

**TOWN OF HOPKINTON
PLANNING BOARD**

SPECIAL MEETING

Wednesday, May 19, 2021

6:00 p.m.

**Hopkinton Town Hall
1 Townhouse Road, Hopkinton, RI 02833**

CALL TO ORDER:

Chairman Al DiOrio called the Special Planning Board meeting of May 19, 2021 to order at 6:03 p.m.

MEMBERS PRESENT:

Planning Board Chair Al DiOrio, Senior Planning Clerk Talia Jalette, and Town Planner Jim Lamphere participated from the Town Hall chambers. Planning Board Vice Chairs Emily Shumchenia and Ron Prellwitz, as well as members Carolyn Light and Keith Lindelow, Town Council Liaison Sharon Davis, Planning Board Solicitor Maggie Hogan, Conservation Commission Liaison Deb O’Leary, and Planning Board alternate John Pennypacker (who arrived at 6:05 p.m.) participated via Zoom.

ROLL CALL:

Mr. DiOrio asked the Planning Board members to indicate whether or not they were in attendance. All members, excluding Mr. Pennypacker, who arrived a few minutes after the roll call, replied in the affirmative.

PRE-ROLL:

Mr. DiOrio explained that while he planned to attend the meeting on June 2nd, he had been asked to attend a Zoning Board of Review meeting in Westerly that night. He said that he could be “tardy” to the Planning Board meeting. Mr. Prellwitz said that he planned to attend on June 2nd, as did Mr. Lindelow and Ms. Shumchenia. Ms. Light did not comment, nor did Mr. Pennypacker.

ADMINISTRATIVE ACTIONS:

Mr. DiOrio explained that before the Board addressed the “old business” on the docket, the Board had “a couple administrative issues to attend to.” He said that first one was at Ms. Jalette’s request.

Ms. Jalette: “So, I can’t cite the law off the top of my head, but, when minutes are completed, they have to be, uh, provided to the Board within 35 days, or the next

regularly scheduled Planning Board meeting, and, honestly, there's no way that I'd be able to have the minutes for this meeting for the next meeting, which is going to be on June – let me just pull up the calendar – June 2nd, so, I would like to request an extension until at least the second meeting in June for these minutes.”

Mr. DiOrio: “Thank you, Talia. I'm perfectly okay – this is Al DiOrio – I'm perfectly okay with that. Uh, I don't know if we need a motion to that effect, uh, if Maggie [Hogan] is out there in cyber world, if she could perhaps comment on the correct format here?”

Ms. Hogan: “I am out here in cyber world – good evening! Um, so, I would suggest that you not vote on that, um, and, um, that I will work with Talia [Jalette], uh, to, um, facilitate this for her. Um, you know, we can't vote to violate, um, a state statute, and to extend a timeframe. That having been said, I do believe that the 35 days, um, is probably sufficient, um, under the statute, but since I don't have it in front of me, um, I, I will consult with Talia [Jalette] tomorrow or the next day, and, um – but I wouldn't suggest that the Board vote on such a thing, plus it's not on the agenda – you can't vote on that anyway.”

Mr. DiOrio: “Very good. Thank you, Maggie [Hogan]. So, we'll simply leave it in your capable hands – uh, yourself and Talia [Jalette] – to work this through, come as close to complying with the statute as possible?”

Ms. Hogan: “That's correct.”

Mr. DiOrio: “Outstanding. Very good.”

Mr. DiOrio then moved on to the second administrative item.

Mr. DiOrio: “I'd like to recommend a revision to this evening's agenda. Specifically, I would like to direct the Board's attention to the second item under 'new business'. Um, that would be the Master Plan Public Informational Meeting for the Skunk Hill Road Solar project. Now, my understanding is they, this applicant, is requesting a continuance for this application. So, the reason that I'm suggesting, or requesting the Board's consensus on a revision to the agenda is there may be many folks in the audience anxiously awaiting the emergence of this agenda item, and I would be – I would feel badly if they were sitting out there forever, only to find that it was being continued. So, again, I'm gonna rely on Maggie [Hogan], if, if I've got this right. I, I don't know if we need a motion to do this. Uh, I certainly don't object to a motion, but I'd like to have a consensus, at the very least, that we can attend to this item first up, provided that the applicant is out there and can give us, uh, his formal request for the continuance.”

Ms. Hogan: “Mr. Chairman, that's perfectly appropriate. It is, in fact, an administrative matter. It did not need to be on the agenda for that kind of a purpose, uh, and it's my understanding that there was a defect in notice, and so the Board couldn't proceed anyway. So, uh, why don't you bring up the applicant and, uh, its attorney, or the attorney, and let them be heard and move this along.”

Mr. DiOrio: “Outstanding. Thank you so much.”

Mr. DiOrio then asked if the applicant for the project, or their attorney, was in attendance. Ms. Jalette replied that Bob Craven, attorney for the applicant, was in attendance. She asked Mr. Craven to press *9, then *6, and to state his name for the

record. He introduced himself, and asked if he could go forward with his request. Mr. DiOrio allowed him to do so.

Mr. Craven: “Maggie Hogan, your counsel, was correct. Um, uh, ironically, apparently, there is a, uh, uh – in using the computer, or when they were trying to generate the, uh, the notice for the newspaper ad, apparently, they pressed the button for the address, thinking that Hopkinton would come up, and it came up as Exeter, and, as a result, there’s a not-, a defect in notice, uh, that, uh, we advertised for a Hearing of this nature for 145 Skunk Hill Road in Exeter. Obviously, that is defective notice. It would be inappropriate for me to go forward. I suggest that would be a reversible error, and they’d send it back anyways, uh, and, besides, we take in, we take the notice to the, this project – really important, is a really important issue because the folks in Hopkinton are very interested in this and what happens to it. So, we would be requesting that, uh, a continuance – and if I could suggest a date for all the parties involved and coordinating, it would be your first meeting in July, which is July 7th. That would be my request, Mr. Chairman.”

Mr. DiOrio said that he was going to “acknowledge” Mr. Craven’s request, but that he would have to “defer to Jim [Lamphere]”, as he is the “master scheduler here”, in order to “see if that is a viable” date for the Board. Mr. Lamphere began to speak, but he was not readily heard. He had to move the microphone before speaking again. He then responded.

Mr. Lamphere: “I think that July 7th is probably workable. We have a couple of meetings before that – two in June. I’m sure we can fill those up, uh, plenty, and, um, you know – the problem with July 7th is it’s right around July 4th, and, uh, hopefully – I, I don’t know if we could, uh, get a scope of, uh, what Board members are gonna be here around that time, or, or away. Um, be nice if we had a quorum.”

Ms. Hogan: “That would be appropriate.”

Mr. DiOrio asked the Board members for a pre-roll for the July 7th meeting. He said that, as far as he knew, he would be in attendance. Mr. Prellwitz also replied in the affirmative, as did Mr. Lindelow and Ms. Shumchenia. Ms. Light did not respond. Mr. DiOrio replied that it seemed as though July 7th was “doable.” Mr. Lamphere agreed. Mr. DiOrio then said that if the Planning Board members were in agreement, he would be looking for a motion to continue the application to that meeting date.

MR. PRELLWITZ MADE A MOTION TO CONTINUE THE SKUNK HILL [ROAD SOLAR] [PUBLIC INFORMATIONAL MEETING]¹ UNTIL [THE] JULY 7TH PLANNING BOARD MEETING.

Both Ms. Shumchenia and Ms. Light began to second the motion, but Ms. Shumchenia deferred to Ms. Light.

IT WAS SECONDED BY MS. LIGHT.

¹ Clerk’s Note: Mr. Prellwitz identified the “Public Informational Meeting” as a “presentation.” His motion has been amended to include the correct stage of review.

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

5-0, THE MOTION PASSED.

Mr. DiOrio told the applicant that they would be appearing before the Board on July 7th. Mr. Craven thanked Mr. DiOrio and their Board for their “consideration.”

Mr. DiOrio then said that the last thing that he wanted to touch upon before getting into the “old business” was that the Board had two items on their agenda, and that he wanted to “suggest to, uh, applicants, the audience, etcetera, that we talk about perhaps two hour timeframes for each of those applications.” He continued.

Mr. DiOrio: “Again, I’m not suggesting that we need to eat up two hours, if two hours is inappropriate, but let’s try and keep it to within that timeframe so that everybody has an opportunity to be heard this evening.”

He then turned to the first item under “old business”.

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.

Mr. DiOrio: “Now, my recollection is that we left off having concluded the applicant’s presentation. The Planning Board members, uh, as a body, I suppose, deferred many of their questions, comments, and concerns so that we had a little bit of time to hear from the public. So, we – there was a little public comment, and, what I’d really like to start with this evening is, uh, I, I think we have an opposing counsel for this application. So, I’d like to suggest that we start by hearing that, and then move to the general public for comments. Planning Board members, you okay with that approach?”

Mr. Prellwitz replied in the affirmative, as did Mr. Lindelow, Ms. Shumchenia, and Ms. Light. Mr. DiOrio replied that that was “very good.” Ms. Hogan interjected to ask if the counsel for the applicant was in attendance. Mr. Landry began to respond when Ms. Jalette interjected to explain that she had already elevated Mr. Landry - the attorney for the applicant, and Mr. Cherenzia – the engineer for the applicant, as well as Mr. Skwirz – the opposing counsel, to panelists. Ms. Hogan replied that that was “great”, and that she had wanted to ensure that all parties were in attendance. Mr. DiOrio then turned to Mr. Skwirz. Mr. Skwirz replied that he was in attendance, and began to give his presentation.

