So, with Ron [Prellwitz]’s withdrawal of the second, I’m looking for a second to the motion that’s on the floor.

MS. LIGHT SECONDED THE MOTION.

Mr. DiOrio: “I have a second. We’re in the discussion mode. Does anyone else have further discussion on this topic?”

Mr. Lindelow: “Yeah, Mr. Chairman – it’s Keith Lindelow here, and I apologize – I barely made it home for the early start for the meeting, but can, can we break this motion down in layman’s terms, more or less? ‘Cause I’ve almost forgotten what was on the table.”

Mr. DiOrio said that he understood, and asked if he “could impose” on Ms. Hogan to “distill this down into something somewhat less legalistic?” She replied that she would “do [her] best”. Mr. Lindelow thanked her. She continued.

Ms. Hogan: “So, the, the subject property before the Board this evening, um, was granted a zone change many years ago in 1990, and the argument between the two counsel is whether or not that zone change permits solar to be used on this property. There’s been a long history of the Town’s officials, including Zoning, Planning, and the solicitors that say that the zone change does, in fact, permit this type of commercial use on this property, and the objector’s attorney is indicating that they are incorrect in their interpretation of that, and that, um, they’ve made a mistake, and that the Planning Board

should not be relying upon the prior mistakes, and should make an independent determination this evening whether or not this use is allowed.”

Mr. Skwirz: “Mr., Mr. Chairman, could I just have two quick, uh, statements, and, and rebuttal?”

Mr. DiOrio: “Yep. Who, who am I speaking with?”

Mr. Skwirz: “This is, uh, Peter Skwirz, on behalf of the, uh, abutters.”

Mr. DiOrio: “Yep. So, I’m sorry – before you pose your question, I just want to make sure that I – that, uh, Keith [Lindelow]’s, uh, inquiry has been satisfied.”

Mr. Lindelow: “Just my understanding is, then – we’re, we’re judging this as an independent proceeding, not bearing on previous determinations. Is that right?”

Ms. Hogan: “Actually, the motion is, uh, based upon the history of what – how the Town has, um, previously interpreted this – that, basically, it would be, uh, incorrect to change horses in the middle of the stream, to so speak.”

Mr. Lindelow: “Gotcha. Okay.”

Ms. Hogan: “Uh, that this has been a long-standing determination by the Town, and it will be inappropriate, at this time, and, and possibly illegal to, uh, rev-, revert to a different opinion – particularly -”

Mr. Lindelow: “Understood.”

Ms. Hogan: “When the applicant has, um, relied upon it.”

Mr. Lindelow: “Understood. Thank you.”

Mr. DiOrio asked if Mr. Lindelow was “good with that” explanation, and he replied that he was. Mr. DiOrio then told Mr. Skwirz that he could “certainly proceed.” Mr. Skwirz thanked Mr. DiOrio, then continued.

Mr. Skwirz: “I would just make the point that this motion, as, as your solicitor correctly pointed out, was based on estoppel – based on the reliance in the past, um, you know, the subsequent memorandums that have been issued by your building official, um, but, Mr. Landry, in his, um, uh, argument, in response to mind said he wouldn’t even rely on estoppel. Um, he said he would rely just on an interpretation of the, uh, ordinance itself. Um, now, if, if he thinks it’s a better interpretation, um, you know, that’s an argument to have, um, but if that’s the argument he’s putting forward, then I think at the very least, this motion, which is based on estoppel, and things that have happened afterwards should be, uh, should fail or be withdrawn, and that you should just, uh, you should take us both up on our offer to, to look at the words, and, and see, you know, what the better reading is. Um, Mr. Landry say-, thinks that his reading is a better reading. I think the reading we put forward is the better reading, but I think, uh, if he’s not asking for estoppel, that I think this motion should be withdrawn, and a new motion should be made, just saying what’s the better reading. Thank you.”

Mr. DiOrio: “Okay, thank you.”

Mr. Landry: “Mr. Chair, I, I really do need to correct Mr. Skwirz’s characterization of what I said. I never said we’re not interested in estoppel. I made the estoppel argument in our brief to the Town a year ago. I, I’m not saying that we don’t want the estoppel argument. I’m saying that even if, even if you didn’t have estoppel here, the ruling that has been made over the years, consistently, happens to be the correct ruling. That was my

point – not taking anything away from the estoppel argument, as an independently sufficient reason for the, uh, for the conclusion.”

Mr. DiOrio: “Yep. Very good. Thank you. So, Planning Board members – any further discussion on this motion? Hearing none -”

Ms. Hogan: “Roll call!”

Mr. DiOrio: “I’m sorry?”

Ms. Hogan: “Roll call, please.”

Mr. Skwirz: “Um, Mr., Mr. Chairman, before there’s a vote, um, perhaps we should address the recusal issue, because I’m not sure whether or not Mr. Prellwitz is going to vote on this or not. If he intends to, I’d like to put on the record why I feel he should not.”

Mr. DiOrio: “Uh, Maggie [Hogan], maybe you can just straighten me out as to the sequence – do we, do we vote on this motion, which is pending, or do we deal with the recusal issue?”

Ms. Hogan: “I think you’ll get the answers to whether or not Mr. Prellwitz intends to recuse, uh, on this motion by whether he abstains or whether he votes on it. I think you can proceed.”

Mr. Skwirz: “Uh, Mr. Chairman, would I have the opportunity to put on the record the reasons why I feel he should recuse?”

Mr. DiOrio: “Uh, you can certainly do that – listen, I’m just trying to wade through the logistics of the motion. So, you – if you could just hold that thought – if there’s no objection – I’d like to get to either a ‘yay’ or a ‘nay’ on the motion, and then you can take up your recusal issue.”

Mr. Skwirz: “Thank you. I – the only reason I raised that is that if he does end up voting, and then the issues I raise – if he deems it, if, if he accepts them, and recuses, um, that, you know, could affect the outcome of the motion. I’m not sure, but I’ll defer to however you want to handle it.”

Mr. DiOrio: “Yeah, unless, unless Maggie [Hogan] tells me that I’m moving in the wrong direction, I’m gonna call for the vote on this one.”

Mr. Skwirz: “Okay.”

Ms. Hogan: “Please do it by a roll call vote. Talia [Jalette], if you could call it, please?”

Ms. Jalette called the vote. She asked Ms. Hogan if she had to ask Mr. Pennypacker, the alternate. Ms. Hogan replied, “No”, as the Board had “five members that just voted.” Ms. Jalette explained that she was “not used to working with an alternate”, as it was “a new experience”. Mr. DiOrio added, “Which we enjoy by the way”.

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

ABSTAIN: NONE.

OPPOSED: NONE.

5-0, MOTION PASSED.

Mr. DiOrio: “Uh, so, motion passes. Uh, moving on to the next issue – which I guess is the recusal one.”

Ms. Hogan: “Correct. Mr. Skwirz, you have the floor.”

Mr. Skwirz: “Uh, thank you, Mr. Chairman. Um, so, uh, I think it would be appropriate that Mr. Prellwitz recuse from considering this application, um, in fact, I, I know he just voted, but I feel like he should have recused before that. Uh, the reason why, um, I’ll just briefly outline for you. Um, so there was a, um, a member, a citizen in the Town, a Town resident, uh, that posted a Facebook post, um, about my clients. Um, she also ran an op-ed about them, uh, and in that Facebook post, she said, quote – she called them, uh, ‘mean-spirited, Johnny-come-lately, yuppie NIMBYs², who seem hell-bent to turn our rural town into snobby suburbs.’ Uh, in response to that Facebook post about my clients, uh, Mr. Prellwitz responded that, uh, ‘Remember, the Sculcos have an agenda. They are land developers.’ So, the issue with that statement – um, first of all, it’s untrue. The Sculcos are not land developers. Uh, they have never been land developers. Uh, they have owned property in Hopkinton – large tracts of land - since 1987, for the purpose of preserving that land, um, so, if anything, they’re conservationists. Um, the reason that that’s problematic – not only because it’s false, uh, but since it follows, or was a comment on an ad hominem attack, uh, about, uh, my clients, it tacitly seems to approve that ad hominem attack, um, and at the same time, it, it’s, it appears to be an attack on their credibility by implying that they have an ulterior motive for making objections to the Planning Board, um, by quote, unquote, ‘having an agenda’. Um, so, to sum up: it was a false statement about my client’s credibility, um, that was made in the context of, uh, responding to, not refuting, an ad hominem attack on my clients. Now, the case law is clear – that when you sit on applications, you have a duty – each one of you – has a duty of impartiality on par with the – that of judges. One case I would cite is *Barbara Realty Co. v. Zoning Board of [the] City of Cranston* – 128 A.2d 342 RI, 19- that’s a 1957, uh, Rhode Island Supreme Court Case. Uh, there, a Cranston zoning board member had to re-, he was told he must – was disqualified by the Supreme Court from sitting on a zoning board application by certain comments that were made, uh, to, um, uh, abutters, that had an interest in an application before the board, uh, and then *Champlin’s Realty Associates v. Tikoian* – that’s 989 A.2d 427 – that’s a 2010 case where, again, the Court said, quote, uh, ‘When an administrative agency carries out a quasi-judicial function, it has an obligation of impartiality on par with that of judges’, um, ‘under the 14th Amendment, administrative tribunals must not be biased or otherwise indisposed from rendering a fair and impartial decision’, so, end quote. So, the takeaway is that when you’re considering an application like this, uh, you should consider yourself as you, as you would consider a judge. Imagine if you took a case to Court, and a judge made a comment about you, on Facebook, um, implying you had an ulterior motive for bringing a case, um, or for doing anything, for that matter – making any comment about you, by, on Facebook. Would you be able to say to yourself, ‘I feel comfortable appearing before that judge.’? I think that anyone would say, ‘No, I don’t.’ Um, I think it completely destroys the ability, or the appearance that you’ll be able to be impartial. Now, I don’t know, um, where Mr. Prellwitz got his information, and I can’t, uh, you know, look into his inner heart, uh, to decide – to, to know, for, for the truth of, of what the point of that statement was, but I do know this, um, it – it completely, uh, uh, vitiates the appearance of, of a fair, impartial hearing. Um, so, for that reason, I think that the case law, and I don’t say this lightly – I did not want to bring this up, um, and I don’t like, uh, raising these type of issues, but I, I

² “NIMBY” is an acronym meaning “Not In My Back Yard” – therefore, “NIMBYs” is the plural form.

don't think there was any choice here. I, I think he needed to, um, recuse, and I would ask him to recuse from any further consideration. Thank you."

Mr. DiOrio: "Okay. Thank you. Alright, so, clearly, this, this question, and its answer, resides solely with Ron [Prellwitz], so Ron [Prellwitz], I just gotta ask you to perhaps, uh, elaborate a little bit on your decision, whatever that might be, and give us that decision, so that we can proceed accordingly."

Mr. Landry: "Mr. DiOrio, I'm sorry to interrupt, this is – since there's a motion made by a, by a party, may I have a, just a, thirty seconds to re-, to respond to it?"

Mr. DiOrio: "Wait a minute, wait – are you suggesting there was a motion?"

Mr. Landry: "There was a request on – there was a request. I stand corrected, Mr. DiOrio. There was a request to the Board, and by one of the attorneys in the case, and if the Board's going to consider something, or, or one of the members of the Board, I think I would like to have a-, another perspective on it that may be helpful."

Mr. DiOrio: "I'm sorry – yeah, uh, go right ahead. Yup. I, I apologize."

Mr. Landry: "Uh, and, it, it's this – the, the – I have no idea where Mr. Prellwitz stands on this matter, but it does seem clear from the, the posting, that what people were – the, the, the message that Mr. Skwirz was reading from was to the Councilors, and it clearly had to do with the zone change amendment. Uh, Mr. Prellwitz didn't express an opinion on that amendment. It was not something that he would be expected to decide upon. It's not something that was gonna come before the, the, uh, the Planning Board for a decision. Uh, you know, he didn't say anything good or bad or, or indifferent about anything. Certainly didn't comment on, on the substance, or indicate any kind of impartiality. Obviously, if Mr. Prellwitz doesn't feel that he can, uh, hear this case in an impartial way, uh, you know, I would defer to his judgement, but this is, this is really nothing here. Five, six words that have nothing to do, to indicate how, uh, Mr. Prellwitz even thinks about this application, or if he's even started to develop an opinion about this application when this posting occurred, you know, several weeks ago, on another matter, that wasn't before the Planning Board."

Mr. DiOrio: "Okay. Very good. Thank you. Once again, I'm going to state that the decision as to whether a person should recuse or not rests solely with that person. Ron [Prellwitz], we're looking to you for your decision so that we can move forward."

Mr. Prellwitz: "Okay, thank you, Mr. Chairman. First of all, my information came from the Secretary of State of the State of Rhode Island. I have four LLCs, the document number's in front of me. I can read them if everybody wants, or I would encourage them to look them up themselves, like I've said many times – do your own research. Don't listen to what I'm saying. Do your own research. They're on file now, in the name of Thomas P. Sculco. Also signed on to those LLCs is Andrew Teitz. I hope I pronounced his name properly. I apologize if I did not. That being said, I will let my voting record stand for itself. I have voted both for and against solar projects, and this wasn't a statement, this other person made about solely solar projects – it's about, I would call it, the atmosphere in Town. My intent was to point out that these people have – I wouldn't say a vested interest, but they have an interest in this, and I also have counseled our attorney, and my own attorney, and the intent was – I don't believe the Sculcos have done anything wrong. In fact, they've done everything as right, or more right, than most people do willingly or unwillingly. They applied for LLCs. They got 'em. That's it – they're good to go. I have always treated each and every issue or, uh, I would say project brought

before the Planning Board while I've been here impartially, and I feel that I can do that again, uh, and that's it. I chose not to recuse. My attorney told me if I recused, I would be admitting guilt to something, and I don't think I did anything wrong. That being said, I'll go back to Mr. DiOrio."

Mr. DiOrio: "Very good, Ron [Prellwitz]. We appreciate that."

Mr. Skwirz: "Mr. Chairman, I'd like to ask Mr. Prellwitz about the LLCs that he's referring to, um, as well as the vested interests that he believes my clients have."

Mr. DiOrio: "So, yep, so, let me just – let me interrupt, if I may. So, I certainly don't mean to, uh, negate your, your, uh, rights to pose questions, etcetera, but the bottom line here is that we have a Planning Board member who has issued his decision. He plans to participate. Uh, I don't know if we really need to tear the lid off this thing any further. That's his decision. He's given you a reason. Uh, I don't know – unless Counsel tells me that I have to keep this on the front burner, I believe that this topic is behind us."

Ms. Hogan: "I would concur, Mr. Chairman. That's Maggie."

Mr. Skwirz replied that he would put his "objection for the record, then." Mr. DiOrio replied, "Very good. Uh, duly noted." He continued.

Mr. DiOrio: "So, with that said, I think we're finally in a position to move forward. So, Mr. Landry, if the, uh, if you're making the presentation, I believe, at this time, the floor is yours."

Mr. Landry thanked Mr. DiOrio, and explained that he would "be brief", as he wanted the applicant's "professionals to really do most of the talking here." He explained that they had "been asked to keep it really tight", and to limit it to "ten minutes or so per witness". He concluded that "the only way that's going to happen" would be for "the lawyer, at least on this side, not to monopolize the, the process any more than is, is absolutely necessary." He continued.

Mr. Landry: "I will say that we appreciate, very much, the challenge that solar projects have, uh, been, generally in the Town of Hopkinton, and how they wrestled with it. Uh, we've watched, and, and some of us, some of us have been a little bit involved in some of these projects, and have ca-, and have seen the difficulties that have been created when unintended consequences emerge from these project. When, uh, they ended up being built without any expectation as to what the real impacts would be, from an environmental perspective, and as to how things would have worked an awful lot better if a little more time was taken, and a little more planning was undertaken in the early stages to make sure that everybody was on the pa-, on the same page, and knew what was gonna happen, and how it was going to happen, and what it's true impacts are. And even though this is, uh, you know, a by-right project from a zoning perspective, uh, and is, doesn't involve residential property, like most of the heavily contested, uh, projects, my clients made a commitment early on, uh, that they would try to satisfy every single concern. You'll recall that the first Public Informational Meeting was the public going before the applicant, which I've never seen before in 40 years, and, and then the Board members, providing comments on what their initial reactions were to the project, and where it could be improved in areas that could, could – were deserving of particular attention. As we've

indicated at previous update, question – what we’ve been doing here for a period of several months, at a cost of hundreds of thousands of dollars, and hundreds and hundreds of hours with various professionals is taking something that was very good, and trying to meet with every constituency, every group, uh, and, and get, and mitigate any conceivable impacts in a very, very thorough way – from the wildlife impacts, to, to working with the Appalachian Mountain Club, and Mr. [Harvey] Buford on the Conservation Commission – almost a dozen trips out to the site, to, to try to reconstruct the Narragansett Trail, and, and help make this property a connecting point for various parts of the trail. Try to plan the project around natural features like that – and when I tell you that’s taken an awful lot of time, it really has, but it’s been exciting for our team to do that. They are environmentalists. They’re outdoor people. Uh, they love the opportunity that’s been given – to try to recreate that, that trail system. Same thing with the scenic and wildlife protection issues – the Canonchet Brook. You know, even though they’re 900-feet away with their solar array, uh, from Canonchet Brook, or, or the scenic rivers, they, they’ve invested, as you’ll see from our presentation tonight, in ensuring that viewscapes were protected – they’ll actually improve access to that area, through a, a spur trail from the Narragansett Trail, make it better, uh, than it is right now, and have zero impacts, uh, uh, adverse impacts in that area from storm water, wetlands, or visual, or any other imaginable, uh, concern. Uh, same thing with, uh, wildlife migration patterns – hired a special consultant to make sure we had that issue under control, and thought through the preservation of all of the stone walls – this is Stone Ridge, this project, and not by accident. There are lots of stone walls, and there’ll be no, uh, substantive or material diminution in the, in the length of those walls, the linear feet involved in those walls, there’ll be additional walls that’ll be created to help with the wildlife habitat. We may end up building one around a historic cemetery, uh, but those issues have been very, very, very, uh, carefully managed, particularly for this stage of the development. Uh, we didn’t have, uh, comments from the Town’s consulting engineers, Crossman Engineering. Took time to get all their comments, respond to their comments. The most recent update on their comments, you know, they’re a very good firm, uh, and their, their questions and comments were very, very, uh, benign, or all issues that have been managed or, or will be managed at the future, uh, stages of the, uh, development process, and, and that leads me to say the next, the next big thing, and that is – we are at the Master Plan stage of review. I know the Chair knows this. I know there are also some new members of the committee – this is a conceptual stage. As much time as we have spent on environmental issues – and there’s been a ton of it – the Board doesn’t even make findings on environmental issues, environmental issues are not to be addressed until the Preliminary Plan stage of review, after you’ve got more sophisticated engineering, and [Department of Environmental Management] reviews, and other state agencies, wetland, uh, reviews. That’s the point at which environmental reviews are, are considered, so, as, as much as we’ve put into this, and it may sound like a Preliminary Plan stage presentation more than a Master Plan station, stage – that’s because we thankfully got our, our client’s permission and bankroll to take this beyond what any of the experienced professionals in this project have ever seen before in the context of the Master Plan, uh, presentation. I know you’ve already seen a lot of that in terms of the depth and detail of the reports that have been submitted, but this project is gonna come for another series of public hearings – at which there’ll be a whole other round of examining all of the same issues that, uh,

that we're going to be, uh, presenting tonight, and there'll be no final determination at the Planning Board level until, you know, the Final Plan stage of review, when legal documents and decommissioning-type documents, and bonds and things like that are, uh, are considered. Uh, this process has resulted in a better project. Uh, it started off at 30 megawatts – it's down to 23.5. Uh, it, it, uh, has been reduced in terms, in terms of overall area utilized. Another 20 acres of, of, uh, open space, wooded area, uh, is good land, is, is, is going to be preserved, in part, to help with the relocation of the trails. We've got a 252-acre site here - an enormous site. 45.7 percent of that will remain as open space, uh, and, uh, the – certainly the solar array itself is only on the order of 70 or 70, 75 acres – somewhere between 60 and 80 acres as it will, as it will turn out, uh, leaving a very, very substantial portion of this project for other things. So, with that introduction, I'm gonna turn it over to Sergio Cherenzia, who's been the project engineer, uh, one of the principal, uh, planners. He's dealt with all of these issues, and I will tell you, as I introduce these folks, that these are all environmentalists. Sergio [Cherenzia], Ashley Cullion – the landscape architect who's paid tremendous attention to buffering viewscapes, Ed Pimentel, Joe McCue – the wildlife assessment, Scott Rabideau on wetlands, Ed Avizinis on soils. These people are all, uh, environmentalists. My clients are. Their whole family is. They've been involved in site walks in the snow, hikes, uh – very excited about creating here a workable partnership between conservation interests, recreational interests, and a passive, uh, use here that holds the prospect for the site, not to be completely developed the same way it would for any of the other permitted uses – retail offices, subdivisions, things that have utilities and sidewalks. We've got no traffic here, uh, and very, very minimal impact, so, having said that, I'm going to turn it over to Sergio [Cherenzia], and all of our folks, if they remember, are going to present briefly on their areas of expertise, but they're also going to try to say a little something about how the level of development of the plan is, in their area of expertise, in relation to, you know, what, what they would normally be involved in at this conceptual Master Plan stage of review. Thank you, Mr. Chair."

Mr. Cherenzia then appeared before the Board. He said that if it "please[d] the Chair and the Board", he would "just go right into" his presentation. Mr. DiOrio gave him the go-ahead. Ms. Hogan asked him to identify himself for the record. Mr. Cherenzia said that he would, and mentioned that he was having some camera-based difficulties, though he did not believe that was "critical", as he was "going to be sharing a screen anyway." Mr. Cherenzia explained that he was a licensed engineer, a "professional engineer in the State of Rhode Island", as well as the "president and principal of Cherenzia & Associates", "with offices located at 99 Mechanic Street in Pawcatuck, Connecticut". He explained that he is the "lead engineering consultant on the project, as well as the land surveyor of record".

Mr. Cherenzia stated that he was unsure if he could share his screen, and asked if someone could provide him with such a capability. Ms. Jalette replied that she was "gonna do that right now." When Mr. Cherenzia was granted screen sharing capabilities, he pulled up a copy of the site plan with a comparison figure.

Mr. Cherenzia: “Uh, what I’m going to be trying to focus on, in the brief amount of time that I, um, am allotted, because we have other experts and consultants that will be following me, um, is to try to focus on what has changed since the, uh, previous submittal, uh, Master Plan, uh, which has been some time ago, so, I’ll try to refresh everyone, uh, on what that was, and, uh, give a comparative, um, of what we’re, we’re proposing now. So -”

Ms. Hogan: “Mr. Cherenzia? Before you proceed, this is Attorney Hogan. Um, would you please identify, for those who are listening, um, the document that’s up by its title, and what page?”

Mr. Cherenzia: “Yes. This is, this is a Master Plan comparison figure, but it’s most closely reflective of, um, the Master, uh, the Master Plan. Uh, let me get the, uh, the number for you – just so that we can be accurate.”

Ms. Hogan: “Is this a document that’s already submitted into the record, or is this something that you are using this evening?”

Mr. Cherenzia: “This, this is a presentation, uh – it’s, it’s slightly different from what has been in the record, uh, because it shows a comparative analysis between what the previous array looked like versus the array.”

Ms. Hogan: “So, as you go through that, then, if you would, um, use descriptive words to explain those changes for those members of the audience that only have audio. Thank you.”

Mr. Cherenzia: “Absolutely. So, this is most, uh, reflective of Item, uh, let’s see here, uh, 2A of our submittal, um, and they, they’re under what is called – let me just make sure I have the title, um – it’s, uh, Stone Ridge a Hopkinton, Palmer Circle, Map 11, Lot 47A, Hopkinton Rhode Island, and it’s issued for permitting under Master Plan, prepared for R-95-, RI-95, LLC., Sheet, uh, C-1, Sheet 1 of 1. Um, so, that, that’s most reflective of this. It’s, it’s, it’s practically a, a, um, the same plan with just some, some comparative from the previous plan. Uh, so, as such, uh, the previous, um, the previous plan had about, uh, 103 acres of fenced in area, and as Attorney Landry alluded to, we’ve reduced, um, the solar array, uh, by about twenty acres, and the area that we, uh, we reduced in, in this – the portion of the area of, that we reduced, of the solar array, was located in the south, um, in the southerly portion, along, adjacent to property owned by, uh, Kevin and Susan Gregory. Um, so, uh, basically, there’s an area of about twenty acres that, uh, extends, uh, into our project site, um, that, uh, we have eliminated panels – going from a 30 megawatt system down to a 23.5 megawatt system. Um, the reason that we, uh, removed this, this area, uh, was, was, uh, for a couple, couple reasons. Uh, it has a – and, uh, offers, a few different benefits. Um, one was, uh, we know that we have a concern of ac-, uh, the – we have a required 100-foot separation for any of our development, uh, to a residential property, and so, uh, it also – it will benefit the, the – at least the property of the Gregorys’, um, if not the properties that are, um, further down, um, along in the southerly direction, uh, because we’re gonna be maintaining an un-, we’re going to be maintaining a, an area that will not be disturbed. Um, the purpose of the extent of this, um, of this, of the solar array, uh, elimination, is it goes to a portion of the Narragansett Trail, which we identified that cuts up through this, this area, which I will get to on, on a, in a, uh, in the next exhibit that I bring up. Um, so, uh, in one – it preserves, uh, the, the Narragansett Trail, which was something that the Conservation – in our meetings with the Conservation Commission, on site, and the Appalachian Mountain Club, were very

important to them because this is a – the, uh, the Narragansett Trail in this area is a pretty, a wide corridor – uh, probably close to 20 feet, flanked by either side by, by, uh, stone walls – and we’ll be preserving all the stone walls in this area, as well as, um, the, the trail itself, that runs up this area, and it’ll only be, uh – to the north, there will be, uh, the, the proposed, uh, solar panels will remain, but we’re creating even somewhat of a buffer, um, on the other side of this trail, uh, to, to, that solar array. Um, so, uh, that was the first, most significant change to this plan – was the, uh, significant reduction in the amount of solar panels. Um, the second item I will bring up is the, uh, the maintenance, uh, I’ll say – the storage and maintenance building, uh, for the solar, uh, solar facility, as associated with this. We, we had a 50,000 square foot, uh, metal – it’ll be a metal building, uh, one of those pre-fab metal buildings. We’ve reduced this in scope and size down to a 15,000 square foot footprint, um, identifying that we really didn’t need that large of a structure, and it would house, um, the same, uh, panels and equipment that are used out in this, in the facility, uh, would be, uh, this, this facility would be used to store, uh, such equipment, and, and, uh, uh, and, and panels, and things of the like. Um, the, uh, the other item I’d like to bring up, uh, which is – doesn’t really reflect, um, really, you can see it on this plan, but what we have, uh, also done, and to, uh, Attorney Landry’s point, that we have, uh, provided a, a – what I’ll call a Master Concept Plan grading plan, uh, which was originally requested as a waiver, but we have now provided, um, and has been acknowledged by the, uh, the Crossman [Engineering], um, comments that we’ve, we’ve now provided that. We’ve also done, um, a significant amount of site testing as far as soil evaluations on the site, for test holes, which was no small feat, uh, coming – we had to go in almost, uh, you know, a mile into the site, uh, just to get a, uh, a track excavator in, avoiding – trying to avoid wetlands, in the way, finding the path of least resistance, and excavating, uh, towards the rear of the property, where we had proposed storm water. Um, so, we’ve done, uh, uh, soil, uh, soil testing, which is a little bit preemptive, uh, to the, uh, the Master Plan. Um, typically, we do that closer to our Preliminary phase. We’ve done a preliminary grading plan, and we’ve also conducted, um – I’m sorry, not preliminary – I don’t want to mix words – a Master Concept grading plan, um, and we’ve also done a, um, a Master Concept level, uh, drainage plan, uh, to identify that, uh, that our storm water areas are, are, are able to handle, uh, the, the amount of, um, storm water run-off coming from this, this proposed development. Um, a couple other items – I’m going to bring up a, a second map now. So, this, this, quote, this is the Master Plan map, uh, that I’ve just brought up. Um, I’m assuming you can see the, the colored – there’s some colored trails on the map – can everyone see those, that is on the Zoom?”

Ms. Jalette: “This is Talia [Jalette]. They’re not readily visible from this view. If, maybe, if you zoom in a little bit more, you’ll be able to – we’ll be able to see them a little bit better?”

Mr. Cherenzia: “Is anyone able to see – there should be a multi-colored, of, of trails highlighted on this plan.”

Ms. Jalette: “This is Talia [Jalette] again. No dice, Sergio [Cherenzia].”

Mr. Cherenzia: “Alright – I’m gonna stop this share and start a different share, just to see if I can get this to come up. Just give me one moment. Talia [Jalette], can you see these?”

Ms. Jalette: “Yes, I can. Thank you.”

Mr. Cherenzia: “Okay, so, now that this – this plan is the Master Plan, it’s just highlighted, um, so I’ll try to be descriptive as possible. Um, when we met out with the,

uh, Conservation Commission and the, um, and the AMC [Appalachian Mountain Club], it was very important to them that we had continuity with the, uh, the, uh, the Narragansett Trail that ran through this, um, property, and one of the comments was that we wanted to make sure that we knew where that trail was, and that we were, uh, preserving it appropriately, and, um, so, after, uh, exhaustive walks out on the site, um, as alluded to by, by Attorney Landry, we, we took multiple site walks, uh, with Mr. Buford, Conservation Commission Chair, and Kerry Robinson, um, who is, uh, from the AMC [Appalachian Mountain Club], and one of her associates, um, once again, it was, it was actually a pretty, uh, fulfilling, uh, exercise to go through, and work with Mr. Buford, and, and see all of the relics out there, of, uh, different types of, um, uh, preservation, uh, historic rocks and foundations and things like that, so, uh, one of the things that – by removing the, the portion of the arrays, we’re preserving some, uh, foundation remains. Uh, this is an area that has a lot of stone walls, some rock piles. Um, we only show a few of those, um, historically relevant, um, items out on the site – there’s many more in there, and we’ve, uh, spoken with Mr. Buford, and believe we’re going to be coming to an agreement that he can go out on the site and catalog, um, a lot of those, uh, many of the, the, the, uh, relics on the site. But, to get back to my point about the Narragansett Trail – you’ll see that there’s a – the trail com-, actually originates on the Gregory property, and then comes on to the, um, onto the, uh, the subject property, and, uh, more or less follows a, a stone wall into the property and then, uh, this, this purple section – this kind of purplish, blue section, um, that’s the, uh, runs in a, on north, um, a north, northeast, I think – or, excuse me, north, northwest, uh, direction. That’s the main trunk of the, or the main corridor of the Narragansett Trail. Um, you follow this trail up to, uh, what is the apex of the, of the property, and then it starts to, um, uh, starts to, uh, slope back down towards where the wetlands are on the, um, on the, uh, the, more the north, northeasterly side, right? North -”

Unidentified speaker: “North, north is to the top right -”