Mr. Skwirz: “I do have two expert witnesses with me here tonight – uh, Peter Friedrichs is our planning expert, and we also have, uh, Linda Steere, who is a wetlands and wildlife

biologist, uh, so, at some point, I, I'd ask that they be promoted to panelists, too, so they can, uh, testify. Um, before we get into that, I'd like to, uh, return to a procedural point, uh, that was raised – that I raised back at the first Master Plan hearing² back in October [2020]. Um, I, I think it's become a bit of a, uh, uh, thornier issue now, um, and the issue is, is this, um: the applicant is proceeding under the Ordinance, uh, the PSES Ordinance that was adopted on January 22nd, 2019, uh, and the issue with that is, is on Page 7 of the PSES Ordinance, Subsection D, it provides, quote, uh, 'the Planning Board will review PSES proposals in accordance with the process specified in the Development Plan Review Ordinance.' Uh, now, the Development Plan Review Ordinance – that's, as you know, is set out in Chapter 13.5 of your Code of Ordinances, uh, Article 3, Sections 13.5-7 through 13.5-73. Um, that is distinct, um, from what's before you tonight. What's before you tonight is a Major Land Development application, the Master Plan stage, um, and those are two distinct processes. Um, the Development Plan Review process has enabling legislation in the Zoning Enabling Act. Uh, that's Rhode Island General Laws 45-24-49. The Major Land Development process has a separate enabling legislation, and that's in, um, 45-23, um, a separate chapter. Um, and in your [Land Development and] Subdivision Regulations, uh, the, uh, Major Land Developments are reviewed on, through, Sections 8.3 and 8.5, and Development Plan Review is reviewed through Section 9.4. Um, so, that was raised in October, um, and at the time, uh, I argued that it was required that a Development Plan Review application be filed in addition to the, um, Master Plan application, um, but, the reason that that issue is, um, a lot thornier now is that, um, since October, um, that, uh, that PSES Ordinance, from January 22nd, 2019 has been repealed, uh, and replaced, and the use proposed by the applicant is not allowed under the current Ordinance. Um, and, so, in order to be considered under the prior Ordinance, uh, they need to be vested, and in order to be vested, they, fall – they need to fall under Section 12 of your Zoning Ordinance, and what that requires is that any application that's submitted that's substantially complete will be considered under the, uh, Ordinance in effect at the time it was submitted. Um, so, the issue is that, um, to my knowledge, the only application submitted by the applicant is a Major Land Development Master Plan application, and not a Development Plan Review application, um, and that, um, the PSES Ordinance that they would like to be considered under, uh, specifically provides that PSES projects will be considered under the Development Plan Review Ordinance. Um, now, because – just because they filed under the Major Land Development, uh, application, that does not supplant the need to file a Development Plan, uh, Review application. In fact, in your own [Land Development and] Subdivision Regulations, Section 9.4.1, uh, it provides that, um, uh, subdivision, uh, or land, Major Land Development application can be considered at the same time as a Development Plan Review application, but that's only upon, uh, an affirmative finding of fact that both review processes, uh, meet the intent and spirit of the requirements of the Development Plan Review section. Um, now, the only way he can do that is if you have both applications filed, and both reviewed, um, and the key point here, to my knowledge, no Development Plan Review application has been filed, and, therefore, um, they would not have vesting under Section 12 of the Zoning Ordinance. Um, that was raised back in October, uh, I, I didn't get a respond then, but I, I wanted to raise it now, um, and I'd

² Clerk's Note: Mr. Skwirz referred to it as a "hearing" – it was the first Public Informational Meeting.

leave it to the Board, whether you want to, uh, address that further now, or whether you'd like, uh, like us to just present our expert witnesses at that, at this point.”

Mr. DiOrio: “Very good. Thank you. Uh, I think on this topic, I've gotta either defer to Jim [Lamphere] or Maggie [Hogan].”

Ms. Hogan: “Mr. Chairman, I would, um, suggest we give the applicant's attorney the opportunity to respond.”

Mr. Landry began to speak when Ms. Hogan reminded him that he was muted. He then unmuted himself, and began by thanking the Board before continuing.

Mr. Landry: “Yeah, I thought we were way past this, uh, this issue. Uh, this – there, there's a, a differently ordered process that, that exists under the General Laws for Major Land Development projects, uh, and they're actually defined in 45-24, but the procedure is provided in for in 45-23, the Major Land Development, uh, project process, and that's where you have two or more uses, uh, lots, or structures that are being proposed, as opposed to a single-use on a single lot involving a single structure, uh, so, the, the Major Land Development process is the required process for Major Land Development, and it has the multiple phases that we – that the Board is used to, and that we're following here. We had a Pre-Application meeting. Uh, we went to a Master Plan submission. The Master Plan submission, as part of the Major Land Development process received a Certificate of Completeness as a Major Land Development project, uh, consistent with the Master Plan level of review. Uh, the differences in the – if we were proposing one use involving, uh, one lot, uh, without multiple structures, and in this case we started off with a larger commercial building, but we've got a, we still have a commercial, you know, a commercial building, so when you have a Major Land Development, you don't evade one requirement of the underlying Ordinance, in terms of what needs to be submitted, but those, uh, items are submitted in a different sequence. You have the ability to go for a Master Plan first, achieve your vesting as a Master Plan, get your cert-, cert-, certification of completion as to what is required for the Master Plan level of review. All that's been done. And then, at a more detailed, uh, at a more advanced stage of the proceedings, you come back with a Preliminary Plan review. Probably half of our presentation last month was on how much more robust this submission was, uh, than is required under the Master Plan stage of review, but, how in the future things like decommissioning and other issues like that, uh, will be dealt with as part of the, uh, the Final Plan stage of review. So, there's nothing in the PSES Ordinance, uh, that even, uh, addresses this issue very clearly, when you have both, uh, a Master – you have a Major Land Development, obviously, you've gotta follow the Major Land Development process, or Mr. Skwirz would be saying that that shouldn't have been followed. The application is the same. The plan is the same. There's no different plan. There's no desire to evade any requirements. In fact, uh, you know, when – there's another section in the Ordinance, Section 13, the same one, that says that, uh, if a, if a parcel is zoned, uh, to allow PSES use, then the proposed PSES project shall be referred to the Planning Board for Master Plan approval, and Major Land Development project, where you have a – so you've got the Ordinance that Mr. Skwirz is relying on saying two different things – Master, uh, Master Plan, Major Land Development, and Development [Plan] Review. You've clearly got something that's defined as a Major Land Development project, 'cause we've got, we've

got two structures, uh, and, and that, that we're dealing with, so it is a Major Land Development project. That makes us entitled to a phased review, that starts with a Master Plan. We've got a Certificate of Completeness for a Master Plan. We're before the Board, and I, I don't think that this issue has any, any merit. Uh, you know, there are a lot of, there are a lot of, uh, uh, Major Land Development, uh, projects, uh, you know, if things are provided for in the Major Land Development regimen, that's a more robust, phased issue. It's got multi-stage vesting. There are a lot of – the Board knows – that, that's the more complicated route, and out of an abundance of, you know, caution, without evading a single requirement for submission, uh, we felt the safer, uh, and more correct way to proceed here is as a Major Land Development project, and that's how we were certified as complete, and that's how we've been proceeding for four months.”

Mr. Skwirz asked Mr. DiOrio if he could “briefly respond” to Mr. Landry, and promised that he would keep his comments “short.” Mr. DiOrio allowed him to do so.

Mr. Skwirz: “So, I, I think we're in agreement – is that the, the Major Land Development project is distinct from the Development Plan Review process. Uh, the point where I would disagree is that, just because they're distinct that does not mean that one pro-, one review process can supplant the other. Uh, the PSES that they want to be vested under clearly says Development Plan Review, and so, uh, the whole reason you have Section 9.4.1 of your [Land Development and] Subdivision Regulations, and Land Development Regulations, is, so, that is, to deal with this exact situation, where you require both Development Plan Review and Master Plan review, and it says they can be combined for the same review process, but it requires an affirmative finding, and that's right in your [Land Development and] Subdivision Re-, Subdivision Regulations, your Land Development Regulations – 9.4.1, so, there are two review processes here. Um, one doesn't supplant the other. They're both required, um, and, the question is – what application is required to vest them under the PSES Ordinance that's been repealed, that they want to be vested under. Well, if you read that Ordinance, it says Development Plan Review, and I understand what Mr. Landry says, is that the three-part stage of the Major Land Development review, um, it, it makes it so that you can defer some detailed plans to Preliminary Plan stage, but, when the Ordinance said Development Plan Review, you need to come in with a Development Plan Review application, and all the, and all the checklist items for that stage, um, and so, I would argue, um, because they didn't file that, that they can't get vested under the PSES Ordinance, um, under Section 12. Thank you.”

Mr. DiOrio: “Okay. Very good. Thank you both for your opinions. Jim [Lamphere], if you have anything to add at this point, great, otherwise, I'm prepared to continue.”

Mr. Lamphere: “I would like to see the Board continue its review of this application.”

Mr. Skwirz asked Mr. DiOrio if he could call Mr. Friedrichs to speak before the Board. Mr. DiOrio allowed it. Ms. Jalette explained that to unmute himself, Mr. Friedrichs would have to press *6. Mr. Skwirz asked if it was a “common practice” for the Planning Board to “swear in witnesses”, or if that was “not necessary.” Mr. DiOrio replied that the Board had not been doing that throughout the application, and asked them to “please continue.” Mr. Skwirz thanked Mr. DiOrio, and continued.

He began by asking Mr. Friedrichs to provide some insight into his resume. Mr. Friedrichs replied.

Mr. Friedrichs: “Uh, yes. I believe the resume was provided last fall, um – I don’t remember the specifics of, um – I believe I spoke at one of the meetings last fall, and provided an overview then. Um, but I’ll, I’ll happily repeat, um, what I said back then. Um, my name is Peter Friedrichs. I am the City Planner in Newport. I’ve been there a little over two years. Uh, prior to that, I was the Director of Planning and Economic Development for the City of Central Falls, and, um, I have been a certified Planner with the American Institute of Certified Planners, um, since 2019.”

Mr. Skwirz: “And, and have you, uh, have you testified as an expert Planner previously?”

Mr. Friedrichs: “Yes. Um, not in – well, I think, previous – you know, in the fall here in Hopkinton on this matter, um, but, in Warwick, and then also in Exeter.”

Mr. Skwirz: “Um, Mr. Chairman, uh, I’d ask that, um, Mr. Friedrichs be recognized as an expert in planning.”

Mr. DiOrio: “Yes.”

Mr. Skwirz: “Thank you. Um, uh, Mr. Friedrichs, did you get an opportunity to review the application submitted, um, by the, um, applicant on the Stone Ridge project?”

Mr. Friedrichs: “I did. Yes.”

Mr. Skwirz: “And have you formed an opinion, um, an expert, uh, of planning opinion, with regard to that application?”

Mr. Friedrichs: “Uh, yes. I mean, the application has changed a bit over the, over the months, but, from what I – the latest I’ve seen – that was at the last meeting, um, I, I have reviewed that, um, and I provided a report on that, and I’m prepared to speak, um, on that also this evening.”

Mr. Skwirz: “Okay. And, and, can you speak on that, um, what your opinion is with regard to the latest proposal?”

Mr. Friedrichs: “Yes, so, I, I think my report – I mean, my, uh, report really details, uh, my analysis of that proposal, um, and, it’s, uh – my report’s for-, focused on the four findings, um, required, uh, under the Subdivision Act, um, which is the, the State law that outlines the land development process that the Board’s going through right now, um, and I just wanna add a little bit to that this evening, focusing specifically on the Comprehensive Plan – that required finding for consistency with the Comprehensive Plan, um, and I’ll speak a little bit about, um, the land development process. So, this site in question is a planned development, um, that is what the zoning map amendment assigned to this specific site, and it requires review through the land development process. And, being a planned development, that means that the design of the development must be approved prior – must be approved by the Planning Board prior to the establishment of a use on the land. In accordance with Rhode Island law, as I mentioned, the Planning Board must make affirmative findings, based on the evidence presented in its review prior to making its decision on whether or not to approve the development and, in turn, permit the use. The size of the development can be no larger than the maximum size that will be determined by the Planning Board to meet the required findings. The applicant has amended the Master Plan submission to address some of the concerns expressed. It is my professional opinion that the scale of the proposal has not been sufficiently reduced to demonstrate compliance with the required

findings, including the Comprehensive Plan. The project was originally proposed to be equivalent in size to the Block Island Wind Farm. Reducing it by the equivalent of one turbine is good, but the project still proposes the equivalent of four gigantic wind turbines. 23.5 megawatts is enough power for over 4,000 homes, or more than the entire population of Hopkinton. This one project will achieve Hopkinton's renewable energy needs and then some. I will, I will repeat what I said in my report, which is that if Hopkinton is intending, intending to be a regional energy, energy supplier, the Comprehensive Plan should be explicit. The citations in Public Services and Facilities and Natural Resources are not enough to demonstrate consistency for such a large scale project. Regarding the use, the general standard is that solar is a utility use that does not fit neatly into the base zoning category of commercial. The proposed development is for a utility, not commerce in the zoning sense. Little detail regarding the building has been provided, other than the, other than that the applicant no longer proposes to utilize it for energy storage. I trust the Planning Board agrees with me that the Comprehensive Plan does not envision the Town's commercial and manufacturing zones to be solar farms. This is a terrible use of the zone's proximity to the excellent transportation asset that is I-95. I wanna just quickly read the introduction to the Economic Development chapter of the Comprehensive Plan for some context here. "Enhancing economic development opportunities in Hopkinton will lead to the growth of the Town's tax base and labor force, and improve the quality of life in Town. In doing so, it is important for the Town to create a balance between new development for economic purposes, and protecting the natural environment and historic and cultural resources. This means new industries must be compatible both environmentally and physically with the rural character of Hopkinton. Current economic development initiatives have focused on light manufacturing, high technology, local commercial activities in village centers, recreational opportunities like hiking and camping, and agricultural businesses. If Hopkinton is going to get in the business of being a major energy supplier, it needs clearer language in its Comprehensive Plan, and the solar guidelines published by Statewide Planning a few years ago were very clear that they really were looking for Comprehensive Plan amendments in municipalities that were explicit about their approach to solar, and that's something that I think Hopkinton really needs. I just wanna remind – wrap up here - by reminding the Planning Board about their ability to increase setbacks in residential zones, and I will conclude, um, and you're gonna hear from another expert in a moment. Um, the others have provided reasonable, credible testimony regarding concerns with compliance with the Zoning Ordinance and significant negative environmental impacts, and I just wanted to say, as a final statement – the Planning Board cannot approve a project if it does not meet their required findings. Thank you."

Mr. Skwirz: "Uh, Peter [Friedrichs], one last question."

Mr. Friedrichs: "Yes."

Mr. Skwirz: "Um, just for the record, I'm gonna ask you – uh, in your opinion, does this project meet the first finding, which is, um, the proposed development is consistent with the Comprehensive Community Plan, and/or ha-, has satisfactorily addressed the issues where there may be inconsistency? In your expert opinion, has, has this, um, application done that?"

Mr. Friedrichs: "Uh, I took a careful look at the changes that were made, um, this spring, and I, I do not think that it meets that required finding."

Mr. Skwirz: “Okay. Uh, thank you.”

Here, Mr. Skwirz explained that he wanted to call Linde Steere, an “expert wetlands and wildlife biologist” as his next witness. Mr. DiOrio replied that he could proceed. Ms. Jalette directed Ms. Steere to press *9. There was a delay. Ms. Jalette asked Mr. Skwirz to communicate with Ms. Steere that she had to press *9 so that she could be identified within the participant window. He replied that he would “do that now”. The Board waited for Ms. Steere for a few more minutes. Mr. Skwirz reported that he could identify Ms. Steere by her cell phone number. Ms. Jalette asked for the last four digits of Ms. Steere’s number. Mr. Skwirz provided them. Ms. Jalette replied that she did not see that phone number within the participant window. Ms. Hogan interjected that she could see Ms. Steere’s name under the call-in listeners. Ms. Jalette verified that the caller’s last name was Steere, and explained that she had to find her manually. Mr. Skwirz thanked Ms. Jalette. Ms. Jalette then explained that she would have to unmute herself by pressing *6. Mr. Skwirz attempted to interact with Ms. Steere, but found that she could not be heard. He said that Ms. Steere may have been having some “technical difficulties”, and that he was going to give her a call. He suggested that he could try to put her on speakerphone on his phone so she could participate on the Zoom call through that avenue. Mr. Skwirz was finally able to reach Ms. Steere.

Ms. Steere explained that she is the “president and principal wetlands biologist at Applied Bio-Systems, Inc.” Mr. Skwirz asked if everyone could hear Ms. Steere. Ms. Hogan, Ms. Jalette, and Mr. DiOrio replied in the affirmative. Mr. Skwirz then asked Ms. Steere to provide her resume to the Board.

Ms. Steere: “Certainly, and I apologize for the Zoom meeting – I’m just – the laptop isn’t cooperating. Um, I have a Bachelor’s of Science [unintelligible] Zoology, and then a Master’s of Animal Science and Wildlife Management and Wetlands, from, also, University of Rhode Island. Um, I have a number of professional registrations with, uh, Society of Soil Scientists of Southern New England – excuse me – uh, Rhode Island Association of Wetlands Scientists, the Rhode Island Natural History Survey, and the National Society of Wetland Scientists. Um, I’ve been in business for ab-, 32 [unintelligible], um – but I have 40 years of experience working prior for Rhode Island Fish and Wildlife and the, um, CRMC – the Rhode Island Coastal Resources Management Council, so, I’ve been, uh, started Applied Bio-Systems in 1986, and, uh, I’m still here.”

Mr. Skwirz: “Uh, and, and, Linda [Steere], have you, have you testified as an expert before?”

Ms. Steere: “Yes. Numerous times.”

Mr. Skwirz asked Mr. DiOrio that Ms. Steere be “accepted as an expert in wetlands and wildlife, uh, as a wetlands, wildlife biologist.” Mr. DiOrio responded that he was “very familiar with Linda [Steere]’s credentials.” Mr. Skwirz thanked him, and proceeded.

Mr. Skwirz: “Um, Ms. Steere, um, have you, um, had an opportunity to, um, review this, uh, application, Stone Ridge application, and, uh, most particularly, the latest iteration of that application?”