Mr. Cherenzia: “North is to the top right, so, yeah, it would be the westerly side. Um, once you get to that apex, you kind of lose the trail in a nor-, in a northerly direction. Um, that’s what’s shown in red. This was not a very discernible. We walked this entire area, and although the USGS [United States Geological Survey] maps show a trail that runs in that direction, uh, we, we could not locate it, um, and anything that was really discernible in that area. Um, instead, we walked a, you know, to the, to the south, southerly direction, towards the residential properties of Gregory, Moore, and Sculco, and, uh, there did exist a, a trail that followed, uh, more or less, the property line, along the Moore property and the Gregory property on the, on the, um, the northwesterly side, uh, or the westerly side, so, um, what we, uh, did, was, uh, we worked with – and you can see these other trails in red – these were not, we were not able to locate anything because they had become overgrown over time. Um, so, uh, long story short, uh, or long story long, we, we have relocated this trail because we did not find anything, uh, really definitive that goes through where we are proposing our array, uh, in this green line, and, uh, for those of you that don’t have the, uh, the colored plan, this is a, uh, a dashed line that runs the perimeter of the array, around the storm water management basins, um, and it meanders within the hundred-foot buffer, or hundred-foot, uh, minimum setback area, as well as runs on the, um, the westerly side – kind of follows along the outside of the wetlands – staying outside the wetlands, um, outside the fenced area of the array, and then connects back at

the northerly portion – side – of the, the site, um, where the Narragansett Trail picks up again, right before you get to [I]-95 on the Reynolds property. Um, so, the point of all this is that we've had a very – we, we've made a very conscious effort, um, in trying to identify the trails that are on this property, and working with the AMC [Appalachian Mountain Club] and the Conservation Commission, uh, Chair, to make sure that we have something that would be acceptable so that, uh, they can maintain the continuity of the Narragansett Trail. Now, once it gets to the, to [I]-95, uh, Mr. Buford can attest to – he would love to see something going across [I]-95, whether it be through a tunnel underneath, or a bridge over, overpass, but we all know that's, um, that's a, that's a big, uh, that's a big ask, uh, dealing with the Federal Highway. However, we are still providing the continuity from one end to the other. Um, the last item – I know I'm probably running over a little bit of time here, but to be quick, um, the stone walls, uh, Attorney Landry also alluded to the fact that we are going to try to take, uh, or we are going to preserve every stone wall on this site. Uh, my client has had, um, uh, people, uh, contact him on selling stone walls, because these, these, uh, this, this type of rock is often coveted because it's a, you know, an old-looking rock, with the lichen on it, and something that is aged, and something coveted by certain people, to put out on, on the, you know, historical aspect, to, to rebuild on other sites, uh, but they have committed to take these stone walls, whatever that we can't preserve in place, or we can't, um, re-, rebuild within the solar array, we are going to make our best efforts to do so, um, but, uh, they made a commitment that every stone on this, on this site, um, is gonna be re-, repurposed and replaced along the site, and so, um, I'm not sure if you can see the screen that I have now – I'm going to stop the share, and re-share again, just to make sure that you can see it, for those of you that are on it. Um, you'll see, um, that there are blue, red, and green walls on this plan. Uh, the red walls, we are most likely going to have to remove. The blue walls are the walls which we intend to replace – you'll see that they follow the perimeter of the, of the site, and we are going to make some attempts to keep some of them in place, in between the arrays, if feasible. If it's not feasible to keep the walls within the array, and it's prohibitive construction-wise, we will relocate them, and, likely bring you bring forth that more detailed plan at the Preliminary phase. Um, so that was just another aspect of how we're trying to work in preservation and conservation with, of the site, um, while still maintaining our rights to develop it within a reasonable, uh, manner, and, uh, as appropriate, uh, with our, within those zoning and, uh, planning regulations, uh, for solar facilities. Um, with that, uh, Mr. Landry, I'll, I'll turn it back over to you, unless there is something that I missed, and you wanted me to cover.”

Mr. Landry: “If I can – in just a few seconds, make sure we, uh, you can opine that, from a Master Plan point of view, the storm water management system is, is workable, well thought out, uh, and something that's likely to eventually be approved by DEM [Department of Environmental Management], and then, on the Wild, uh, the absence of any perceptible impacts, uh, drainage-wise on the Wild and Scenic, uh, River area, that the Stewardship Council was concerned about, and the applicant's willingness to take the Stewardship Council's recommendations to heart – that we can, we perform water quality monitoring, uh, during, and, and while this project is in place, frequently provide the results to the Stewardship [Council] and the Town and, and be prepared in the event that there's any degradation in, in water quality to, uh, address it to the extent, you know, it could be attributable to something occurring on the site, but, really, those impacts to, to,

to the major, important resources, uh, emanating from, uh, storm water, uh, management, uh, concept design for this project?”

Mr. Cherenzia: “Bill [Landry], did you want me to, to opine on that, or you, you -”

Mr. Landry: “I can’t – that’s up to, that’s up to you, to -”

Mr. Cherenzia: “Yup. No, No – I, I can, I can definitely, uh, comment on that. Yes. We – we’re gonna have to go through a Rhode Island DEM [Department of Environmental Management] Wetlands approval, as well as a RIPDES - Rhode Island Pollution Discharge Elimination System, um, approval process, which we will have to mitigate the impacts of any storm water generated on this site. We are going from a wooded area to a grassed area. Um, the DEM [Department of Environmental Management] does not recognize panels as an impervious area, um, so we are going to be, basically, converting woods to grass, but we still have to mitigate those impacts by detaining, uh, the water appropriately, uh, making sure that it, um, that we meter it out appropriately. Uh, the Canonchet is a cold water fishery – we need to make sure that it’s metered out in a way where it won’t, uh, pro-, it will not, so, uh, increase the, the temperature of the water, and there’s our mitigation practices, in conjunction with the Storm Water Manual of Rhode Island, which we will abide by, and we will fully, uh, get vetted by the Rhode Island DEM [Department of Environmental Management] to make sure that we are, uh, mitigating our storm water from this site, uh, appropriately.”

Mr. Landry: “And to the, and things like lighting, site lighting. I know there’s not much there – maybe some on the, there’s some shown on the access road for the, uh, storage building, but those types of issues even though they’ve been represented on the plan, those would, in the normal course be, be provided in an advanced, more precise level at the Preliminary Plan stage of review.”

Mr. Cherenzia: “We actually have provided a lighting plan. Uh, the only lighting on the site will be for the building for its, for safety and security purposes, and, uh, we will, we can handle the details of that lighting, but for the most part, we’ve had a photometric plan that we’ve submitted that identifies that the, all the lights are going to be full, cut-off, downward, uh, dark sky – excuse me, compliant – and that there’s no light that’s gonna be shed over any property lines or anywhere in the vicinity of such. Um, in addition to leaving significant buffers, uh, to the residential properties in, in the vicinity of that, of that area, that’s gonna be, uh, lit, um, but there’s no lighting proposed amongst the solar facility.”

Mr. Landry: “Right, and, last thing is that al-, although some things will be sequenced from Master Plan to Preliminary Plan to Final Plan – we’re not seeking any waivers or variances from the requirements of the, of the applicable 2019 PSES Ordinance, right?”

Mr. Cherenzia: “No, I don’t believe so. Uh, we, we’ve – I believe we’ve, uh, accommodated, uh, the major things that are required, uh, for Master Plan, uh, and there’s some, uh, minor things that are deferred to Preliminary, uh, but, uh, for the most part, we’ve, we’ve provided, uh, over and above, in my opinion of a, uh, a Master Concept Plan, uh, due diligence, uh, with this submittal.”

Mr. Landry: “Okay. Thank you.”

After Mr. Cherenzia completed his testimony, Mr. Landry asked Ashley Iannuccilli Cullion to “introduce herself, and to present her portion of the presentation.” Before Ms. Cullion began, Ms. Jalette interjected.

Ms. Jalette: “One moment – this is Talia [Jalette]. There’s been a member of the public who’s been raising their hand. I’m just going to let them know that we, traditionally, let the applicant give their presentation, and then, at the end, we ask for any input from members of the public. So, you’ve seen me put your hand down – that’s the reason why. Hopefully, you’ll have the opportunity to weigh in, if you’re interested in doing so, but that’s just how the ball game is gonna be played. And, one moment – I’m just getting back to the participant window.”

Ms. Cullion then appeared before the Board. Ms. Cullion explained that she is “the landscape architect on the project.” She continued.

Ms. Cullion: “I am a registered landscape architect in the State of Rhode Island, and principal and one of the owners of Traverse Landscape Architects. So, thank you so much for hearing this tonight – we’re really excited to present this plan because we feel like it’s a really great evolution from what we showed you the last time we were at this meeting, so, Sergio [Cherenzia], if you don’t mind scrolling through – and Sergio [Cherenzia]’s done a great job of giving us the lay of the land, and showing some of these improvements that he’s talking about – specifically, the trail. Um, in my presentation tonight, I’d like to talk about three specific items. Uh, the first one’s buffering, both for the new trail system and abutters. Uh, the second is the bio-retention areas, or the storm water management areas, and then I’d also like to take a moment to just touch upon views, because that’s something that keeps coming up, and we want to address, uh, appropriately. So, I think what’s important about this plan, and becomes clear when you look at it, in terms of, uh, buffers is the amount of existing vegetation there is, really on the east and west of the site. The majority of the site is buffered by wetlands, uh, which you can see over there – yep, exactly – and then, now, with a good portion of the southern site being, uh, saved as the two-twenty acres, with the existing trail system – that’s completely vegetated as well. There are, uh, however, a couple specific areas we wanted to target for adding additional buffer. This is around the maintenance building, um, down to the south, right where Sergio [Cherenzia]’s pointing there, and then, also, a little upwards from that, kind of at the southern corner of the site, where you do have the majority of a hundred foot, uh, setback, being maintained as existing vegetation, however, we wanted to be cognizant of the fact that even though that’s totally forested, you know, maybe a lot of those trees are deciduous, so we wanted to, um, help, uh, accentuate that border with the addition of more evergreens. And then, also, there is a tight property line along [I]-95, um, though there’s a substantial grade change there, we want to be cognizant of the fact that, you know, who knows what could potentially happen to that property in the future, so we want to make sure we have substantial buffer, uh, created. Uh, in this plan, I think you can also see, pretty clearly, the rerouted trail, which meanders around the property, around the perimeter of the wetlands, and then you have all the storm water, uh, areas noted in a chartreuse green. And, I will mention – this plan has already been, um, presented in the set – it was Plan L-1.0, and it was the first landscape plan. So, then, Sergio [Cherenzia], if you don’t mind, uh, going to the next screen, we can dive a little bit more into the buffers. So, our methodology for selecting plant material for the site was to really look to see what was out there, currently growing. A lot of the *pinus strobus* – the white pines, the rest - western red cedars were there,

junipers, um, and then firs, so we're looking at, uh, really drought tolerant evergreens that will grow nice and tall, um, fit the character of the site, but, most importantly, thrive there. So, this, um, plan is an excerpt from the Section, Sheet L-11.0, uh, it was Section 2, and the reason I'm showing it is I want to show, um, our most challenging condition, or the condition that, there is – circled in red. This is where you'd have the 100-foot residential setback, um, and you can see there, you have a solar array in the blow up, and, um, then you have a stone wall that is getting established about ten feet from that new fence line, and then you have this meandering trail that goes, um, about 15 feet away from that, and that location varies, but we are adding this buffer, right between the stone wall and the solar arrays. So, despite the fact that you have all this existing, great, forested vegetation, with a 40-foot canopy, we also are adding these additional evergreens, and this will serve two purposes – it will buffer abutters, or add that extra layer of protection in the winter time, but then, I also think it really helps to, um, keep this look and feel – the Narragansett Trail, as it is today, and as you'd want it to be. Um, suddenly, now, you have a really great experience, where you see a stone wall and evergreens and forests surrounding you, as opposed to just the solar farm. Uh, so, we think that's a really nice improvement. And then, if we go to the next slide – um, the other piece I wanted to talk about was some of the storm water areas, because I think, sometimes, in our head, we can think about storm water, you know, and think of – it brings up these ideas of detention basins with fencing around it, and that's not the case here. A lot of care has been taken in looking at these areas, and we think they're gonna be a great ecological opportunity, um, so, right now, they're designed as bio-retention areas, um, to slow down water and help infiltration, and we are proposing that these be planted with, um, combinations of a wet mix that's all native plant materials – combinations of grasses – fescues, sedges, wildflowers, um, on the interior, where it could get a little bit wetter, and then, on the perimeter, we're actually surrounding it with wildflower plantings, with native New England, uh, plants, and then, surrounding that, we're also adding the addition of some more pioneer species, which would be, you know, birch trees, junipers, um, some of the species that you would see coming in in disturbed areas, uh, the quickest. So, combined, uh, we're excited about this because it's a great, uh, opportunity for pollinator species. Uh, it's fantastic for birds – habitat creation, butterflies – so, these start to turn into really beautiful, um, pieces of the land that are actually enhancing, um, not only the aesthetics, but they're really adding to the ecology, too. And, on your left of the screen, I just wanted to share some pictures of what those could potentially look like, and you can see on the top left picture, it's a picture of, um, native species of grasses, and with combinations of Joe Pye weed in there, and some more wildflowers – and down below is actually, um, another planting that we recently did, and that was a wildflower seed mix that was just planted, that was two growing seasons after, and it's gone completely gangbusters – it's really beautiful, and you can just see what an opportunity that is for birds and butterflies. Um, so, we think this is a real substantial upgrade, uh, to what we were showing previously – and I'll note that throughout the site, this sheet is an excerpt from, uh, Planting Plan Enlargement 1 – it's L-10.1, um, but this is just an example of some of the bio-retention areas that are shown throughout the site, um, so – and, again, throughout the site, we're not seeding with loam and seed. Uh, any disturbed areas will be seeded with a wildflower mix. Uh, any low points will be seeded with this wet mix, with native plantings, and then, there's a special seed mix for under the

solar arrays as well. So, lastly, on the next sheet, I just wanted to mention, and talk about views quickly, because this is something that's come up, um, time and time again, and we just want to make sure we adequately, um, address it. So, if you refer to – if you're looking at your original package, uh, it would be Sheet 11.1, and Section 6 is really what we're looking at here – but we wanted to look at the views from [I]-95, and I think there's a lot of comment and concern that, potentially, the solar arrays could be viewed from the highway, and how would that impact the rural character. So, the first section there, which is highlighted in a big, red circle is our closest point to [I]-95. It's approximately 450 feet away. The section for that is right, is right below, and you can see that [I]-95 is down on your lower corner, um, all the way at the bottom, and then you have a really substantial slope, and the solar arrays are located up at the top there – so, there's really no potential of, you know, a view corridor through there. Um, the other view we wanted to be clear of was going on [I]-95 South, because there is an attractive view, which you can see to your left on your screen. Um, as you're kind of going down the crest of the hill, you know, you're seeing into open fields, and then you see all this forest behind it, so I wanted to take a moment to see what that would look like, and how the solar array would look on there. So, I think that you can see from the image is the solar array is very, very remote, and we have designated an area, in a shaded green, and this is really just designating the area of clearing. It's important to keep in mind those trees there are about a 40, 50-foot canopy, so the solar arrays would only be located ten feet, you know, off the ground, plus or minus. So, everything is very, very, uh, well buffered, you know – you may notice that there's a clearing, um, in the trees, but the solar arrays would not be visible from this, uh, view corridor either. So, we just wanted to make sure that we took adequate time to address those concerns – and then one other, um, piece that came up, and I think this speaks to the rural, forested quality of the site, is what the view would look like if you were maybe enjoying Canonchet Brook, or taking a walk, um, in that area, so we've done another view of that – Sergio [Cherenzia], if you don't mind jumping to the next screen. So, we just wanted to take a quick look – what would this look like if you were enjoying the Brook, um, and looking up – would you be able to see the solar farms? So, on this diagram, it's an aerial of the site. The solar farms are marked in white, and then you have Canonchet Brook, which is a bright blue, and then we've also noted that 200-foot riverbank wetland in yellow, and we're taking the section through there almost at the closest point. So, I think what's clear is the solar arrays are much higher, but you have a substantial area of vegetation between those two, and I think, um, Joe McCue will speak to this as well, in his plan, but it's about 800 – varies, 800 to 1,000 feet of forested buffer between the Brook, of the project, um, which pretty much ensures that you will maintain that really forested quality, if you were to be, you know, exploring in those areas of the Brook. Um, in that – with that, I'd like to conclude, and, you know, Bill [Landry], if you have any, anything I missed, please, please feel free to fill in.”

Next, Mr. Landry asked Mr. Pimentel to speak before the Board.

Mr. Landry: “Thank you very much, Ashley [Cullion], and, uh, next, we have Ed Pimentel, land use planner.”

Mr. DiOrio asked Mr. Landry for an “overview” of the rest of the team, and the amount of time that they would need to allocate for each speaker.

Mr. DiOrio: “Now – Al DiOrio – Uh, Mr. Landry, may I just interrupt for a moment – uh, I, I’m looking at the clock, and I was wondering if you could just give us, uh, an overview of how many more, uh, experts you have on your, your team, and, of course, we want to allocate some time for public comment – this is a Public Informational Meeting. What can you tell me?”

Mr. Landry: “I think that – I think Ed Pimentel’s presentation will be similar to the two that you just heard, in, in scope and time, but when we’ll, we’re gonna get really quick with, uh, Joe McCue on wildlife, Scott Rabideau on wetlands, and Ed Avizinis on soils – maybe as little as a minute or two for those three, and then we have a couple of gentlemen that did a, a noise study that could be a half a minute – that, you know, it’s kind of early in the game for the noise study to be presented, but we did it anyway, and they’re gonna briefly – so, we’re getting, we’ve gotten past the two major environmental presentations. Ed Pimentel does a pretty good job of making things concise, and, and speaking, uh, you know, in a, in – not in a slow fashion. Uh, will be our next witness – he could be closer to ten minutes, but the others – I, I promise you, will be very, very short, so we, we’ve gotten well into our presentation.”

Mr. DiOrio: “Mr. Landry, nothing takes a half a minute – I’m only being facetious. Alright, I would only ask that you proceed – your witnesses, perhaps, could be as concise as possible because, of course, the public comment is very important to us, so, please, carry on.”

Mr. Pimentel then spoke before the Board.

Ms. Jalette: “This is Talia [Jalette]. Ed [Pimentel], if you could just raise your hand by pressing *9.”

Mr. Pimentel: “Hello – can you hear me?”

Ms. Jalette: “Yep – go ahead. Please state your name for the record.”

Mr. Pimentel: “Uh, Edward Pimentel – that’s P-I-M-E-N-T-E-L.”

Ms. Jalette: “You may begin.”

Mr. Pimentel: “Uh, Okay. Good evening, Mr. Chairman, members of the Planning Board. Uh, it’s been a little while since I’ve been before this Board, uh, but when I was asked to get involved, and to do an analysis and an assessment from a land use perspective, what I – clearly, the design team had already been involved in this project for some time. There had been several iterations, uh, working with public, various pertinent agencies, the Board, to, uh, keep addressing concerns and other issues. What I brought to the design team was: I had done several solar projects in this Town. I’ve listened to this Board. I, uh, know the concerns expressed by this Board on other projects. For example, as the landscape architect just spoke to, uh, this Board wants to sho-, ensure, that there’s a – to the extent we can minimize, uh, would be the visual corridors, the intrusion, even from [I]-95, and from other sensitive site features. So, these were all kind of, sort of the things that I brought to the table. Uh, uh, the design team was already well aware of this – working on it, but, clearly, I was bringing it from a land use perspective. So, having said that, it, it’s, it’s never up, about, from, from a planner’s perspective – it’s never about just

addressing, ‘Hey, this is a by right land use, and we comply with all the dimensional criteria’ – which we do. It’s about making a project work – that, to the extent you can, satisfies the concerns of all the interested parties. That would be the regulatory bodies, the public, uh, and other agencies, as, has been testified to by, uh, both the project engineer and the landscape architect. There are sensitive site features on this property that have actually no regulatory protection, but it’s our intent to protect, to the extent we can. Uh, it was never about maximizing the development of this property. Even at the 30 megawatts, we were well under the dimensional standards and criteria, so it was never about that. It’s about utilizing this property - because the property owner is entitled to property rights – that renders it economically feasible, but also works for the community’s interests. It really was – this is, this has been, now, well over a year in the works. It’s been several iterations. The most recent iteration reduced it by another 16%, um, in lot, in lot, um, um, to the point where, uh, deforestation – and the 21%, and the megawatts. We - this, this property is 252 acres, and we’re talking about upwards, of, you know, I mean, granted this is at a well, well on – ahead of a Master Plan stage, to be truthful, but, um, it’s – we’re talking about maybe utilizing 47% of the property, and maintaining more than 50% in its natural state. I mean, that’s why I also did sort of, kind of, a land use yield analysis in my report, because if you applied the other types of by right land uses that could be introduced on this property, and all of the resulting permanent impact – you know, infrastructure, uh, roadway network, the need for resources. This, this is clearly the most sensitive con-, considering for the property in pres-, preserving the property. And, by the way, I know it’s 25, 30 years, but it’s a temporary usage of the property. Once again, think about a permanent disturbance on the property. Bring in the roadway infrastructure, the facilities that can be built here, uh, the effluent, the water. I think this is, by far, the most appropriate usage of this property. It’ll benefit the community from a tax base. It’ll ensure that the property owner is entitled to the property rights under the Ordinance, and yet, it takes into consideration the concerns of neighbors and other pertinent agencies, and that’s why we’ve constantly been meeting with these groups, and, and tweaking this proposal, to ensure we address those concerns. Um, we, we’ve been listening. I, I’ve done several other solar projects. I know the Board’s concerns. We have been listening, and we’ve been integrating those comments into this design, and that’s why we are at where we’re at today, and that’s another reason why we went well beyond the Master Plan stage of, uh, of the, uh, criteria that’s usually integrated into a Master Plan, vesting concept plan, because we wanted to make sure we could address those concerns, and you can’t just do that at a Master Plan level of design, and that’s why we are where we are with the engineering, the landscaping, etcetera. I think this is absolutely consistent with your Comprehensive Plan. Uh, the Town has limited commercial, uh, manufacturing zone resources. This is where you want your solar facilities. I can’t speak to past projects. I know the Town of Hopkinton has done – has more than its fair share, in the introduction of solar, but this is a by right land use. This is where the Town wants to see it introduced. We are not maximizing our property rights here, because it’s not what, ultimately, is how, we – development should be introduced. The ultimate conclusion – and I’m hoping the Planning Board will see this – is that a development should address, and meet the needs of all parties, including the Town’s concerns. So, I don’t know if you have any questions.”

Mr. DiOrio: “Very good. Thank you. I’m sure the questions will come at the end, Ed [Pimentel].”

Mr. Pimentel: “Yes, sir.”

Mr. Landry then asked Mr. McCue to appear before the Board.

Mr. Landry: “Joe McCue?”

Mr. McCue: “Hi – am I on?”

Ms. Jalette: “Yes, please state your name for the record.”

Mr. McCue: “Yes. Thank you. Uh, my name is Joe McCue. I’m with Mason & Associates. I have, uh, 25 years’ experience in wetland permitting, and, uh, performing, uh, wildlife habitat assessments. Um, I was engaged by the applicant in Januar-, January of this year, um, to review the proposed project in terms of, uh, wildlife impacts. Um, I’ll try to be brief. A lot of what I want to bring up has, um, actually been said, but I’ll, um, address it in terms of, uh, wildlife impacts. Um, the first is, you know, actually, general avoidance. Um, again, the – since I’ve been on board, the array has been reduced by twenty acres. Uh, this obviously provides additional areas for, uh, wildlife to, to maintain use of. Um, the, it – that area has a lot of stone walls and stone features. Uh, I’ll get into that a little later. Um, you know, we’re avoiding all wetland, uh, jurisdiction. Uh, we’re avoiding areas of steep slope, with, uh, large boulders that, uh, might provide denning habitats for, uh, mammals – foxes, uh, coyotes, um, so, in general, some of this, uh, project, uh, avoids, uh, areas that, uh, we’re gonna maintain, and, uh, species will be able to use. Um, again, on that note, too, the, uh, Canonchet Brook – it was brought up, uh, in Ashley [Cullion]’s, uh, presentation. Uh, depending on where you measure, we’re roughly maintaining between 800 to 1,000 feet of land between the array and, uh, the Brook, uh, so that will be preserved. Um, trying to be quick here – um, you know, some of the mitigation, um, you know, you cut down trees, you’re gonna have to displace some wildlife. Um, one of my assessments was the overall, um, area of land available. Uh, when you look at that, the actual area of, uh, of – that’s going to be cut accounts for just less than 10% of the contiguous land off-site, and, um, so, I do feel like there, there will be opportunities for wildlife to, uh, relocate. Um, one of the big things that I, um, see – and this is, is the relocation of all the stone walls, um – that, that’s pretty big, um, and I can’t really think of a development project in Rhode Island that, uh, this scope that, uh, that does this, um, and this development proposes that. Um, stone wall’s a really good habitat for species – for small mammals, um, snakes. Um, by relocating, keeping all the walls, um, on site, um, those species will continue to, to use that habitat. Um, in terms of, uh, local wildlife movement, migration, um, the fence – there will be a fence around the array. Um, there will be a six-inch gap at the, the bottom, uh, so the small, um, mammals, and small, um, wildlife, can pass through unobstructed. Uh, for the larger mammals, um, you know, they will have to go around the array, but there is, um, land available for that, north and, uh, frankly, you know, if the species using the Canonchet Brook corridor, going, you know, passing through there, uh, down to, uh, Palmer Circle, uh, that – they should, uh, not be affected. Um, and then, lastly, um, you know, Ashley [Cullion] had a great, um, plan and presentation, uh, putting the wildlife aspect on the plantings proposed. Um, these are good plantings for, um, for wildlife. They, they provide food, uh, nesting opportunities, and, uh, a good, thick cover. Um, so, with all that, you know, I

tried to be quick, and, uh, I will say that, uh, when I did have a concern on, um, you know, in my review, uh, I approached the project team, and, if I had a recommendation, the, the applicants, uh, without hesitation, um, authorized, uh, the team to, uh, incorporate some of these measures, so, um, I think it's a good plan, and, um, you know, I do think we've mitigated, um, uh, some of the impacts for the wildlife. That, uh, that completes my presentation."

Mr. DiOrio: "Very good. Thank you."

Mr. Landry then asked Mr. Rabideau to appear before the Board.

Ms. Jalette: "Go ahead, Scott [Rabideau]. Please state your name for the record."

Ms. Rabideau: "Of course. My name is Scott Rabideau. I'm a professional wetland scientist. Um, my company is Natural Resource Services in Harrisville, Rhode Island. Hopefully you can hear me all well."

Ms. Jalette: "Yes."

Mr. Rabideau: "The – NRS [Natural Resource Services] was retained in, uh, December of 2019, by Cherenzia and Associates, to do the wetland delineation work on this property. Uh, as has been noted – it's a 252-acre site, and it took my staff, uh, five days, uh, to complete the wetland delineation work on this property, and it's all appropriately represented on the, on the Cherenzia site plans for you. Moving forward, um, my, my part in this project will be to assist with the preparation and submission of the DEM [Department of Environmental Management] freshwater wetland application. I'll work with Cherenzia, uh, in order to do that, once, uh, the Master Plan review i-, is completed. The, uh, the important thing to note, I think, is that all of the disturbed areas on the eastern portion of the property – you're looking at some, some really funky configurations of wetlands, especially to the south of the proposed access road. Those wetlands were, were created due to the land disturbances that took place in the, in the 1980s, um, so, they're, they're very, uh, they're somewhat ephemeral in nature, in terms of the wetland hydrology that exists there. Keeping the access road coming in, using the existing cart paths and crossings will help us to keep this project at a level of an insignificant wetland alteration, uh, and I think even more importantly, uh, between what Sergio [Cherenzia] has done, Ashley Cullion has done, and what Joe McCue has done – the, the data and the, the information that's been provided to the Town is, is something that I don't usually see at a Master Plan level, and it gives me virtually all of the information that I need to move forward with the DEM [Department of Environmental Management] permit as soon as this process is completed. I'll leave it at that, Mr. Chairman."

Mr. DiOrio: "Very good. Thank you."

Mr. Rabideau: "You're welcome."

Mr. Landry then called Ed Avizinis to speak before the Board.

Mr. Avizinis: "Hello, uh, Mr. Chairman, members of the Board – this is Ed Avizinis. I am a certified professional soil scientist, and professional wetland scientist. Uh, I'm also a Class IV Soil Evaluator, which is a, a soil license specific to the State of Rhode Island, through the DEM [Department of Environmental Management]. Um, I, uh – my company

is Avizinis Environmental Services. I was retained to conduct about forty soil evaluations on the property, um, so, you know, just, briefly – the engineers, Mr. Cherenzia and his team designed those bio-retention areas you see, which will attenuate, treat, and promote infiltration of any storm water generated from the site. Those designs are based on the soil properties that I’ve determined, uh, in the field, and, uh, you know, it was quite a feat, getting the machinery back there. We spent, you know, a number of days, um, collecting that data, so, um, I can certainly attest to the fact that this is, uh, above and beyond what is normally seen at this level. Um, I’ve been sent to sites numerous times, um, that have received Master Plan approval, with predetermined storm water features where, you know, after I go out there and do some soil evaluations, we realize, ‘Well, you know, that’s not gonna work there’, and everything changes, so, um, yeah, it’s a great benefit to the Town, and to the, uh, to the owner to be able to have this design done, knowing that the system they’ve proposed will work with these soils in this state. So, um, I’ll keep it brief – I’ll leave it at that, but I’m happy to answer any questions about my work.”

Mr. DiOrio: “Very good. Thank you.”

Mr. Landry said that he did not know who was going to speak next – Jason Gold or Mike Ernsting – “on the noise study that was performed” on the site. Ms. Jalette replied that it appeared that Mr. Ernsting had raised his hand. Mr. Ernsting then spoke before the Board.

Mr. Ernsting: “I’m, uh, Mike Ernsting, with, uh, ESS Group. I’m an environmental, environmental engineer. We’ve done a few of these, uh, similar noise impact assessments, um, that have been in front of this Board, um, so, I mean, you guys all know the sound levels for, uh, for this type of equipment for solar projects is extremely low. Um, this is a somewhat larger project, um, that uses, you know, pad-mounted utility scale, um, inverters and transformers. Um, some of these are – some of the noise producing equipment is, uh, actually pretty close to the property line, um, and even so, it’s, it’s, uh, it’s really going to be imperceptible. Um, the, the maximum, uh, noise increase, or the maximum noise level, um, is, I think, 33 decibels at the property line, which, put background noise on top of that – it’s really not going to be noticeable. Um, even along the proposed, uh, hiking trail reroute, um, it’s going to be below 40 decibels, um, which, again, is, is really background noise. Um, and the model is, uh, it’s fairly conservative – uh, doesn’t – it includes the grading changes, but it doesn’t include any, uh, mitigation from the vegetated buffer that, uh, that Ashley [Cullion] spoke about, or from fencing or stone walls, um, or even the panels themselves, so, uh, I think it’s pretty safe to say that, uh, the noise levels will be, will be, uh, unnoticeable at the property line, and even more so, you know, by the abutters.”

Mr. DiOrio: “Very good. Thank you.”

Mr. Landry then asked Mr. Marano, “the head of the family that is involved in this property”, if he wanted to speak before the Board to address “how he, why he made the decision to go with solar here, and, and what has been involved in that decision in terms of, uh, expense.” Mr. DiOrio replied, “Sure.” Ms. Jalette asked that he press *9, and Mr.

Landry reiterated Ms. Jalette's request. She then asked Mr. Marano to press *6, then to state his name for the record. Mr. Marano then appeared before the Board.