Ms. Steere: “I have. I’ve looked through all of the existing, uh, documents, and, um, also did a personal review, um, primarily with, um, the GIS, and the overlay maps, as well as reading through the, uh, Mason and Associate document, and the Natural Resource Services document that were prepared for the applicant.”

Mr. Skwirz: “Uh, and, and have you formed an expert opinion regarding, uh, the application?”

Ms. Steere: “Um, I have. The cert is going to have a significant -”

Here, Ms. Steere was breaking up. Mr. Skwirz asked if there was a place she could go to in her home that would allow her to have better reception. She replied that she probably could, and that there was one window in her house where she could stand in and talk on the phone, though she had moved – thus the interruption in service. She then continued.

Ms. Steere: “So, it will have a significant impact, in my opinion, on the wildlife habitat, -tat, on this particular site.”

Mr. Skwirz: “And, uh, wh-, um, what, what, uh, caused you to, uh, reach that expert opinion?”

Ms. Steere: “Well, in addition to the two reports that I just cited, I, um, that were done for the applicant, there are a number of other items that I feel are important to acknowledge [unintelligible] about the, um, site. One is the fact that it’s documented as a five hundred acre unfragmented forest in a 2015 amendment to the, uh, Rhode Island Wildlife Action Plan, so, those areas are an overlay in the GIS, and they’re designed to capture habitat with high conservation value, um, by identifying these large and connected – excuse me – connected blocks of common habitat, as well as based on rare, resilient, or productive natural systems. So, they’re designed to protect our natural diversity of both plants and wildlife species, and they’re to prevent fragmented forest areas that then have a large impact on, um, migratory birds, certain types of wildlife – mammals, um, and plants, that need large areas of undisturbed property. Um, some of the, um, bird habitat, such as scarlet tanagers, wood thrush, a number of warblers, uh, which was also mentioned in the Mason and Associate letter, need these large unfragmented pieces for nesting habitat. Um, the other item is that it was also identified as a conservation opportunity area, and, um, that was also a GIS layer, which, again, is to protect these unfragmented areas. Uh, the eastern port-, portion of the site has a groundwater recharge area, and a wellhead area nearby, and, um, it’s also identified as a climate corridor by the Nature Conservancy, um, which was designed to, uh, also protect, um, [unintelligible] species and habitats, and also, um, protect carbon sinks, which are becoming more and more important with, um, climate action, and increased temperatures. Um, in a forestry survey report in, um, 2008, they determined that 11% reduction in forested areas from a 1998 report, uh, ten years prior was due to residential and commercial development in rural areas. Um, again, it results in a loss of wildlife habitat and other natural losses. Um, as to, uh - also, the historical and archaeological items, I’d just like to me-, mention that these properties are linked to Rhode Island’s past, and, uh, I know there’s other people discussing Narragansett Trail, and maybe cerement-, -monial mounds and the stone walls, which

also are habitat for wildlife - um, for snakes, salamanders, rodents, um, and there's also the Worden Cemet- [unintelligible] – protected and have access for the, um, relatives of those people. Um, finally, the Wild and Scenic Stewardship Council letter included [unintelligible] -”

Here, Mr. Skwirz explained to Ms. Steere that her comments had become unintelligible due to her cellular reception problems. She apologized, as she had moved. She continued.

Ms. Steere: “Um, that Wild and Scenic designation was approved by Congress, um, and includes the river, and the Canonchet Brook, and, um, most of the Watershed that this property is in, and, since it was approved by Congress, I’m – have questioned whether it also means [unintelligible] the northern long-eared bat, which, um, uses tree habitat for breeding and, um, just residence during the summer, and therefore, would tree cutting be prohibited within a quarter mile of the Canonchet Brook, because of the federal approval of this Scenic and Wild -”

Here, Ms. Steere was cut off again. Mr. Skwirz interjected.

Mr. Skwirz: “Um, so, Linda [Steere], um, I, I guess maybe it's appropriate now for me to ask you this, just to get it there, on the record. Um, you might have touched on this to start, but, um, in your expert opinion, um, do you have, um, uh, do you believe that this will, um, have no significant negative impact, uh, environmental impacts for the proposed development, um, as one of the require-, which is one of the required findings, um, by the Planning Board? Do you have, uh, an opinion on whether, um, there will or will not be significant negative environmental, environmental impacts?”

Ms. Steere: “Um, my opinion is that this would have a very large, significant environmental impact, because it results in the clearing of a hundred – about a hundred acres of, uh, forested land and wildlife habitat.”

Mr. Skwirz: “Thank you. So, uh, with that, Mr. Chairman, uh, we've presented our two experts. Um, we've made our legal argument on the commercial special zone, which was dealt with at the last meeting. I made the legal argument on the vesting issue tonight, um, but, beyond that, uh, even if, if you did not, um, decide our way on the legal arguments, um, you still have those findings of fact, um, that you're required to make, um, and one of them has to do with consistency with the Comprehensive Plan. The other has to do with whether there will be no significant environmental impacts from a development, um, and the experts that have testified tonight have both testified that in their expert opinion, this application does not meet, um, does not meet either of those standards, due to the scale of the proposed project, the amount of clear cutting, and the environmental impacts, they, they do not meet those standards. Uh, so, with that, um, I know that there are a number of other people here from the public that would probably like to testify, um, and that you do have the time limit that was established, so, I will end the argument and our testimony at this point, and I, I thank the Chairman, uh, and the members of the Board, and I'd ask that you vote to deny, um, this proposal. Thank you.”

Mr. DiOrio thanked him, and said that he was prepared to “go to the general public for comments and concerns.” Ms. Hogan interjected.

Ms. Hogan: “Before, before you do, uh, you want to offer the opportunity to the applicant’s attorney to cross examine either of those witnesses.”

Mr. DiOrio: “Okay. Forgive me. So, I guess that’s the more appropriate approach. Mr. Landry, if you care to do that, this would be your opportunity.”

Mr. Landry: “Uh, I just have a couple of questions for, uh, Ms. Steere. Uh, Ms. Steere, you are aware this is a commercial zone, are you not?”

Mr. Skwirz: “Oh, uh, she, she actually hung up the phone, Bill [Landry], but, um, I, I just – I can get her back, but, um, there wasn’t cross examination of, um, uh, of Mr. Landry’s experts last night – I, I, the last time we were here. I wasn’t sure if we were gonna have cross examination of those experts, um, and I’m not sure – you know, if we are gonna start cross examining, I think we’d have to cross examine, or at least have the opportunity to cross examine everyone, um, and the only issue -”

Ms. Hogan: “Did you inquire?”

Mr. Skwirz: “Uh – did I? Well, I didn’t have the opportunity to, I don’t think, but, um -”

Mr. DiOrio: “I, listen -”

Here, Ms. Light interjected. Mr. DiOrio gave her the go ahead. Ms. Light proceeded.

Ms. Light: “I would think the Planning Board, at a minimum, would have the opportunity to cross examine your witnesses.”

Mr. Skwirz: “Uh, uh, of course -”

Ms. Light: “At a minimum.”

Mr. Skwirz: “Yeah, I, I appreciate that -”

Ms. Light: “Okay.”

Mr. Skwirz: “I appreciate that.”

Ms. Light: “Yeah. My question for, I – Linda Steere is still on the computer, so maybe you can get her attention back, ‘cause I had a question. She -”

Mr. DiOrio: “Well, whoa, whoa - Carolyn [Light], Carolyn [Light] – let me interrupt. Al DiOrio. So, listen, we’re, we’re kind of in the middle of Maggie [Hogan]’s recommendation that, uh, Mr. Landry have the opportunity to cross examine. Um, alright - I think we oughta stay on board with that before we start opening it up to everybody and anything -”

Ms. Light: “You’re -”

Mr. DiOrio: “In order to remain -”

Ms. Light: “Absolutely right!”

Mr. DiOrio: “Somewhat focused.”

Ms. Light: “You’re brilliant, Al [DiOrio]. Yes, you’re right.”

Mr. DiOrio: “Actually, if it were up to me, I would move to the general public, but I’m following Maggie [Hogan]’s advice, because that’s what we do. So, anyway, if we could get Ms. Steere back, back on the radio, uh -”

Ms. Hogan: “I believe he’s attempting to do so.”

Mr. DiOrio: “There we go. Very good.”

Mr. Skwirz replied that Ms. Steere was “on now”. Mr. DiOrio replied that that was “very good”, and let Mr. Landry ask his questions of Ms. Steere. He began by asking her if she could hear him, and she replied that she could. He then continued.

Mr. Landry: “First off, are you aware this property is zoned, uh, commercial?”

Ms. Steere: “I understand it’s zoned special commercial, yes.”

Mr. Landry: “And, and that, at, at least portions of it were previously zoned light industrial, correct?”

Ms. Steere: “Correct.”

Mr. Landry: “And that the last zoning approval for the project contemplated a, a resort, with multi-family, uh, housing, and a hotel, and, and various other forms of development throughout very – a golf course – throughout large stretches of the property. Are you aware of that as well?”

Ms. Steere: “I am, but that project did not happen.”

Mr. Landry: “Well, but the proj-, is it your position that the zoning and con-, is, is the property, uh, designated as a conservation area in the Zoning Ordinance?”

Ms. Steere: “I’m not sure of that, but I know it is on layers of the GIS documents, an, in DEM [Department of Environmental Management], at RI DEM [Department of Environmental Management].”

Mr. Landry: “It’s not designated in the Comprehensive Plan as a conservation area, is it not?”

Ms. Steere: “That I’m not sure of.”

Mr. Landry: “Mr. Skwirz asked you about the findings that the Planning – by the way, were you here during the testimony of our witnesses, on how -”

Ms. Steere: “No.”

Mr. Landry: “The -”

Ms. Steere: “No, I was not.”

Mr. Landry: “Uh, Wild and Scenic River impacts are going to be protected, in that, and access to that area improved? Uh, Mr. Mason’s testimony, Mr., uh, Morehead’s, uh, Mr., uh, Rabideau’s testimony, that all -”

Mr. Skwirz: “I object to -”

Mr. Landry: “That all wetland setbacks -”

Mr. Skwirz: “She hasn’t been here. It’s not – we don’t need to reiterate the testimony. She wasn’t here.”

Mr. Landry: “Excuse me, Mr. Skwirz. I was very patient during your examination. Your witness testified to a lot of things, and one of the things she didn’t testify about was the measures that the professionals, who have been with this project for a very long time, have designed to protect all of the various interests that you describe. Were you here during that testimony?”

Ms. Steere: “No.”

Mr. Landry: “And, you’re al-, you’re also asked about a finding, as to environmental impacts. You are aware, are you not, that that required finding by the Planning Board has to be made based on Final Plan, not on the Master Plan?”

Ms. Steere: “I, I realize they’re just starting this process, and yes.”

Mr. Skwirz: “I’d, I’d, I’d object. That, that asks for a legal conclusion.”

Mr. Landry: “Why – you asked her about the findings. I just wanted to see if she actually knows what the finding is that’s required. It has nothing to do with the Master Plan stage –”

Mr. Skwirz: “I, I disagree.”

Mr. Landry: “Of review.”

Mr. Skwirz: “That’s a legal argument.”

Mr. Landry: “Well, we can both read the findings. Uh, but you are aware, Ms., uh, Steere, that after the Master Plan review, the project is then reviewed by the Rhode Island Department of Environmental Management, and the various environmental issues that you’re an expert on, including, uh, wetlands, are evaluated, and all of the impacts, uh, are, are considered, uh, in connection with the DEM [Department of Environmental Management] review, and that the results of that review become available to the Planning Board as part of the Preliminary Plan stage of review – did I state the correctly?”

Ms. Steere: “I’m not sure I follow you. I was asked to give an opinion about the, um, habitat, and wildlife and habitat of the site.”

Mr. Landry: “And, and you, you are aware of what DEM [Department of Environmental Management] reviews, are you not?”

Ms. Steere: “I am. Yes. But, at this point, there’s no application from this applicant to, to even review at DEM [Department of Environmental Management].”

Mr. Landry: “Right – ‘cause that’s not something that’s done until after the Master Plan stage of review, correct?”

Ms. Steere: “Correct.”

Mr. Landry: “That’s all I have. Thank you.”

Mr. DiOrio replied that that was “very good”, and then Mr. Skwirz spoke.

Mr. Skwirz: “So, I guess, um, being – since we – I, I didn’t anticipate that, maybe I just, uh, sum up my, my final argument to the Board, and just respond to the, some of the points raised by, um, uh, my brother. Um, you know, uh, uh, two things came to mind, real quickly. The first is, um, that this project – if you review it as a Master, uh, Major Land Development, has five findings you need to make at both the Master Plan stage and the Preliminary Plan stage, and those findings, uh, require both the Comprehensive, uh, consistency with the Comp Plan, and no significant environmental impacts. You have to make it at both stages. Um, and so, uh, those are – the testimony you heard tonight is entirely irrelevant to that, and, frankly, it’s not really relevant at all, um, whatever project might hypothetically, uh, go onto this parcel, uh, because you have to look at this particular project, and decide whether it meets the standards, um, for, that you’re required to apply. Um, so, you, you’ve had two experts testify that they do not, and, um, in addition to the other legal arguments that we’ve raised, uh, for that reason, we’d ask that it, uh, not be ratified. Thank you.”

Mr. DiOrio: “Very good. Thank you.”

Mr. DiOrio then said that he was ready to go to the general public.

Mr. DiOrio: “So, for those in the audience who may be wishing to be heard on this application this evening, this would be your opportunity.”

Ms. Jalette explained that she was going to do “what [she would] usually do, which is read off the last four digits of a person’s phone number or their name”, and that once she did that, the speaker would press *6 and state their name for the record. The first speaker was Jeffrey Rossi, of Woodville-Alton Road.

Mr. Rossi: “Um, I was able to comment at the last meeting, and I’ve called a couple points I’ve wanted to make emphatically. Uh, I live on the, uh, Palmer Circle side. I, I live on, uh, the Lindhbrook Golf Course, um, and I recall the floods of 2011, when the entire golf course was, essentially, uh, a lake. Woodville Alton Road was breached at the overpass, and, um, it was really quite out of hand. That happened when we had, um, all that acreage forested, up where this project is, and if, uh, those trees are removed, we won’t have the benefit of that big sponge, and I think that, uh, a flood like that would be much worse. Uh, as well, um, in terms of, uh, noise abatement, when, uh – at Palmer Circle, the B2B Complex was installed there, um, once it was, uh, built, uh, the noise from [I]-95 was quite disturbing, and this is a much larger area that is going to be, um, cleared, and it’s gonna – I, I lived in New York City. I don’t want New York City here. It’s gonna be very, very loud. So, uh, with those things, uh, in mind – especially the history of that flood, um, without those trees, all that entire area taken down, uh, we’re gonna get washed away down here. I really hope that the, uh, the Planning Board will keep that in mind when they make their decision, uh, but other than that, uh, that’s my, that’s my comment. So, thank you very much for your attention.”

Mr. DiOrio thanked Mr. Rossi. Ms. Jalette directed the next caller to press *6, and then state their name for the record. Ms. Hogan said that the caller was muted. Ms. Jalette responded that she had allowed the caller to speak, they would have to unmute themselves. After some time, Mr. DiOrio asked if the Board was waiting for the caller to press *6. Ms. Jalette replied that they were. Mr. DiOrio said that he would give the caller “a few more seconds” before the Board would move on to the next caller. The caller finally joined the call with audio. It was Diana Kushner, of Blitzkrieg Trail.

Ms. Kushner: “Thank you so much for hearing me. Can you hear me?”

Ms. Jalette: “Yes.”

Ms. Kushner: “Okay. Great. Um, I am calling – um, I love solar energy, and I consider myself an environmentalist. We have solar panels on our roof at home, but why I’m calling today, why I’m so concerned, is that it’s fairly common knowledge that when you cut down a forest, and replace it with solar panels, you have – you don’t have any savings in carbon. It’s a net neutral for carbon in the atmosphere. So, my question is – if you cut down the trees in Hopkinton, who wins? And I know it’s not the people who live in Hopkinton. I know it’s not the neighbors, the people who come here to hike, long-time residents – we’re not getting anything from cutting down the trees and replacing it with solar panels. So, I guess what I’m asking the Board to consider is, is what do we want Hopkinton to be? Do we want it to be a beautiful place that people love to live in, that attracts people from all over the State, or do we want it to be a clear cut place of solar panels that aren’t really giving much income to our community, and, that hurts the environment? Hurts all the critters that live in it, everything else. So, I think that’s pretty much all I have to say – yeah, it’s just that our, that, the carbon footprint for the planet is

going to go up if we do this. We're not helping the planet. We're not helping Rhode Island meet its carbon goals -"

Unidentified speaker in the background: "Over parking lots."

Ms. Kushner: "And, there, there's other really wonderful places to put solar panels, but I don't think putting solar panels, replacing our forests with solar panels, is a wise decision to make at this particular point in time. So, thank you so much, um, for hearing me."

Mr. DiOrio thanked Ms. Kushner. The next member of the public to call in was Eric Bibler, of Woodville Road. He explained that he "wasn't aware" that his hand was raised, and that he was "going to speak later, if that's possible." Ms. Jalette told him to raise his hand when he wanted to speak, and that there were a couple of other people who wanted to speak. He said that he had spoken before, at other meetings, and that, out of respect to others, he wanted to allow others to speak. Mr. DiOrio thanked him.

The next caller was Kevin Gregory, of Red Fox Lane.

Mr. Gregory: "Um, I'm the property that, um, abuts the south side of the proposed project. Um, first of all, I'd like to express my overall view. Um, sixteen years ago, my wife and I purchased land for our dream house. Um, our search led us to this beautiful Hope Valley, and, as of now, to be honest, we kind of regret our choice moving here. Um, the decision to build this dream house has developed into, really, a nightmare. It appears that solar has taken precedence over the popular opinion in this Town. Um, if my opinion counts for anything, please note that I don't want this to be approved on any level, for multiple reasons – uh, displacement of wildlife, water and erosion issues, uh, decimation of thousands of trees, and the removal of historic features, but it appears there's a strong possibility this will be approved, so damage control may be my only option. Um, please let me, um, draw your attention to the plan review. Now, in the plan review, on Page 15, there's a, uh, there's a statement made that says, um, there are few directly abutting residences to the south, and southeast, however, a combination distance, and in parentheses, well in excess of a thousand linear feet present thick, vast, mature vegetation, all but visually oblit-, obliterate any direct line of sight. Well, unfortunately, that, that's a completely false statement. Um, as far as a line of sight, um, my ba-, my yard is basically void of trees and vegetation in the direct line of sight. Um, there's no vast, mature vegetation as stated in that, in that, uh, that paragraph. I'll clearly see the developer's retention pond, the building, the dumpster in the driveway, as shown on the plan. A chain link fence, shrubs, won't remedy this issue. My backyard will resemble an industrial lot -"

Here, there was an unstable internet connection in the Town Hall, which limited the ability of those in the chamber to hear Mr. Gregory's testimony. Ms. Hogan briefly facilitated the discussion while the internet connection was stabilized. When the connection had stabilized, Ms. Hogan directed Mr. Gregory to continue.