Mr. Marano: "My name is Vince Marano. Um, I'm basically the, uh, owner of the property. Um, before I purchased the property, I, uh, was a little bit hesitant about it. It was a big piece of property, uh, but I love Rhode Island. I always liked Rhode Island. Uh, I'm a resident of New Jersey all my life, and we had planned to retire in Rhode Island, and still do. Uh, I have family in Rhode Island – grandchildren, son, granddaughter, and, um, we felt that this was a nice piece of property that we would want to acquire, and my background, uh, was in commercial real estate, and I thought, down the road, it'd be a good opportunity to sit with the Town and see what the Town would want in this piece of property, and I did that before I bought the property. I called the Town, and I asked 'em, and they told me what it was zoned for. I went ahead, I purchased the property. Originally, I wanted to develop it as a, uh, medical facility, and, uh, I have a little bit of background in medical facilities in New Jersey, uh, with Morristown Medical Center. Uh, we've developed 550,000 square feet of medical facilities for Atlantic Health Group, and, um, I thought, down the road, there would be a great need for the aging population that a, a state like Rhode Island, um, a piece of property right off the exit would be ideal for a medical facility. So, what we did is we, um, we engaged the architect and civil engineer, and we made a plan - we met with the Town, and, uh, the plan with the Town. The Town loved – the Town, they would love the development, but it had some challenges, and the challenges were very, very simple. Uh, infrastructure – there's no - hardly any – infrastructure there, um, but we were sensitive to that, you know, and, I – the second thing was the residential. Uh, well, we're sensitive to the residential. I know if I owned one of those condos, I don't want cars, uh, uh, you know, eight, nine hundred cars a day going by my house, so, we didn't want to, uh, upset the apple cart with the residential. So, the Town suggested that maybe we could have an alternate route, which is an exit, right off the, uh, Exit 3, right onto the property, and they asked me if I would contact, uh, Mr. Colette, who owns the abandoned golf course, which I did, and I tried to negotiate either a right of way, or a purchase of the property. I was unsuccessful. Uh, apparently, Mr. Colette has different ideas as to the value of the property. Um, so, I went back to the Town, and, uh, I met this time, which was the third meeting with – I met, in that meeting the, uh, township, uh, the committee, uh, Chair was at that meeting, uh, and two other, uh, committee members, and, um, we felt that putting such a large development of 900,000 square feet of medical – which would have a rehab center, would have medical office, will have a MRI [Magnetic Resonance Imaging] center, and it had, uh, 150 units of 55 and older - it has everything that we would want, if we had the infrastructure, that would not impact the township as far as the taxes go. Our, our original – my original plan was to work this, with the Town, so we had a development where everybody was happy. When the Town saw that, they asked me, 'Well, look, you're zoned for solar. Why don't you just come in for solar?' Originally, in the original, uh, design, we did have about five megawatts of solar, but that five megawatts of solar was gonna be utilized for the 55 and older, to give them a break in the utility. It was not being sold to the grid – was being utilized on the site. So, uh, with that said, uh, we went ahead, and we developed the plan that we have today, and that's where we are today – but we were always conscious of our environment. Uh, we never wanted to create a, uh, a development which would cause a

problem with the Town. Uh, we always shared our feelings with the Township – that we always wanted to do it in partnership with the Town, and be proud of something, and that’s why you have the cooperation that you’ve had, from our side of our family. Uh, we, we love the project. We think that the trails will open it to the public. It could be enjoyed by everybody. At the same time, it will produce an income where it will sustain itself as far as, uh, taxes go, uh, and, and, uh, you know, 25 years from now, I’m not gonna be here, so I don’t know what’s gonna happen 25 years from now, but we have a LOI – letter of intent – signed with Constellation Energy for 25-year lease, with two 10-year options, and, um, you know, hopefully, with the approval of the Township, uh, I know we may have to tweak the site a little bit more, but, we’re willing to do that. Whatever makes the Town happy, that’s what we’re willing to do. Uh, as far as the abutter is, uh, property owner – I feel sorry for them. I really do. Uh, and that’s all I’m going to say about that, because, in the past, they’ve never reached out to us. They never said, ‘Hey, look, what is it gonna, what is it gonna take for us to come to some kind of an agreement.’ Never. They just go. Well, look, again, I feel sorry for them. So, that, that’s all I had to say. I have nothing more to say. Uh, I appreciate everybody’s cooperation, and, hopefully, we could bring this project to fruition for the better-, for the betterment of everybody. Thank you.”

Mr. DiOrio: “Very good. Thank you.”

Mr. Landry then stated that those were the only speakers that they applicant had at that time, and thanked Mr. DiOrio. Mr. DiOrio thanked Mr. Landry in return. Mr. DiOrio then said that he wanted to “start with the comments or concerns from Planning Board members.” Mr. Prellwitz replied that he did not have any concerns. Mr. Lindelow said that he would “defer to the public opinion in the late hour.” Ms. Light said that she had a question.

Ms. Light: “Uh, in, in my research, and trying to understand the relationship with National Grid, with our solar community, um, I came across a monthly report published, uh, by the National Grid, and it’s a distributed generation interconnection report, um, and, in sum, this report highlights substations throughout the State of Rhode Island that are at risk for saturation, um, and this report lists, uh, Wood River and Chase Hill Road. So, this project that’s before us – in addition to other projects that may be, uh, in construction right now, or those that are thinking of applying, and the report suggests that the applicants have been in, are in receipt of a letter stating that there is a Level 3 study that needs to be conducted to support their applications to the grid. So, my question is: has this applicant received that communication? Um, National Grid is stating that once they have a payment available for the company that conducts he study, the study will begin in May and conclude in the fourth quarter of this year.”

Mr. Landry: “Not sure who wants to take that, of – Vince [Marano], is that one for, for you, or for, uh, Constellation [Energy]?”

Ms. Jalette: “This is Talia [Jalette]. Whoever would like to speak on, in regards to this issue, please press *9 – from the applicant’s team.”

Mr. Marano: “This is Vince Marano again. Uh, could you hear me?”

Ms. Jalette: “Yes, and I believe the other caller is, uh, Mr. Kevin Orchard?”

Mr. Marano: “Yeah, uh, Kevin [Orchard] could field the call. He’s our, uh, rep as far as the, uh, with, uh, with the solar company [static noises].”

Mr. Orchard: “Yes. Hi – this is Kevin Orchard on behalf of the applicant. Um – this, that is the correct characterization of where we’re at in the interconnection process with National Grid. Um, the applicant has funded the ASO study, the third study, which, uh, commenced. I believe that time frame is correct, in May, and we are anticipating, um, the conclusion of that study this upcoming September.”

Mr. DiOrio: “Thank you. Carolyn [Light] – does that an-, answer your question?”

Ms. Light: “If I could take it one step further, there, there’s going to be, uh, two conclusions that come out of that. One is going to be, ‘Yes, you can proceed’, and the other is going to be – is it going to be wait and see, or, you know – what are you anticipating from that study?”

Mr. Orchard: “So, the anticipation of that study is, ‘Yes, you can proceed,’ but also, a more detailed cost estimate. Uh, what you had referenced with regards to certain substations being identified as potentially being overloaded – that’s a result of a number of applications that are in the queue currently. Um, we were the, the final, the last application that National Grid accepted for, uh, this feeder line that we’re building back, so this study is done in conjunction with all the other applied projects, so we’ll also be receiving what the, the shared, the cost allocations are for the, the shared network upgrades that will take a, uh, take place as a result of all the projects that are in the queue, um, on the same, on the same feeder line as us.”

Ms. Light: “Okay, I, uh, I understand that. That’s – and, just to be specific in my mind, we’re talking for you – it would be the Wood River subse-, substation?”

Mr. Orchard: “No – I, I don’t, um, I, I, that, that does not – off the top of my head, I, I don’t have the name of the substation, but I do not believe it’s the Wood River one, no.”

Ms. Light: “Okay. Thank you.”

Mr. DiOrio then asked if any other Planning Board members had “questions, comments, concerns” for the applicant. Ms. Shumchenia replied that she did have questions and comments, but that she was “interested in hearing from members of the public.” Mr. DiOrio replied that he was “in the same boat.” He then said that if there were not any other Planning Board comments, he would ask Mr. Lamphere if he had “any input.” He did.

Mr. Lamphere: “I’d like to mention that this application is, um, in effect through this evening – May 5th. Uh, if, if it looks like we’re gonna have to continue this application to another meeting, we’re going to need the applicant to consent to an extension. So, I, I would say that.”

Mr. DiOrio: “Alright. Well, let’s keep that in the forefront, because, uh, as I, again, look at the clock, uh, depending on the amount of public input here, this might be continued. So, if that’s going to be the case, we’ll have to talk to the applicant about an extension, yes?”

Mr. Lamphere: “Correct.”

Mr. DiOrio: “Okay. Very good.”

Ms. Hogan: “Mr. Chairman?”

Mr. DiOrio: “Yes?”

Ms. Hogan: “Uh, this is Attorney Hogan. Uh, there isn’t any question that you’re gonna need to ask for that extension, because there is no prepared draft motion, uh, for you to consider this evening. It would be impossible to prepare that prior to the testimony that’s been given this evening.”

Mr. DiOrio: “Very good. Thank you. Let’s stop right here. Let’s talk about the extension.”

Mr. Landry: “We, we’ve mentioned in the past that the, the Board has been very, uh, amenable, when we’ve asked for additional time to address issues that are of importance to the Board, and I’ve mentioned before that that goes both ways, so I, I’m certainly authorized to, to consent to an extension for the Board’s period to act. Uh, you know, maybe – not assuming that it would go on the June meeting, but, at least through the next, uh, the next, uh, Planning Board meeting, and we’ll see where we are from there, if any, any further time is required, but it’s, it’s not in our interest at this point just to try to squeeze this, this Board. That’s not consistent with anything this applicant has done on this project.”

Mr. DiOrio: “Very good, Mr. Landry. Thank you very much for that. I, I’m going to turn it over to Jim [Lamphere] for a comment, but I would only caution that, uh, consistent with our past practice, if there’s going to be an extension, I would just ask that it be somewhat more than our next regular meeting, right? In the event that something happens, and a meeting can’t take place – I don’t want to be, uh, I don’t want to put the Planning Board in a jam. So, that said, uh, I think Jim [Lamphere] might have a comment.”

Mr. Lamphere: “Yes, uh, Mr. Chairman. I know at the outset, uh, you had planned out – and I think it’s a good plan, it was mine as well – uh, given that we have two on tonight, to allocate two hours to each one of them. However, a backup plan that I had in my head all along is – depending upon how much progress we made on this first application, and it looks like we’ve made, uh, considerable progress. Uh, considering that all the applicant’s representatives are here this evening, and because the public, I’m sure, wants to comment on this right here tonight – they’ve been waiting for it – if we would, possibly, let this application go, maybe, as long as another hour, so that we can get the bulk of this application done, then, maybe, we can bring this application back to the Planning Board at the May 19th meeting for, for a decision. That, that’s a, that’s a possibility.”

Ms. Hogan: “Keep in mind – this is Attorney Hogan – keep in mind there’s also an objector attorney, and, um, there’s, uh, some documentation’s been submitted from an expert, so I suspect there’s going to be a presentation on that side of the fence as well, and potentially, some cross-examination.”

Mr. DiOrio: “Okay. All good points. Uh, I – why don’t we, why don’t we allow some public comment here. Uh, I, I’m, I, I really don’t want to depart from my, uh, my original plan of action here. We have another applicant waiting in the wings. Uh, kind of made some representations here, so, let, let’s open it up to public comment. Let’s see where we get within the next, I don’t know 10 or 15 minutes, and, in all likelihood, this is gonna end up being a continuation, and then we’ll go to our next application.”

Mr. Lamphere: “Yes, Mr. Chairman, if I may – Jim Lamphere, Town Planner. I think that’s a very good suggestion. Um, my hope, then, for the rest of the, uh, evening here, with this application, and looking forward to the next one, and with the type of time that we spent on this first one, we did get a lot of, let’s say ‘housekeeping’ things, or ground

rules established at the outset, which prevent this applicant from really diving into the details of the application, uh, I'm anticipating that the next application may involve similar things, so, I don't, I don't, I don't envision, I don't envision the next application getting done tonight either, so my plan would be to do as much as we can tonight, and then, as Attorney Hogan said, we bring this back on May 19th, have the objector make testimony. Maybe, maybe can wrap this Master Plan up on May 19th. That's, that's my hope."

Mr. DiOrio: "Okay, good strategy. So, with that said, uh, let's take a few minutes. Let's go to public comment for, uh, those that might be wishing to weigh in on this particular application."

Ms. Jalette explained that she was "going to read either the last four digits of the phone number, or the name that's displayed on the screen", and that she would then ask the caller to state their name for the record. The first caller was Joe Moreau, of Old Depot Road.

Mr. Moreau: "Hi, this is Joe Moreau, and I just wanna make a point that the attorney, um, previously has said, that the property, Sculco property, was purchased in 1987. The information I had reviewed a few weeks back – Town records – it was December 1st, 1995. The other thing I wanted to point out – um, I read, recently, in an e-mail, about the Stone Ridge project, and a resident referred to it as a '92 acres' sea of glass.' The actual total size is 81.33, and I confirmed that today. It's not 92 acres. I just wish people would be accurate with their facts. I listened to several of the Conservation Committee meetings, uh, on this project. I live in the area. Uh, I drive by there every day. Uh, I can attest to the fact of what they went through to get the equipment in there. Uh, snow storms – I've seen the equipment out there working. Um, there was an issue with the fence being down, and they responded right away to fix that issue. Uh, in the beginning, as the owner mentioned, uh, when I looked at documents, there was questions about a medical building going in there, and I thought of – the first thing I thought of was that our Town just doesn't have the services. We don't have city water. We don't have the, uh, septic designs for that. This developer – and I've been involved since 2018 with solar projects – most developers would go in, and they would max out every acre that they could to put solar on it. Listening to these meetings, they've made a lot of concessions. There's been a good working relationship with our Town. The fact that they are gonna take stone, and they're gonna put the stone around the cemetery, that's just sitting there at this point – I thought it was very commendable. The trails that they're gonna provide, that residents will be able to, um, use. It wasn't mentioned tonight, but there were other questions about the gate, and how the residents get in, and they are certainly gonna, uh, gonna look at that. I just think, uh, it's been a real, real good working relationship, and I appreciate the fact that they have made so many concessions. I mean, to reduce – from a 50,000 square foot building, now to a 15,000 square foot building, where it was initially four small buildings. The comment that the owner made – uh, he is concerned, as well as the residents in the condo areas, about traffic going down that road if it was a medical building, um, and they, they're looking at a lot of different things in our community, and I appreciate that from a developer, and thank you for your time."

Mr. DiOrio: "Thank you, Joe [Moreau]."

Ms. Jalette asked the next caller to state their name for the record. It was Lorn Turner, of Stone Bridge Way.

Ms. Turner: "Hello, it's Lorn Turner."

Ms. Jalette: "Go ahead."

Ms. Turner: "Um, I have a little bit of a different view, and I feel that Hopkinton has done its share of solar. I'm very, very concerned, as a resident that most of the discussions that happen are not fact checked, and I heard that from past Council members. Um, so, just because somebody says something at one of these meetings, it is not fact. When these solar plants go up, there's a lot of different issues. It's not how much land, it's not if we're gonna put up a pretty rose bush in front of it. There are many, many concerns, and solar is new. I didn't hear anything about decommissioning. Um, wildlife is a big problem right now. I never had heard a coyote in the 15 years I've lived in Hopkinton. There are now packs of coyotes. This is a ripple effect, and I don't have the time tonight, although I would love to have everybody listen to me for two hours, and, although everybody has a vested interest, and they want to make money, and they want to do all of that, there are very, very serious repercussions, and I would like the opportunity, because I was never informed, from everybody I have tried to speak to, that the public can put up experts, so, if, if, in the event, I want to have experts come in to speak to the other side – independent experts that don't have a vested interest in the project. I have tried very, very hard to reach out to people. Unfortunately, I cannot get anybody to get back to me. I am a concerned taxpayer, and I don't know if I can stay living in Hopkinton if this continues. This has made me literally sick, and there is nothing that can be said – a fence, moving this – we have fishing, we have that – there is not enough research to determine that there is not gonna be problems down the road, and we have continued, and continued to approve solar plants, and I just, I cannot plea enough that Hopkinton is maxed out. Whether somebody thinks it's a good plan, not a good plan – we are maxed out. I thank you for listening. I sat through two hours, and I wish I could be a little bit more eloquent, but I am extremely upset."

Mr. DiOrio: "Ah, you did a good job. Thank you very much for your comments."

The next member of the public to speak was Jeffrey Rossi, of Woodville Alton Road. Ms. Jalette asked Mr. Rossi to state his name for the record after pressing *6.

Mr. Rossi: "Um, that abuts up to, uh, the former Lindhurst³ Golf Course, um, and I've borne witness to some of the flooding that takes place there. I'm very concerned about, uh, the drainage abatement that they have designed is on the other side of the hill. On my side of the hill, I'm really concerned about, uh, taking 100 acres of forest out of there, which is a big sponge, and all that runoff coming down, fouling my well, and really, uh, impacting the value of our property. So, I am in opposition to this, um, project, uh, and I hope, uh, that the, uh, Planning Board will take my concerns into consideration. Thank you."

Mr. DiOrio: "Thank you. Very good. Thank you."

³ The name of the site was Lindhbrook Golf Course.

The next member of the public was Eric Bibler, of Woodville Road. Ms. Jalette asked him to state his name for the record.

Mr. Bibler: “Hi, um, it’s Eric Bibler, uh, Woodville Road. Um, I don’t really want to make extensive public comment tonight. I just wanna ask – I want to make sure that, uh, the public will have a chance to comment after the, um, abutters present their own experts. Uh, we’ve only heard one side, uh, one opinion on some of these issues, including the planning issues, so, um, I hope that there will be some time reserved for that, because I’d like to hear a rebuttal from a professional planning expert to, uh, some of the testimony that’s been brought tonight. Um, I do want to express my, uh, profound disappointment, um, that the Planning Board has, uh, tonight, essentially, um, in my opinion, abdicated-, abdicated its responsibility for, uh, making a required finding as to whether or not this proposal is, um, in compliance with our Zoning Ordinances. Um, we did have, um – first of all, there’s a plain language of the Ordinances – I think is clear. You know, the opinion that suggested that any commercial use should be allowed, uh, was purely speculative as to the intent of the Town Council in 1990, and we did have, I believe - Chairman DiOrio was on the Planning Board in 1990, and we had, uh, Peter Conopask come and testify before you as to the intentions of the Town Council in 1990. Um, so, there was certainly no intent to, um, to allow this, uh, to allow this use. Um, in fact, um, solar energy as a use was prohibited in the Town Ordinances from 1994 through 2014, um, so it surely doesn’t, uh, suggest that any prior Town Council intended that. Um, as to the size of the property and the footprint, and the idea that, uh, use of 45% of the property is conservative, um, keep in mind the size of the property is 252 acres, um, and, again, Mr. Conopask, who was on the, uh, Planning Board in 1990 described the process through which that Town Council rezoned this property, and they took great care, uh, to describe the, the uses to which it could be put, and it was RFR-80 before they rezoned it, and the only reason they were willing to rezone it to commercial special was because it was going to be a golf resort, and they stipulated that 40% of the property must be dedicated to open space, and that was exclusive of the, uh, fairways and greens and all the wetlands. So, they were approving a use of the property that was about as close as you can come, you know, to RFR-80. They merely wanted to accommodate, um, facilities for the hotel, uh, some shops, you know, a few other amenities, so, I, I don’t think the Planning Board should be lulled into thinking that, um, putting up 82 acres of solar panels, as a commercial use, is any kind of, uh, is in any way consistent with our Comprehensive Plan, and I don’t think they should be lulled into thinking that, 30 years ago, there was ever any intent, or there would ever have been any feeling that, you know, utilizing quote, unquote only 45% of the property would be, would be conservative. Um, and, finally, I would just note that, um, uh, I think Mr. DiOrio ap-, participated in this, probably Tom Holberton - Peter Conopask mentioned that he was one of the group that drafted the first Comprehensive Plan, and the first revision, and he told you, in no uncertain terms that this proposal is absolutely inconsistent with the Town’s Comprehensive Plan. So, I think that’s about an, as authoritative source as you can get – the Planning expert from, for the developer’s well known in Hopkinton. Uh, there has never been a solar project he wasn’t in favor of in Hopkinton to my knowledge. He’s probably represented developers on a half a dozen of them, and he memorably said in one of these, uh, hearings that spot zoning was an urban legend, and, uh, really, didn’t even

need to be considered. So, um, anyway, I'd like to make – I just want to make those points tonight, but I really hope to be able to hear from the, uh, planning expert of the abutters, and get a balanced opinion. Thank you.”

Mr. DiOrio: “Very good. Thank you. Okay – at, at some point, I gotta -”

Ms. Jalette: “We have one final member who would like to comment -”

Mr. DiOrio: “Okay, okay, that’s one more. Yep.”

Ms. Jalette explained that the caller was identified as “The Swamp”, but that she was going to ask the speaker to state their name for the record after pressing *6. It was Lynn Lapierre, of Maxson Hill Road.

Ms. Lapierre: “I wanted to speak to the sound studies. Naturally, you’re not going to hear any equipment running, because once you clear that amount of wood, all you’re going to hear is the highway. I am 100 feet from a solar facility that cleared a lot of acres of woodland, and I am a mile from [I]-95. I am serenaded by the highway day and night. This wasn’t the case before the trees came down. Also, on the subject of water runoff, that the resident just before Mr. Bibler spoke about – he has every right to be concerned, because we raised these same issues with the Maxson Hill facility. We’re now dealing with water issues that we said were gonna happen. I have got - my neighbor’s has had their water main broken twice. I have my driveway washing out, and it runs right down to my well, but my, my biggest concern is the Town was not able to properly manage the Maxson Hill construction. How do they think they’re going to manage something the size of Stone Ridge? Thank you.”

Mr. DiOrio: “Okay. Thank you. Alright, so, listen, here we are – it’s coming onto 8:30. I think it’s time to stop and say, ‘Enough,’ for this particular application. We need to – yes?”

Mr. Lamphere: “A date certain.”

Mr. DiOrio: “Yes, of course. We need to, uh, say to everybody in the audience, yes, there’ll be plenty of time for additional comments, concerns, etcetera, but we have run out of time for this evening. So, two things: I just want to clarify that, in fact, we do have an extension. Do we need to identify how long that extension is gonna be?”

Mr. Lamphere: “We could. It really – it’s a Public Informational Meeting right now, and I suggest that the Public Informational Meeting be continued to a date certain.”

Mr. DiOrio: “Well, I was actually referring to the extension by the applicant of our review window.”

Mr. Lamphere: “That as well.”

Mr. DiOrio: “I, I know that Mr. Landry has been cordial enough to say that, yes, he’s amenable, but I don’t remember that we identified a period of time – I’d really like to have something on the record that says, you know, to, uh – I’m looking at a calendar here, quickly – you know, to – I don’t know, June 9th, or June 16th or something like that.”

Mr. Lamphere: “Mr. Chairman – Jim Lamphere, Town Planner. We have, uh, a second meeting in the month of May, that, graciously, the Planning Board graciously granted due to the workload that we have. We have May 19th. The next regular meeting of the Planning Board is June 2nd. I already have a few things penciled in – non-solar issues that I’d like to get done for people, and then we have a set – I believe the Planning Board is

amenable to the second meeting in June, which would be June 16th, and I already have, in my mind, potentially two, two projects for that – one, one being solar, and one being a large housing development. So, that would – but, but, first thing’s first – I think I’d rather finish what we have, uh, almost completed, let’s say, than starting new, new stuff.”

Mr. DiOrio: “Well, I – you know the schedule better than I do. Why don’t you suggest a window that Mr. Landry can comment on?”

Mr. Lamphere: “My suggestion would be to bring this right back, uh, uh, to the Planning Board on May the 19th, and that would be the first item on the agenda, old business, and we will continue this Public Informational Meeting at that time.”

Mr. DiOrio: “And it would be your hopes to bring it to conclusion?”

Mr. Lamphere: “At least, as least for – yes, some, some sort of a conclusion, with some sort of a decision, I would hope – but, that might be overly optimistic. We know we have the applicant’s, uh, representative, the applicant’s, um, I’m sorry – the objector’s, uh, planning expert wants to testify. I want to give everybody an opportunity to weigh in on this.”

Mr. DiOrio: “How about we get an extension to June 2nd?”

Ms. Hogan: “Mr. Chairman – can I jump in for just a moment?”

Mr. DiOrio: “Yes, of course.”

Ms. Hogan: “I, I’m just like – let’s, let’s be reasonable about it, and understand that even if the matter were concluded, uh, at the first meeting in June, you – there’s still going to be time, you know, you’re still gonna need to consider, uh, a written motion for findings of fact and conclusions of law, so, my suggestion is, at the minimum, that this would be extended to the June 16th meeting. Hopefully, for that, at that particular point in time for a decision, but with the understanding that it could go to the, um, July meeting, um, so that would be my recommendation to you.”

Mr. DiOrio: “Yep. Thank you. Good comment. Mr. Landry – June 16th?”

Mr. Landry: “That’s acceptable, Mr. Chair.”

Mr. DiOrio: “Thank you very much. Okay, so, we have the extension resolved. So, then, with regards to this application, I’ll entertain a motion to continue to a date and a time certain, please.”

Ms. Hogan: “Uh, and if I could just jump in again, Mr. Chairman. I would suggest that, um, you keep the momentum going, uh, and not drag this out with a lot of things in between. So, my recommendation to you is that you would continue this application to your next scheduled meeting, which I believe is the 19th of May? Is it the 19th?”

Mr. DiOrio: “Yep – that’s what I’m hoping someone will offer.”

MS. SHUMCHENIA MADE A MOTION TO CONTINUE THE PUBLIC INFORMATIONAL [MEETING]⁴ ON STONE RIDGE TO MAY 19TH, AND EXTEND THE PERIOD OF REVIEW FOR THE PLANNING BOARD UNTIL JUNE 16TH.

Ms. Hogan: “And that May 19th meeting is going to begin at six o’clock as well?”

Mr. DiOrio: “That’s my, that’s my understanding.”

Ms. Hogan: “Okay – just so everyone’s clear.”

Mr. DiOrio: “Do we need to include that as, uh -”

Ms. Hogan: “Yes. Yes, because it deviates from your regularly scheduled time.”

⁴ Ms. Shumchenia said “hearing”, when the correct term is “meeting” for this stage of review.

Mr. DiOrio: “So, Emily [Shumchenia], if I could just get you to, uh, incorporate that revised time frame into your motion, please?”

Ms. Shumchenia: “Sure.”

MS. SHUMCHENIA REVISED HER MOTION TO CONTINUE THE PUBLIC INFORMATIONAL [MEETING]⁵ FOR THE STONE RIDGE APPLICATION UNTIL THE MAY 19TH MEETING AT 6 P.M., AND EXTEND THE REVIEW PERIOD FOR PLANNING BOARD DECISION UNTIL JUNE 16TH.

Mr. DiOrio: “Excellent. Very good. I have a motion. Do I have a second?”

MR. PRELLWITZ SECONDED THE MOTION. THERE WAS NOT ANY FURTHER DISCUSSION.

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

ABSTAIN: NONE

OPPOSED: NONE

5-0, MOTION PASSED.

Mr. DiOrio: “Okay. Very good. Thank you all, and thank you, uh, all in the audience for being with us this evening. Uh, please, I urge you to, uh, keep your notes, and stay tuned for our next meeting and, uh, you’ll have the opportunity to comment again during that meeting. Thank you.”

NEW BUSINESS:

Master Plan – Public Informational Meeting – Major Land Development Project – Comolli Solar – AP 2, Lot 73, 0 Chase Hill Road, Unit 2. Centrica Business Solutions, applicant.

Mr. DiOrio began by explaining that he was going to recuse himself, as he had in the past. He handed a notice of recusal to Ms. Jalette, which she accepted. He said that his firm had “performed surveying services, uh, for the applicant in the past”, though he did not have any “involvement in this specific project.” He asked Mr. Prellwitz to assume the position of Chair “for this particular application.” Mr. Prellwitz accepted.

Mr. Prellwitz began by asking if there were any representatives for the applicant in attendance. Ms. Jalette replied that there were. Ms. Shumchenia interjected.

Ms. Shumchenia: “Ron [Prellwitz] – this is Emily [Shumchenia]. Before, um – similar to the last item on our agenda, before we hear from the applicants, I’d like to make a motion for the Board to consider.”

Mr. Prellwitz: “Yes. Absolutely. Go ahead, Emily [Shumchenia].”

⁵ Again, Ms. Shumchenia said “hearing” when the correct term is “meeting” for this stage of review.

MS. SHUMCHENIA MADE A MOTION THAT, IN THIS APPLICATION, COMOLLI SOLAR, THAT THE APPLICANT’S ATTORNEY ADDRESS THE FOLLOWING QUESTION, IN WRITING, PRIOR TO THE NEXT HEARING ON THIS APPLICATION, AND THAT QUESTION IS THE FOLLOWING:

GIVEN THE FACTS THAT BOTH:

- A) THE RHODE ISLAND GENERAL LAW §45-23-61, AS WELL AS SECTION 3.2 OF THE HOPKINTON [LAND DEVELOPMENT AND] SUBDIVISION REGULATIONS – [SECTION] 3.2.2 REQUIRES CONDITIONAL PLANNING BOARD APPROVAL FOR THE FIRST APPROVAL STAGE OF THE PROPOSED PROJECT PRIOR TO THE TOWN COUNCIL GRANTING A CONDITIONAL ZONE CHANGE, AND,
- B) THAT THE PLANNING BOARD DID NOT GRANT CONDITIONAL APPROVAL TO THIS APPLICATION PRIOR TO THE TOWN COUNCIL ZONE CHANGE,

PLEASE IDENTIFY, WITH SPECIFIC REFERENCES TO APPROPRIATE STATUTE AND/OR CASE LAW, HOW THE PLANNING BOARD HAS LEGAL SUBJECT MATTER JURISDICTION UNDER BOTH STATE LAW AND THE HOPKINTON SUBDIVISION AND LAND DEVELOPMENT REGULATIONS TO HEAR THIS APPLICATION FOR MASTER PLAN.

Mr. Prellwitz thanked Ms. Shumchenia, and asked for a second.

MS. LIGHT SECONDED THE MOTION.

Mr. Prellwitz said that they had a motion and a second, but that he “may have overstepped here a little bit”, as the Board had not yet asked Mr. Pennypacker to fill in. Ms. Hogan replied that that would “happen automatically”, though it was “good to note, for the record that, um, he is sitting as the fifth member, uh, on this application.” Mr. Prellwitz said that he understood, and thanked Ms. Hogan. Mr. Prellwitz then stated that the Board had a motion and a second. Attorney Joelle Rocha, for the applicant, interjected.

Ms. Rocha: “If, if – I’d like to be heard on this, if possible.”

Mr. Prellwitz: “Sure, go ahead.”

Ms. Rocha: “So, I – I’ve got a pretty significant problem with the request here, um, which, at this point in the, um, process, so the, the question is whether, um, somehow, this whole – as I see it – this whole process is somehow voided. It - we are now past the zone change, um, we’re here for Master Plan review, um, and this question is being posed here. I, I think this is a pretty significant problem, with how much, uh, we’ve spent on this going forward. Um, this is the process that the Town has told, told us to follow, like a lot of projects followed this exact path. That statute, um, does not have a penalty for not following that process, so this is, this is a bit of the rug pulled out under us, at Master Plan approval, and I would strongly object – and I would want to know that if that’s the

Town's position going forward, then we're going to have to seek a different venue to resolve that, because this is far along this path to have this legal issue come up, at this point – I also, as noted, when we initially started this project, your, uh, Solar Ordinance provides for Development Plan Review on zone changes, and we were told to follow the land development process, so, to the extent we're going to go down this road, I would object to this, this process as well, as I think Development Plan Review does apply. We've been cordial, and following the process that has been told to us by the Town, but, um, if this is what is going to happen at this point, then I'd like to know – I, I don't see the need to address this in a memorandum, because if this is the position the Planning Board's going to take, then, um, we're going to need review of this."

Mr. Prellwitz: "Okay. Thank you. Uh, in my mind, this is a little bit of a confusion – it, it appears to be a legal issue, and I would like to get an opinion from our solicitor, and if you would, please, Attorney Hogan, weigh in on this?"