Mr. Gregory: "Okay, thank you. Um, so, what I'm saying is I'll clearly see the developer's retention pond – now, this is on the, uh, south side of their development – the retention pond, the building, the dumpsters – everything that's shown on the plan, and a

chain link fence and shrubs will not remedy this issue on any stretch of the imagination. So, basically, my backyard will resemble an industrial lot. You know – and I understand it's a, it's commercial, but there's more than enough room on this site to move these structures. Um, planning a fence – I mean, um, plantings and a fence aren't the solution to this problem. The relocation of the building, and the retention pond on the other side of the property would eliminate the impact of these structures on my property. Um, also, the, uh, the location of the fence, it's, um, it's relatively close to the property line, and I see no point in that, so, you know, if the fence could be located, um, closer to the, uh, the solar field, then, you know, that would be, that would be, um, preferred as well. Um, also, I, uh, I have engaged in legal counsel to file an appeal to the project in the event that the Board doesn't see fit to take into account my concerns regarding the location of the building, pond, and fence, and its proximity to my yard, and the direct line of sight. Um, my appeal will be based on the fact that my view of the building, pond, and fence, as well as my ability to see it from my yard violate the Town Ordinance and Comprehensive Plan. Um, additionally, I, uh, I do invite, um, all of the Board members to my residence, you know, maybe one at a time, and if we, if, you know, if that was an option, um, we can set up some times, and, you know, please feel free to come here and, and see exactly what I'm speaking of. Um, I have absolutely no problem with that. Um, additionally – I mean, you know, they have a tremendous, tremendous amount of space on that lot, and if this does end up moving forward, putting the building and the retention pond and the fence, uh, it wouldn't change, you know, moving them to a different location – it would not change the functionality or the purpose of their project, um, but it would, it would definitely preserve my natural view. Um, again, as I mentioned, I, I'm not really for this, this project. I think there are some really, really, you know, um, disheartening byproducts of this project, but, I mean, uh, this, right now, is my, is my grievance.”

Mr. DiOrio thanked Mr. Gregory. The next caller was Elaine Caldarone, of Maple Court.

Ms. Caldarone: “Elaine Caldarone. I am the Hopkinton representative for the Wild and Scenic Stewardship Council, and I hadn't planned on speaking tonight because the Planning Board has our official advisory letter that the Council put together, but I did want to clarify something that I heard the wildlife biologist mention. Uh, she was talking about a quarter mile, and no cutting of trees within that quarter of a mile. Our Wild and Scenic designation of this Watershed is a partnership - it's called a partnership Wild and Scenic designation, which means we have no jurisdiction over a quarter of a mile of those rivers. We are advisory only, and we cannot, um – there's no buffers. There's no setbacks – and this is because we're in a very populated area. The Wild and Scenic designation that is not a partnership are the type that you see out West, where there's vast amounts of land, and on those, that – that type of area, there is a quarter mile setback, lookback, for if a Federal government type of project is proposed. So, I just – I didn't want the Planning Board to, to think that there is any quarter mile anything around any of these Rivers. It's just an area we happen to look at. We may want to comment on it, but we have absolutely no jurisdiction, no setbacks, no buffers – there's nothing around these Rivers. That doesn't mean that we wouldn't like to see a - more of a buffer around any of the Rivers – certainly more than what DEM [Department of Environmental Management]

recommends. I would urge the Planning Board to look into that, but I just wanted to clarify that.”

Mr. DiOrio thanked Ms. Caldarone. Ms. Jalette directed the next caller to press *6, then state their name for the record. It was Joe Moreau, of Old Depot Road.

Mr. Moreau: “I just have a, a quick question. It was difficult to hear, uh, the witness. I believe her first name was Linda Steere. Um, I also believe she said that the unfragmented forest was five hundred acres. I would like to confirm that number, please. Is she still there?”

Mr. Skwirz: “I’d have to call her again. If the Planning Board would like me to do that, I can.”

Mr. Moreau: “Well, did anyone else hear five hundred acres?”

Ms. Hogan: “Mr. Moreau, this is Attorney Hogan. Uh, I, I did as well, and I wrote it down – documented as a five hundred acre unfragmented forest.”

Mr. Moreau: “Okay – find that. That was my only question. I wanted to confirm that number. Thank you, uh, Attorney Hogan. I appreciate it.”

Ms. Hogan: “Sure.”

Mr. DiOrio thanked Mr. Moreau. Ms. Jalette directed the next caller to state their name after pressing *6. The next caller was Steve Wiehl, of Old Depot Road.

Mr. Wiehl: “Thank you very much for listening to a couple of brief comments I have. Um, I’ve been through this so many times over the last – God, I can’t believe that we’re goin’ on, what a few years of these hearings - and I’m opposed to it, uh, this particular project, um, as with most of the others, in terms of size. The, the enormity of it, the impact, again – no matter how many times I hear an attorney for the applicant state that all of the people that worked on his side are all environmentalists, I have a real hard time, and have from the beginning of these hearings, back when, when each and every time, they wanna cut down – many times, I should say, in these residential projects or areas, forested areas - that they’re gonna cut down thousands of trees to create this project, and it never made much sense to me, how you can sit on one hand, and say that you have an environmental, environmentally sound view of the world, when you want to chop all of this habitat down for wildlife, etcetera – and I have heard others comment on that, so I’m not gonna comment any further. It’s just something that – it’s the main reason, because it all stems, in my objection, it all stems from that – from the destruction of these trees that do such awesome things for us as people and animals. So, uh, before I sound too weird, I’ll move on from that subject. Um, I also wanna make one other comment about, uh, something that was, uh, brought up last, last hearing, which was, uh, Mr. Prellwitz, um, had refused to recuse himself from this hearing, and a vote, and I just was looking through my records, and I found another Facebook post that I think the Sculcos should be aware of – that Mr. Prellwitz commented on, on June 19th of 2019 on a Facebook post, and, it was started out as, uh, it looks like a community post, where a person by the name of Jay Cursey made a comment and said, ‘No more clear cut trees’ – ‘No more clear cut – trade the forests for brownfields’, and Mr. – a person by the name of Ronald G. Prellwitz responded: ‘The anti-solar’ – and I quote – ‘The anti-solar people have an unprofessional

– have a professional lobbyist and an expensive lawyer, and many of the talking points they present are false, and only agitate people.’ So, I just, those are the only comments I wanted to make, and I just think that there’s a difference between, um, advocating, and sitting as a fair, objective person, that can put away your bias, and I just would like Mr. Prellwitz to really just look at it, and see if it may make, jar his memory, and make a little difference – and that’s all I have to say. Thank you.”

Mr. DiOrio thanked Mr. Wiehl. Ms. Jalette directed the next caller to state their name for the record after pressing *6. The next speaker was Eric Bibler, of Woodville Road.

Mr. Bibler: “Um, I think that this, um, just to get back to basics, you know, this all comes back to the Planning Board, obviously, you know, which is invested with the authority, and the responsibility to make these required findings, um, you know, under our [Land Development and] Subdivision Regulations, and the findings are, you know, not only required, you need to make positive findings on all the relevant points, and I, you know – we talk a lot about the rights of developers when they have a certain zoning – availability of a certain zoning – but we should all be reminded that those rights are not unlimited, um, you know, this Board evaluates, um, residential proposals all the time, and a builder may come in and want to put in two hundred houses, and the Board might tell him he can’t do that – he has the right to build houses, he doesn’t have the right to do whatever he wants. So, there’s a few things here that really leap out at me, that, um, I think have been touched on, and I, I just think they’re worth remembering. You know, this – one of the findings is whether or not this is fundamentally consistent with the Comprehensive Plan - this plan for development, not the concept of putting up some solar panels, but this plan for development. Um, and the second one that’s been raised here tonight, pretty prominently, is, um, that is has to satisfy the requirement that it not have an adverse – significant adverse environmental impact, and we’ve had an expert testify that it’s going to have a very significant adverse environmental impact. I think all the members of the Board have had access to the recent study that’s been circulating on the tremendous value, um, of Rhode Island forests. Um, we’ve heard on a number of occasions that there’s no environmental benefit, and in fact, we’re going backwards. When you cut down trees, when you clear forests, to put up environmental, um, uh, panels, there’s no, there’s no environmental virtue, that, that attaches to that. As to the amount of the unfragmented forest, I do wanna note that our own Conservation Commission, um, I believe, used a figure of e-, either 1,000 acres of unfragmented forest, or 1,300 – I can’t remember which, but, um, I, I don’t know how you measure, or who the authority is on unfragmented forest, but we’ve been hearing figures that are substantially higher than five hundred acres of unfragmented forest, and unfragmented forest has, uh, exceptional value - unfragmented habitat is what the Nature Conservancy and, uh, the Department of Environmental Management, and various State agencies and conservation agencies strive to accomplish, um, instead of having patchwork, you know, pieces of reserve. Um, I do wanna direct the Board’s attention to just, you know, one particular part of the report from the Planning expert, for the object-, objectors. Uh, Mr. Friedrichs makes the point that, um, although the Town of Hopkinton’s Comprehensive Plan has a couple of glancing references to solar energy, and, um, most of those are in the context of the Town’s own consumption. Um, there’s a reference to uh, a goal to adopt regulations that

encourage ‘small scale renewable energy installations’, and I think this point have been relevant to all of us over the past two and a half, three, four, five years. Um, Mr. Friedrichs makes the point that there isn’t any reference in the Comprehensive Plan to a goal, or an objective of encouraging, um, utility scale, or industrial scale, solar development, um, and we now have, um, at least three of these, that are huge systems, and another one tonight that was continued. You know, we have Alton-Bradford Road, Maxson Hill, Revity – these are all gigantic solar systems. There really is nothing in the Comprehensive Plan that even contemplates this, and you would think, as Mr. Friedrichs says, that if the Town of Hopkinton truly wanted to have multiple, massive solar power plants in Town, they – we would have had that discussion, and we would have arrived at that conclusion, so I would say that his conclusion, that this is, um, this concept here tonight that’s being presented is absolutely incompatible with our Town’s Comprehensive Plan. It’s not contemplated anywhere in it. And then, just quickly, to get them on the record, I’d like to read some of the specific goals and objectives of the Comprehensive Plan that I think this would violate, and I think should find a home in your findings, uh, when you deny this. Um, first is, uh, Goal Con-1 – it’s not consistent with the conservation of Hopkinton natural resources, particularly the protection of the ground and surface waters. We’ve just heard a little bit about that. Goal Con-2 – it’s not consistent with the conservation of Hopkinton’s major natural features, and of its traditional rural character. Goal NR-1 – it’s not consistent with the preservation, conservation, protection of the significant natural resources of Hopkinton as an endowment for the future of the Town. Goal H-1 – it’s not consistent with the intent for Hopkinton to be characterized by safe, secure, and attractive residential neighborhoods. Goal LU-1 – it’s not consistent with the protection of the quality of life and rural character of Hopkinton. Goal LU-4 – it’s not consistent with the preservation of existing farms, wildlife, and wildlife habitat. That goes directly to the unfragmented forest, obviously. Um, and, finally, it’s not consistent with economic development goals related to reducing the tun-, Town’s long-term energy costs, increasing our energy independence, or creating local jobs – not gonna create any local jobs, and this has nothing to do with the Town’s own energy costs, and the Town’s own energy independence. So, um, for all of those reasons, I urge you to deny it, and I also – I don’t know whether you’re gonna vote tonight, but I urge the, um, members of the Planning Board to review a recent Court decision that Solicitor Hogan provided to you for *Boon Street*, uh, *Presby, LLC., v.*, uh, *Town of Narragansett*, because in that, you’ll find boilerplate language that, uh, applies to the Superior Court review of your decision, right, and it’s in every review, you know, of every Planning Board decision, that somebody contests, and what that says is that the Court, uh, the, you know, appeal authorities shall not substitute their judgement on the merits of the project, um, you know, for the judgement of the Planning Board, you know, the issues at hand are typically, uh, procedural and legal. So, I just am only mentioning that to let you all know that we don’t need to be, you know, terrified of an appeal. You can vote the courage of your convictions. You can feel, uh, secure that if you judge this on the merits, and you find it simply does not satisfy these two required findings, and you support it with, uh, the, the expert opinion of the, um, objector, and, and these goals, and any others that, you know, that you think apply, that I think your, your verdict will very likely carry the day, and I appreciate all of you. You’ve worked so hard for us over the past three years, on so many of these, and you really are the, uh, guardians, you know, of

our vision for our future, and our Town's Comprehensive Plan, um, and this is really your moment, in your decision. So, thank you very much for listening.”

Mr. DiOrio thanked Mr. Bibler. Ms. Jalette directed the next caller to press *6, then state their name for the record. It was David Gever, of Anna Drive.

Mr. Gever: “I’m, I’m, uh, attending this only to, basically, hear the arguments, for and against. I was, uh, listening in, uh, mainly because of the Skunk Hill issue, but you’ve postponed that, so I really, in general, I stan-, I have the same complaints that most of the people have about large systems, be it, he-, uh, where you’re talking about for this particular project, or for Skunk Hill. Uh, there seems to me, to be, uh, adverse, uh, effects, relative to Comprehensive Plan, so, uh, I’m, uh, simply going to chime in when the Skunk Hill, uh, uh, arguments arise in July, but they’ll be consistent with the arguments against it tonight. Over.”

Ms. Jalette: “I’m sorry, Mr. Gever. Does ‘over’ mean that you’re done speaking? I think that that’s, uh, jargon of some kind?”

Mr. Gever: “Yeah - sorry, military jargon. Yes.”

Ms. Jalette: “Okay, thank you. I didn’t wanna cut you off if, if you had more – it seemed like you were done, but, want to be respectful.”

Mr. Gever: “Uh-huh. Thank you.”

Ms. Jalette then continued on to the next speaker. It was Tammy Walsh, of Woodville Road.

Ms. Walsh: “Um, after listening in, to many months of meetings, I’ve not been convinced that this project is fundamentally consistent with our Comprehensive Plan. Um, this is an extremely large project, and will have a significant detrimental impact on the environment, and on abutting property owners. Um, you know, there’s been a lot of testimony, and I’m not gonna rehash all of that, because everybody’s heard it, um, but for those reasons, I am opposed to this project, and I hope that the Board, um, all vote to deny it. Thank you.”

Ms. Jalette then continued to the next speaker, and asked them to state their name for the record after pressing *6. It was Colleen Stephan, of Lisa Lane.

Ms. Stephan: “Hi, uh, good evening – I’m Colleen Stephan. I’m a Hopkinton resident, and, uh, I’m on Lisa Lane. Um, I believe, strongly, that our Comprehensive Plan should be followed. Um, to follow the guidelines that we have in place, to follow the plan to protect the rural areas, especially the wildlife and heritage of our Town. Um, I moved here three years ago, and this entire Town was a, a real blessing, to come out, uh, of, of the city, and, uh, the, the northern New England cities. Uh, so it’s a really beautiful place. Um, I wanted to just make a comment that I think it is intellectually insulting to suggest that this project, which involves the clear cutting of so many acres of woodlands, um, to expand industrial, massive so-, solar on this scale. It harms the environment. It reduces, and it reroutes wildlife that we depend on. Um, we have eagles, osprey, owls, reptiles, bugs – everything that you can imagine. Um, a while ago, a wildlife expert had noted that

they, they live in these walls, um, they live in these stone, uh, you know, these monuments. Um, even though no one can see them, you know, they're there, and those resources have made this one of the most desirable areas of the State, you know, not only now, but thousands of years, you know, people have flocked here, people have lived here, and we are, uh, in danger of just losing that. Um, I just also want to mention that this kind of solar scale, um, you know, uh, development negatively affects the home value for my neighbors and friends who live near those plants, um, and I would really like to just, um, mention that that's a critical piece of having, you know, the economy of this area, this hold up, and that's, you know, the land that we do have – I don't know, let's preserve it for our homeowners, and, um, and just folks to live. Uh, I, I do urge, strongly, the Planning Board to consider my position as a Hopkinton resident. Uh, I'm opposed, strongly, to this long, uh, the large solar scale development projects. Um, please vote to deny. I, I, I can only say that from the bottom of my heart how much I love Hopkinton, uh, how much I care, deeply, about the wildlife, and the natural history of the area, um, and I want to preserve that aspect for generations. Um, I don't want the, the time that we've even lost to be, to be, um, to be lost any further, and all of that is around us. It's highly, you know, silently, underappreciated, you know, the beauty – even though we, we can't see acres in, hundreds of acres in, um, and it might be overlooked, but it does surround us. Um, it is one of the beautiful things about this area. I really appreciate you taking the time, takin' the time to listen to my position today, and, um, I wanted to thank you all for your, for your help in this, um, on this, uh, issue. Thank you.”

Mr. DiOrio thanked Ms. Stephan. Ms. Jalette told Mr. DiOrio that there were not any other members of the public who wanted to comment.

Mr. DiOrio: “Apparently, there is no one else in the audience wishing to be heard on this application, so, let's return to uh, Planning Board members -”

Ms. Jalette: “Oh, we have one member of the public who just raised their hand.”

Mr. DiOrio: “Okay, well, we'll certainly entertain that.”

Ms. Jalette directed the caller to state their name for the record after pressing *6. It was Tim Ward, of River Road. He began by stating that he appreciated the Board's “willingness to listen, this evening, to the residents”, and thanked them for their “efforts on this project.” He continued.

Mr. Ward: “And I'd also like to state that I am opposed to this project. Um, while I concur wholeheartedly with, um, Eric Bibler's comment, about how this project is not compatible with the Comprehensive Plan, I'd like to, to pick out one of, um, the points that he made in particular, and expand on that a little bit. Um, so, Goal H-1 states it is not consistent with the intent for, uh, Hopkinton to be characterized by safe, secure, and attractive resi-, residential neighborhoods. Um, so this project is not consistent with making Hopkinton, uh, characterized by safe and secure neighborhoods. Additionally, um, section PSF-1 of the Comp[rehensive] Plan states, starts off by stating that we should maintain a high level of public safety, and, not knowing the decommissioning costs, or possible future impacts of such a large scale solar project, um, I don't think that we can say, unequivocally, that this is going to help us maintain a high level of public safety, um,

and, in fact, there are some who, who are even concerned that such large solar projects, because of the limited funds that have been put forth for decommissioning, may, in fact, become superfund sites in the future, for cleanup. Um, so, again, I'd like to sum up by saying I am opposed to this project, and thank you for the opportunity to speak this evening."