Ms. Hogan: "Uh, certainly, Mr. Chairman, Mr. Acting Chairman. Uh, um, Ms. Shumchenia has made a motion, there's a second, and, uh, the Board, um, is, uh, poised to discuss and vote on that motion. Um, subject matter jurisdiction is a topic that – it can be raised at any time in a proceeding, and if a Board does not have subject matter jurisdiction, uh, it's important to, uh, make that finding, as we know that we have received a number of, um, communications over the last several months, uh, on this question, and – from members of the public – and, um, this is the first opportunity that the Board has to address, uh, a legal question that has been raised. It is not an inappropriate time for you to consider this. Certainly, the applicant is aware of those, um, of those legal statutes, and that a question has been raised, and the Board would like to have some opinion from the applicant as to how it believes it's properly before the Board. Um, the, the Board may be convinced of that argument, once it's made, but we won't know that until you, um, you hear from the applicant on that. If that applicant chooses not to follow the motion, if it passes, um, and chooses not to submit something in writing to the Board on that, uh, then the applicant, uh, does so at its peril."

Mr. Prellwitz: "Okay – if I'm understanding this correctly, uh, we are in a position where we can move forward on Emily [Shumchenia]'s motion, and then go back to the application, and hear from the applicants and their attorney -"

Ms. Hogan: "That's correct."

Mr. Prellwitz: "Is that correct?"

Ms. Hogan: "That is correct."

Mr. Prellwitz then stated that the Board had a motion, and a second on that motion. He asked if they Board had "any comments or questions about Emily [Shumchenia]'s motion." When he did not hear from the Board, he said that it was time for a vote, and that he would vote last. He then asked the members, by name, to vote.

Mr. Prellwitz began to proceed, when Ms. Hogan interjected that Mr. Prellwitz had forgotten to call upon Mr. Pennypacker. He apologized and asked Mr. Pennypacker for his vote.

IN FAVOR: LIGHT, LINDELOW, SHUMCHENIA, PRELLWITZ, PENNYPACKER
ABSTAIN: NONE

OPPOSED: NONE

5-0, THE MOTION PASSED.

Mr. Prellwitz then asked the applicants if they had any “ideas”, “testimony”, or “input” that they wanted to present. Ms. Rocha replied.

Ms. Rocha: “On the motion that just passed?”

Ms. Hogan: “No.”

Mr. Prellwitz: “No, the motion is passed -”

Ms. Rocha: “So, I, I, I’m very confused, as what, to what we’re doing here, because, first of all, it’s not subject matter jurisdiction, because the Board has subject matter jurisdiction here – Major Land Development projects. So, you want us to go ahead and present this application, um, with this issue – which isn’t an issue, outstanding – is that, am I correct with that statement?”

Ms. Hogan: “That’s correct. The motion was for you to submit the, um, a response, in writing to the Board prior to its next meeting. Um, the Board is not presuming to make any decisions as of yet. It would like to hear from your position on that, and we certainly would encourage you to proceed with your application that you’ve prepared.”

Ms. Rocha: “Well, if you can give me, uh, thirty seconds to consult with my client, because, procedurally, um -”

Ms. Hogan: “Of course.”

Ms. Rocha: “This, this would have been – we need to discuss, so, if I could have that matter settled -”

Ms. Hogan: “Why don’t we have, why don’t we, Mr. Chairman, why don’t we have the Board take a five-minute break while Ms. Rocha can consult and maybe people get, stretch their legs, and then we’ll come back.”

Ms. Rocha: “Thank you.”

Mr. Prellwitz agreed that that sounded like “an excellent idea”, and he said that the Board was going to have a “five-minute break” which was going to start at 8:43 p.m., and that they would be back around “about eight of, give or take” [8:52 p.m.].

Between 8:43 p.m. and approximately 8:49 p.m., the Board took a break. Mr. Prellwitz returned and asked if “everyone [was] ready to proceed.” Ms. Jalette explained that she had not yet heard from Ms. Rocha, so she was “not sure where the applicant stands on this.” She joked that it was “a little bit difficult to make a presentation without an applicant.” Mr. Prellwitz and Ms. Hogan suggested that the Board should give the applicant a couple of minutes. Ms. Shumchenia reported that she had returned. Mr. Prellwitz joked that it “was so quiet”, he “was getting to be a little bit afraid.”

As the Board was waiting for the applicant, Ms. Light asked the Board if they also heard a sound, like they were “standing on the side of [I]-95.” Ms. Jalette replied that she did not hear that particular noise, but that maybe Ms. Light was hearing the “fan [that] went on, somewhere in the chamber”, but she did not know if that was the noise that Ms. Light was hearing. This conversation ended at around the 8:52 p.m. mark. At around 8:53 p.m.,

Ms. Jalette alerted Mr. Prellwitz to the fact that it had been about ten minutes since the Board had begun their “five-minute break”. He asked her what she thought that the Board should do, and that he agreed that “it’s awful hard to have a proposal when the proposee is not in attendance.” Ms. Rocha interjected that she was in attendance, but that she thought that the Board said that they would return at 9:05 p.m. Ms. Jalette responded that “it was five minutes”, and that it was “double that now.” Ms. Rocha apologized, and said that if the Board gave her “thirty seconds” she would “get right back on.” Mr. Prellwitz replied that that sounded good. When Ms. Rocha returned, Mr. Prellwitz asked if the applicant was ready to present. Ms. Rocha replied.

Ms. Rocha: “Uh, at this point, we’d ask for a continuance. I’d like to, uh, correspond with your solicitor, on, on how we’re going to proceed from here, but, um, on our end, it doesn’t make sense to go forward with this issue outstanding.”

Mr. Prellwitz: “Okay, so as I understand it, you wish to continue the whole, the whole presentation and everything to a later date – is that correct?”

Ms. Rocha: “Yeah, and we’ll give an extension on the time to make a decision accordingly.”

Mr. Lamphere interjected.

Mr. Lamphere: “I’d just like to mention this particular application was certified complete on March 18th, 2021. According to state law, um, the Planning Board is supposed to make a decision within ninety days from that point. Ninety days, uh – the nearest meeting to ninety days would be the June 16th meeting.”

Ms. Rocha: “We gave a thirty-day extension the last time, and we’ll do the same thing this time.”

Mr. Lamphere: “Okay, so a thirty-day extension from, from June 16-, thirty-day extension from whatever date ninety days ultimately is.”

Ms. Rocha: “So, so, Jim [Lamphere], at the April 7th meeting, you guys asked, as part of that continuance for thirty days, so you’re talking now sixty days on top of the original ninety – if you want more time, I’m offering it.”

Mr. Lamphere: “Okay, I, I think we should get an extension of, uh, of the time period, first of all, and then, also, we want to, uh, consider continuing this to a date certain – date and time certain.”

Mr. Prellwitz: “So, the time frame looks like it would be in the neighborhood, neighborhood of July 7th – is that correct, in your way of thinking, Jim [Lamphere]?”

Mr. Lamphere: “Yeah, that, that would be fine. That, that should give us ample time. Now, uh, I just want to say that in, in continuing this to a date certain, right now, it’s looking like we have two solar applications for May 19th. If this was to be continued at, to that time, that’s going to give us three – I don’t know how we’re going to do three solar projects in the night.”

Ms. Hogan: “You cannot.”

Mr. Prellwitz: “I seem to be having a little bit of a brain episode here. I thought we were just talking about July 7th.”

Mr. Lamphere: “Yes, that would be the extension of the review period, Ron [Prellwitz]. So, so, okay, this application is good – a decision does not have to be made until July 7th, okay? We’ll establish that. So now -”

Mr. Prellwitz: “Okay -”

Here, Mr. Lamphere and Mr. Prellwitz spoke at the same time, so their statements were unintelligible. Mr. Prellwitz deferred to Mr. Lamphere. Mr. Lamphere continued.

Mr. Lamphere: “Jim Lamphere, Town Planner. I just – you know, I’ve been saying, lamenting this for months now, and I think, you know, the perfect storm is real-, we’re in the midst of it right now. The workload is such that I have a number of highly contentious projects that are gonna take multiple nights, okay? A lot of them are solar projects. I got a major, 140-unit housing project that I got to squeeze in here. I’m under deadlines with the State, and in the midst of that, I have our usual small minor subdivisions that people don’t want to wait forever to get done, either. The Planning Board has been gracious enough to give two meetings in May, two meetings in June. As far as I’m concerned, we need to meet every week! Once a week, we could meet on these things, to get this work done! I don’t know how to get this work done. I’m trying like a, like a dog, trying to find a way to satisfy everybody, and get this work done. Wood River Health wants to come back with their addition. I got – I don’t know how, I’m – how much more clearer I can make it to everyone – the Planning Department in Hopkinton has a lot of work to get done. You tell me how to get it done. I don’t know. June 2nd, I got three things – the gas-, gasoline station issue, with the electric charging stations. They want that back to the Planning Board for more clarification. Okay, that’s June 2nd. I got Fairview Estates – a Major Subdivision. They want to, they want to complete that Preliminary Plan. I got a Rocky Hill Compound, a Minor Subdivision. That’s three things on June already. Now, you want to bring this project back, for, to start, to start their presentation, which, as I predicted earlier tonight, we didn’t do. What did we do on this application? Alright, we settled some things, I guess, but, again, I’m not sure how to get all this work done. We can put it on for June 2nd, and give it our best try, but, all I have is unhappy people calling me up, wanting to know when their project is gonna get done. I don’t know.”

Ms. Hogan: “Mr. Chairman, if I could jump in for just a moment?”

Mr. DiOrio: “Certainly.”

Ms. Hogan: “Thank you. Um, I certainly would encourage the applicant, since it’s been afforded the time this evening to proceed. The Board isn’t going to make any determinations on the application, or any legal questions that arise during the application, until the conclusion of the matter. So, by not proceeding tonight, we’re just wasting time.”

Ms. Prellwitz replied that he understood, and asked if the applicant would be interested in working “for another hour, and see how much of this work we can get done”. Ms. Rocha replied.

Ms. Rocha: “The problem is, is that what you’re asking of us is to go through our entire presentation, at a pretty significant expense over a number of months, only to, at the end, after hearing it, decide whether you have ‘subject matter jurisdiction’ to even hear the issue. So, I, I – that is a bit mind-boggling from a legal perspective. Um, but, we’re not, we’re not going to proceed only to, potentially, have that call at the end on this. This, this has been an issue raised by, uh, the citizen’s group on every application that’s been heard

in the last couple years, and now, I guess, we're the guinea pigs, um, to pick this issue. So, um, that, that is not a fair request to ask of us, to proceed, so we're not going to. We, I told you we'd give extensions. I understand there are a lot of projects. This is a legal issue that could have been discussed prior to this date, if it's even, if it was worth the discussion, um, but, to spring it upon us now, and ask us to proceed with our full presentation, with public comment, um, all the while, we've been working on this application, is not a, not a fair request. So."

Here, Ms. Light and Ms. Hogan spoke at the same time. Mr. Prellwitz asked for them to speak one at a time. Ms. Hogan proceeded.

Ms. Hogan: "If you don't mind, you don't mind. Um, so, this is Attorney Hogan speaking, and, um, I, I believe that the Board has every right to ask the question that it's asked. Um, it is a legal matter and, um, as you know, I, I wasn't here in the last few years. Um, I, I believe it's a question that should be answered, um, affirmatively by the, uh, by the applicant, as to why it has the ability to, uh, have its application heard before the Board, given the circumstances that was in the motion. Um, the applicant is choosing not to proceed – that's the applicant's choice, but, when it comes to scheduling, the applicant is on notice that scheduling is going to be at the Planning Board's, uh, convenience going forward, um, given the fact that we set aside this evening, and we set aside the two hours in the next meeting for both of these projects that were on this evening to be heard in full, trying very hard to give full, uh, hearing to all of the contentious issues in both of these matters."

Mr. Prellwitz thanked Ms. Hogan, and asked Mr. Lamphere for his input on if he thought "that would be a fair assessment of [his] time, to put these both on the 19th of May". Mr. Prellwitz said that they Board would get done what they could get done, and then go from there. Ms. Hogan added that if the applicant did not "intend to proceed, uh, next, at that next meeting", then she would "wish not to waste that time", and that the Board "would need to slot in another, um, another applicant, since the Board has reserved its time and committed that time." She continued.

Ms. Hogan: "I do not want to have another wasted hour or two in an evening, where we have such a massive workload."

Mr. Lamphere asked if he could interject. He said that the Board had continued Stone Ridge to May 19th, and that he viewed "that as the first item on the agenda." He said that the "second item on the agenda" would be the Skunk Hill Road Solar project.

Mr. Lamphere: "So, that's what I'm looking at already for May 19th. To put this on the same night – again, are we wasting time? If I could ask the Solicitor a question, and I almost hate to ask this question, because I don't want to throw anything into a courtroom, but, can I, can I just say that if, if it, if the Board is inclined to say that this is not properly before it, why can't the Board make that decision tonight, and send this thing to the next venue? Why, why do we need, uh, the input from the applicant on it? Can't the Board make that decision on their own?"

Ms. Hogan: “I don’t think it would be appropriate in, in the least bit for the Board to make a legal determination on an issue, or decision on a legal issue, without giving the applicant full opportunity to be heard. It would not be appropriate, which is why it was structured so that the application could proceed. The applicant, the applicant’s on notice that there’s a legal question in some minds of some of the members that needs to be answered – that they prefer, that they’re directing that the applicant answer that question, in writing, so that there’s no confusion as to what anybody said, and then, at a future point, they can make a determination on that question. It may well be that an answer that’s filed satisfies their concerns, and, and it becomes a non-issue. I don’t know the answer to that, but that – it would not be appropriate for the Board to vote on that legal issue tonight. I would strongly urge you not to do so.”

Ms. Rocha: “And – can I, can we – if, if we choose, if we do submit the memo, is that something that the Board can then vote on prior to us, at – which is a short matter, I, I would think – at whatever hearing – whether it be May 19th or June 2nd, and then we know where we’re going from there.”

Ms. Hogan replied that that was “a Board determination”, and that if the applicant “want[ed] to proceed in that manner, the Board can consider that.” She explained that if the Board voted “in the negative, obviously, that ends the, uh, that ends the matter there, subject to appeals.” She said that if the Board voted that they did “have subject matter jurisdiction to proceed, then [she] would expect that the applicant would be prepared to proceed, and not waste additional time.” Mr. Prellwitz said that, as he understood the workload before the Board, “the 19th is pretty well booked solid.” Ms. Hogan replied in the affirmative. Mr. Prellwitz continued.

Mr. Prellwitz: “So, if we push this out to June 2nd, would that be in favor of your opinion, Jim [Lamphere]? Let the applicant come back and say what they need to say in the 2nd, and we’ll move on from there.”

Mr. Lamphere replied that he was “in favor of doing anything that we can [to] move the ball down the field, even if it’s one yard or two yards at a time.” He said that the way he saw “this unfolding” was that they wanted “to give the applicant enough time to come up with a memo”, and if they could put “something like this on the June 2nd agenda, and, at least get that issue decided”, he didn’t “know how much time” there would be to have the applicant “go forth with a full presentation”. He said that if the Board could, at least, “get that issue decided”, the Board would have “made progress”.

Mr. Lamphere: “So, we can give it a try, I guess – continue it to June 2nd, and give it, give this application so much time before the Board – we’re going to July 7th on it now. We, we can give it a try – but I got three other things on that agenda that I gotta get done that night, so it’s either be-, before them, or after them – or?”

Ms. Jalette wanted to “throw out there” that there were five Wednesdays in June, so the Board could hold third meeting.

Ms. Jalette: “I know that having two meetings is not particularly appetizing to the Board, but considering the amount of work that we have, I figured I’d throw it out there – that we could, feasibly, have three meetings in June, if that’s what we need to deal with this work – but, obviously, this is definitely the Board’s prerogative on whether or not they want to have three meetings.”

Mr. Prellwitz thanked Ms. Jalette. Mr. Lamphere interjected to say that he wanted to “give everybody ample opportunity to prepare their presentations.” He continued.

Mr. Lamphere: “There’s one thing that really frustrates the heck out of me – is everybody wants to get on, on an agenda, and then nobody’s ready to go, and I have a – we can’t – one thing we can’t do is, if we – we can’t afford to waste a meeting, as Attorney Hogan just said. I mean, be realistic when you talk to us at the Planning Department as to are you ready to go, or not? Uh, that, that’s a big thing – and if you need more time, tell us up front, honestly, up front, and we can agree to more time, but when you do come before the Planning Board, come prepared and we’ll all try to get these issues resolved, one way or another – whether they’re approved, denied, approved with conditions. I couldn’t care less what happens to these applications. I just want to seem ‘em move to some sort of a disposition, because we have to – we have no other choice. We have to get this work done.”

Mr. Prellwitz thanked Mr. Lamphere, and asked the Board if they had “any opinions on this” – namely, putting the Comolli Solar application on for the June 2nd meeting. Ms. Light responded. She said that she thought she would like to see the Comolli Solar project “get its fair hearing time.” She continued.

Ms. Light: “I don’t want it to be rushed, and I want us to be considerate of, uh, the efforts that they put into this to date. I’m on board with hearing it on June 2nd.”

Mr. Prellwitz thanked Ms. Light for her comments, and asked if there were any comments from any of the other members. Ms. Shumchenia said that while they had not heard from anyone, she was going to make a motion.

MS. SHUMCHENIA MADE A MOTION TO CONTINUE THE PUBLIC INFORMATIONAL [MEETING]⁶ FOR THE COMOLLI SOLAR APPLICATION TO JUNE 2ND, AND EXTEND THE PLANNING BOARD REVIEW CLOCK [UN]TIL AT LEAST JULY 7TH.

Ms. Shumchenia said that she could not “remember the exact date.” Ms. Jalette confirmed that it was the 7th of July. Mr. Lindelow asked if the Board should add that “all our meetings start at six o’clock from now on, also.” Ms. Shumchenia said that she had forgotten to say the start time.

⁶ Ms. Shumchenia misidentified the Public Informational Meeting as a Public Informational Hearing.

MS. SHUMCHENIA AMENDED HER MOTION TO EXTEND THE PUBLIC INFORMATIONAL [MEETING]⁷ FOR COMOLLI SOLAR TO JUNE 2ND AT 6:00 P.M., AND EXTEND THE PLANNING BOARD REVIEW TIMEFRAME TO JULY 7TH.

THE MOTION WAS SECONDED MR. LINDELOW.

Ms. Hogan asked to interject for a moment. She said that Ms. Rocha had “indicated earlier that she wanted to have a decision on that legal question first”. She asked if the Board was “gonna just hear that question or make a determination on that question at that meeting”, or if they would “wish to make the determination on that question previous to that.” Mr. Prellwitz replied that that was a “good point”, and asked for Ms. Hogan’s opinion. She replied that she thought that the Board “would need to have the written memorandum or whatever she wants to submit, you know, a week or so before any meeting”, so that the Board would “have the opportunity to review it, and, you know, get the answers to any questions that [the Board] might have” – if Ms. Rocha intended to comply. Ms. Light asked if they could ask Ms. Rocha when the Board would be able to look at her written response.” Ms. Rocha responded.

Ms. Rocha: “If we’re gonna go that route, I don’t need much time at all.”

Ms. Light asked if the Board could answer the memorandum on the 19th of June, and continue the Public Informational Meeting to June 2nd. Ms. Hogan replied that that seemed like “a good plan” in her opinion. Ms. Jalette asked if the Board would need a new motion. Ms. Hogan replied that Ms. Shumchenia could withdraw “if she’s of the mindset”, and restate it. Mr. Lamphere asked how the memorandum would be brought back to the Board – if it would be under the auspices of the Public Informational Meeting, or under a separate category. Ms. Hogan replied that there would not be a separate category, and that it was all part of the Public Informational Meeting process.” Mr. Lamphere then said that the Board would want to continue the Public Informational Meeting to May 19th. Ms. Hogan replied that that was correct, and that she thought that it was “probably also going to be continued, or, at that point, it could continue to the June 2nd for additional hearing, if necessary.” Mr. Lamphere replied that that was “doable.” Ms. Shumchenia then said that the Board “might request that the memo be submitted at least a few days in advance of that meeting”. Ms. Hogan replied that it should be a week. Ms. Shumchenia revised her motion again.

MS. SHUMCHENIA REVISED HER MOTION TO CONTINUE THE PUBLIC INFORMATIONAL [MEETING]⁸ FOR COMOLLI SOLAR TO MAY 19TH, REQUESTING THAT THE APPLICANT SUBMIT WRITTEN RESPONSE TO THE SUBJECT QUESTION ONE WEEK IN ADVANCE OF THAT – BY MAY 12TH – AND TO NOTE THE POSSIBILITY TO FURTHER EXTEND THE PUBLIC INFORMATIONAL [MEETING]⁹, PENDING THE RESULTS OF THAT PLANNING

⁷ Ms. Shumchenia misidentified the Public Informational Meeting as a Public Informational Hearing.

⁸ Ms. Shumchenia misidentified the Public Informational Meeting as a Public Informational Hearing.

⁹ Ms. Shumchenia misidentified the Public Informational Meeting as a Public Informational Hearing.

BOARD DECISION ON THE MEMO TO JUNE 2ND AT 6:00 P.M., NOTING THAT THE MAY 19TH MEETING IS ALSO [AT] 6:00 P.M.

IT WAS SECONDED BY MR. LINDELOW.

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

5-0, THE MOTION PASSED.

Mr. Prellwitz turned the meeting back over to Mr. DiOrio. He said that they had skipped over the public forum portion of the agenda item discussion, as the application had not been presented. Ms. Hogan replied that she thought that that was appropriate.

SOLICITOR’S REPORT:

1. Review of recent Court case: *Save Sand Pond and Christopher E. Guncheon v. City of Warwick Zoning Board, et al.* No. KC19-0997.

Ms. Hogan explained that she had two things to report. The first was that the Revity Energy appeal had been continued to the June meeting. She said that “there was a conflict with one of the Zoning Board members with the May, uh, date”, so it was continued for that reason. The second item was the Court case she had asked the Board to review. She said that her “recollection of why [she] wanted [the Board] to read that case was that, uh, towards the end of the decision, the Court talks a lot about how important it is to have detailed findings of fact, um, in a decision.” She continued.

Ms. Hogan: “So, that particular case, uh, was a Warwick case, and, uh, there was a development plan, and there were seven or eight witnesses – extensive testimony, uh, and yet, uh, some of the Board’s decision was conclusory in nature, and did not have, did not reference the findings, the factual issues underpinning those legal conclusions, and the Court, in part, uh, remanded it for that reason. There were other things that also took place in the case – you know, I would suggest that you read it. If you have any questions about whatever else happened in the case, I’m happy to answer those. Um, again, that was just a recent decision that came out, I believe, just after our last meeting. Um, so, as these continue to come out, uh, again, they are Superior Court cases, so it’s not the final word on a case, you know, something could get appealed up to the Supreme Court, uh, and, uh, you know, and, um, a later decision could come out on some of these cases, but as they come up, we’re gonna, you know, touch base on them, but, you know, this one I selected for the, that, that important issue of, uh, uh, hammering home the, the fact that we need to be issuing detailed and explicit findings of fact.”

Mr. DiOrio replied that the Board “appreciate[s] that kind of information.”

PLANNER’S REPORT:

Mr. Lamphere did not have anything to report.

CORRESPONDENCE AND UPDATES:

- 1. Letter from Eric Bibler – April 7, 2021 – RE: Conservation Commission Special Meeting of April 1, 2021**
- 2. Letter from Eric Bibler – April 20, 2021 – RE: Hopkinton Residents Breathe a Sigh of Relief**
- 3. Letter from Eric Bibler – April 21, 2021 – Public Records Request**

Mr. DiOrio explained that the Board had received three letters from Mr. Bibler. He said that this was the first time that he had seen “this kind of, uh, verbiage under correspondence and updates”, which was “great”, but he asked Ms. Hogan what he would have to do with the material. Ms. Hogan replied that all that he would need to do would be to note for the record “that they’ve been received, and they’re placed on file.” Mr. DiOrio said that he was going to be a “bit more elaborate”, and read off the letters that had been received.

PUBLIC FORUM:

Ms. Jalette explained that there were two members of the public who wished to speak during public forum. The first was Eric Bibler, of Woodville Road.

Mr. Bibler stated that he had a procedural question. He said that Mr. Lamphere had noted that the next few weeks would be packed. He wanted to verify when certain agenda items would be returning to the Board, and to “clarify what the Board’s going to do with the, um, with the previous applicant for Comolli Solar.” He continued.

Mr. Bibler: “Um, it seems to me if, if you leave it open-ended, where, uh, they’ll get a determination from the Planning Board on whether to proceed or not on the, you know, whether or not the Board has subject matter jurisdiction, and wants to proceed with the application, are you saying then that, um, if the answer’s affirmative, that you’re gonna allow them to proceed, then you’re gonna allow them to make their presentation, ‘cause it seems to me if you do that, you will inevitably bump one of the other applicants? So I was just gonna suggest maybe you wanna just reserve time to determine whether you’re gonna move forward with Comolli, and then, um, place them, hav-, invite them to come back at a later time. Otherwise, you’re gonna be reserving time – you’re gonna be in the same boat, where you have three applicants, and you only have enough time for two, and it just seems like you’re gonna create a problem. So, um, I’m just not sure what you just did, but I would suggest that maybe you just allocate enough time to settle that question, and then put them on a future agenda, so you don’t have a log jam all over again. That’s all.”

Ms. Light: “I, I think we did that.”

Mr. Bibler: “Is that what you did?”

Ms. Light: “We did that.”

Mr. Bibler: “Okay.”

Ms. Light: “Yes, we did.”

Mr. Bibler: “Thanks for clarifying. It was kinda confusing. I just wasn’t really sure. Okay.”

Mr. DiOrio thanked Mr. Bibler. The next member of the public to call in was Joe Moreau, of Old Depot Road.

Mr. Moreau: “Hi, this is Joe Moreau. You know, I just want to say that, uh, it’s amazing we have so many people in Town that are attorneys, or people that are practicing to be an attorney. Um, I’ve always thought it was the Planning Board’s job, and our Town Planner’s job, to decide how we’re gonna proceed. Uh, what I want to say is that, you know, we wonder why we have so many openings on our Boards and Commissions, and attracting members to our Boards. Ron [Prellwitz] voiced his opinion. He stated true facts. I also checked the four LLC information on the Sculco[s], on the Secretary of State, and I addressed that during a 2-16-21 [Town] Council meeting. Just check the minutes of the meeting. Ron [Prellwitz] has had to go through an additional expense for an attorney. Um, most people don’t realize this, and I’m not gonna get into all of the facts – um, Ron [Prellwitz] has a family member has, that has been brought into this, and that is unacceptable. I want to thank Ron [Prellwitz], and I am sorry for what he had to go through this past week. I’ve always respected Ron [Prellwitz]. I respect him even more because he didn’t recuse himself. He did the right thing. The other thing I want to mentioned, and it’ll be very brief – I recently, uh, looked at an e-mail today, and, um, in this e-mail, it stated that, um, this person wanted to go through and ask all these legal questions, uh, and gave you a head’s up that these questions were gonna be, uh, posed tonight. First of all, in my opinion, that’s not the job of the Planning Board – to hear someone’s legal questions. Um, if someone has questions, just like anyone else, you fill out a public request form. It’s not the purpose of the Planning Board – and you let the Town run this, not the residents - try to run the Planning Board, the Town Council, and other Boards and Commissions. It was too late – I sent the Chair of the Planning Board an e-mail, expressing my concerns. I also, um, sent an e-mail to Attorney Hogan. Uh, I appreciate what you guys have done, but who is running our Town? Who is running our Boards and Commissions? It certainly is not one individual. That’s all I have to say. Thank you.”

DATE OF NEXT SPECIAL MEETING: May 19, 2021 (6:00 p.m.)

DATE OF NEXT REGULAR MEETING: June 2, 2021 (6:00 p.m.)

Ms. Shumchenia said that she had a “quick question.” She spoke.

Ms. Shumchenia: “Um, this is a tough question to ask, given the context of tonight, but is there any way that for the next couple meetings, we could have materials even like one or two days earlier than normal. I know you guys typically put the packets together a week in advance of the meeting, which is great, um, I’m just finding that the amount of material is really difficult to get through, and just one or two extra days would be really awesome, if you could swing it.”

Mr. Lamphere replied that he had been “contemplating doing something very close to that”. He said that he could provide the Board with the Skunk Hill submission, and that he would “even like to get the, uh, the large housing project that just came in last week” out to the Board, just so they could “start looking at them”, but that he “didn’t want to give [the Board] too much” at one time.

Mr. Lamphere: “I wanted you to focus on the issues of immediate concern, rather than getting lost, and, and I certainly don’t wanna overwhelm you, or get you disgusted, since you’re gonna quit the Board, because I got a ton of information. Um, I, I also want to be careful – when I do give you something, I’d like to give you something – as complete an application as I possibly can, rather than – even I get things, dribs and drabs. I get things at the last minute. I got things for agenda items tonight, today, but via e-mail, so, um, yes, I, I would like to give you, let’s say, the, the core of some applications, uh, so that you can just have them, and get them out of my office, so my building doesn’t collapse, but, um, uh, so, I think I’d like to do that. That’s a great idea, Emily [Shumchenia]. We’ll try and get – I’ll tell you what, we’ll try and get the packets out as early as possible – earlier than a week, because, I agree with you – it’s a tremendous amount of information to digest in a week, a week before the meeting. It really is. So, good idea.”

Ms. Shumchenia thanked Mr. Lamphere, and said that she appreciated that. Ms. Light interjected to say that she concurred with Ms. Shumchenia, and thanked Mr. Lamphere for the opportunity to see material earlier rather than later. She then asked what “obligations” the Planning Department was under “to post [the material] on the Town’s website.” She continued.

Ms. Light: “I, I, I mean if you give something to a Planning Board, do you have to give it to the public? That’s the candid question.”

Mr. Lamphere responded that “as far as the agendas go, we only have to post them three days in advance of the meeting, so we, we post them well in advance – a week in advance – of the meeting.” He continued.

Mr. Lamphere: “We could, we could post them earlier than that. We don’t have to – but that’s not going to stop us from getting the information to you. We can, we can give you plan sets that, that we have, in advance.”

Ms. Light: “Yeah. I, I, I understand that. I just wanted to know – when does the rest of the loop have to be closed? So, you know, the, the timing with posting the agenda and all the information for the public is, is fine with me. I just didn’t want us having access to information earlier, uh, to force you to do something else that wasn’t in the wheelhouse already. That’s it.”

Mr. Lamphere: “Well, I, I can – matter of fact, I prefer to give the – make sure the Planning Board gets the information ahead of anyone else, and so, I can certainly give that information to you as, as early as I get it, but, uh, like I said, I don’t want to give it to you piecemeal. I’d rather give you a, a meaningful, lump sum. I don’t want you come – having to come into the Office every, every other day to pick up something. Um, so, I can do a better job of that.”

Ms. Light: “Yeah. Thank you. You do a great job now.”

Mr. Lamphere: “Thank you.”

Mr. DiOrio: “Yes. Thanks, Jim [Lamphere].”

ADJOURNMENT:

MR. PRELLWITZ MADE A MOTION TO ADJOURN.

IT WAS SECONDED BY MS. LIGHT.

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

OPPOSED: NONE

ABSTAIN: NONE

5-0, THE MOTION PASSED.

Mr. DiOrio closed with a statement.

Mr. DiOrio: “Listen – thank you all very much. I know it’s been a trying evening, but, uh, I appreciate all your efforts. Look forward to seeing you soon. Thank you all.”

THE MEETING WAS ADJOURNED AT 9:35 P.M.

By: Talia Jalette, Senior Planning Clerk, 5-24-21