Mr. DiOrio thanked Mr. Ward. Ms. Jalette stated that the Board now had another member of the public who wanted to be heard. He said to "go right ahead." Ms. Jalette directed the caller to state their name for the record after pressing *6. It was Carol Desrosiers, of Pleasant View Drive.

Ms. Desrosiers: "I also just want to reiterate that I do not believe that this project falls in line with our Comprehensive Plan, um, and our rural character for the community. I'm concerned that - to see any of our commercial property go for things that do not produce jobs in our community, and, um, I think, uh, we are putting our community at risk going forward, even as we have seen. Although, um, there is a House Bill, a Senate Bill out there regarding the taxation of solar fields, you know, we could be even at risk for any future revenue that, um, one might think we could get from solar. Um, and, you know, I think so many of us are exhausted from the past few years, and getting tired of, uh, raising our hand, but, um, so that's why, at the last minute, I, I just wanted to reiterate I'm still out here. I've been fighting this cause for a long time. Thanks."

Mr. DiOrio thanked Ms. Desrosiers, and said that it looked like the Board had heard the public comments expressed. He said that they should "move back to Planning Board members, who, uh, graciously deferred their, uh, their time, uh, to the general public." He continued.

Mr. DiOrio: "I know, I know we had one request, uh, back there a bit. I'd like to return to that. Uh, let's go, Planning Board members."

The first Board member to comment was Ms. Light.

Ms. Light: "Joe Moreau and Maggie [Hogan] covered the 500-acre question that I had for Linda Steere, so, um, I have nothing else right now. Thank you."

Mr. DiOrio: "Okay, very good. Any other Planning Board members with thoughts or questions?"

Ms. Shumchenia and Mr. Prellwitz spoke at the same time. Mr. Prellwitz deferred to Ms. Shumchenia. She spoke.

Ms. Shumchenia: "I had, um, written down in my notes from testimony last time that the contiguous forest was 1,087 acres, and that the area to be cleared was 106.1 acres, so, for what it's worth, ju-, just to add to that discussion. Um, I had a couple questions - one about the Wood-Pawcatuck Wild and Scenic Rivers Stewardship Council's letter, uh, that was shared with the Planning Board and the applicant. They had several

recommendations, um, itemized, in their letter, and I wanted to hear more from the applicant about how those were specifically addressed.”

Mr. DiOrio: “Is the applicant out there?”

Ms. Jalette: “Yes. Uh, Bill [Landry], do you have anyone who would like to respond to Emily [Shumchenia]’s questions? Bill [Landry], you have to unmute yourself. *6.”

Ms. Hogan: “He’s on his computer.”

Ms. Jalette: “He, he’s still muted.”

Ms. Hogan: “Yeah, I know.”

Ms. Jalette: “I, I – Bill [Landry], please, press *6.”

Ms. Hogan: “There he goes.”

Ms. Jalette: “Oop – you muted yourself again. Okay, now you’re good.”

Mr. Landry: “Okay, still unmuted?”

Ms. Hogan: “You’re good.”

Ms. Jalette: “We can hear ya now.”

Mr. Landry: “Yeah, we can, uh, I’m gonna defer to, to Sergio Cherenzia to, a-, address more concretely, but we, we had testimony, uh, last month by several, uh, of our witnesses, uh, from the, the - from Mr. Ma-, from Mr. Mason, uh, um, describing, and Mr. Cherenzia describing how the, the access to that area would be improved, uh, about the great distances from that area, how storm water, uh, is all being designed not to adversely, uh, affect that area. Our landscape architect, uh, Ashley Cullion, actually included that area, uh, in her viewscape analysis, to confirm that people walking the trails in that area, which will now become more accessible as a result of this, uh, this project, and connect to the Narragansett Trail, would not, uh, be able, would not have any adverse, uh, view impacts from the solar field, based on the topography on the, you know, the extensive, uh, remaining, uh, area of the forest. And I, you know, the comment, the comment has been made, um, that the forest may be, you know, a thousand feet, uh, um, uninterrupted or undisturbed, uh, contiguous. Uh, the, the point that was made by all of our witnesses last month was that we’ve tried to accomplish a balance within our project that protects these other conservation interests, which my clients sincerely are concerned about. I mean, we’ve got 252 acres in this project. Um, almost 50% of, of that is going to be preserved as open space, um, though a stone walls, uh, will be relocated in some places to help reestablish the, the, the Narragansett Trail and open space, and, and conservation element, um, and the actual development, uh, is only gonna take place on somewhere between 70 and 90, uh, acres of the parcel, and it’s all installation that could be, uh, removed, and probably will be removed, uh, after the 30 or 40, or whatever the cycle is for these solar facilities, to allow, uh, the property to be returned, un-, unlike what could happen under any of the commercial uses that are allowed, by right, on this lot, where you have septic systems and parking lots and traffic and, and roads and sidewalks and other things that don’t ever get, uh, returned to their natural state. So, all of the conservation interests, especially the, the Wild and, and Scenic River interests – which is tremendous distance away – I, I wanna say it was – I’m not sure if I’m remembering this correctly, but I’m thinking 900 feet or so, um, away from the closest point. Uh, you know, there’s nothing happening with respect to that area in relation to this project - can’t be seen, won’t be affected by drainage, other than the walking trail system now being connected to it from the Narragansett Trail. Uh, now, Sergio [Cherenzia] may want to add to that. I’m the lawyer – I’m not the engineer, so I would,

would, with the Chair's permission, ask if, if Sergio [Cherenzia] would like to supplement that in any way."

Mr. DiOrio: "Sure."

Mr. Cherenzia: "I just want to make sure that I'm clear on what the question is, because there was a reference made to Wild and Scenic Rivers, and maybe a list of, of, items. Um, I, I, I think Bill [Landry] has surmised, summarized it, uh, adequately. I, I can give you some more definitive numbers, uh, where he was, uh, estimating, but, uh, for the most part, he was, he was correct, but I just wanna make sure I'm clear on the question, if you could."

Ms. Shumchenia: "Sure, yeah. I think, um, I would agree with, with you both that the testimony, um, previous testimonies addressed many of the items that were articulated in the letter from the Stewardship Council. Um, you talked about the disturbance within the quarter mile being, you know, within, you know, 900 feet is, is where the disturbance lies, um, of Canonchet Brook. Um, you've, uh, you know, addressed the runoff and, uh, the storm water plans. You've addressed the scenic buffers, um, and the wildlife habitat protection – you to spoke, spoken to. Um, so, I guess I can ask a more targeted and direct question here. Um, there is a recommendation about monitoring the water quality of Canonchet Brook prior to, during, and after construction of the PSES, and so I was just curious if you had any thoughts about that."

Mr. Cherenzia: "Um, I believe we've made representations, and if we haven't in the past, that, uh, if our storm water permit, uh, that, through, that we obtain through the Rhode Island Department of, of Environmental Management, uh, does not require us to, um, to, uh, to have a testing, uh, program, subsequent to the construction of the facility, I believe that we've made a commitment to do such if this Board so, uh, so, so makes it a condition. Um, and I, I don't think it would be unreasonable to, to, uh, have a testing program, um, for a certain amount of time to, to ensure that, uh, that we're not having an impact. Um, the only issue with that is, is making sure that it's targeted appropriately. We obviously can't, um, uh, speak for the, you know, the quality of the water in the Canonchet that is coming from of, from other adjacent parcels, uh, that may be pollutant resources, so, uh, we – but we could, we could test the water coming off of our, our site, um, as, as a condition of, of the approval for our storm water permit, and, and wetlands permit."

Ms. Shumchenia: "Okay. Just, just for my fellow Board members benefit, I'll just comment on that – that I, I think it would be appropriate to monitor the water quality, given the proximity to the Brook, um, and I'm sure we could, you know, get recommendations on a, a water quality monitoring program, uh, to assist with that. Um, I had another question about the grading plan, and extent of the grading. Um, if you could speak a little bit to natural features that are gonna be preserved, altered, avoided, um – basically, I'm looking at – I'm, I'm concerned about the conformance to the natural topography. What, what about this site is gonna change as a result of the grading?"

Mr. Cherenzia: "Sure. When we, uh, design and, uh, for the constructability of these sites, uh, we don't wanna be exporting material out, nor do we want to be importing material in, so, generally, we try to follow the contours of the land as is. Uh, when solar fields are constructed, typically, uh, the, um, the, the topsoil is, is taken off, um, and stored on site, uh, stockpiled and appropriate erosion control measures are taken. Um, some of the areas will be regraded slightly. We're not talking, you know, uh, big cuts and fills on the site."

Um, we do have, we do have a maximum, uh, allowable percentage, um, that's so the solar fields can be built on, just as a practical matter, um, but for the most part, uh, we're gonna be minimizing the, uh, cuts and fills on this site because the constructability and the cost efficiency – it does not make sense to be doing a lot of earth moving, and nor do we really need to, um, because we've just really, uh, you know – if we could, we would just put the, the solar field right over, uh, the, the existing land, but we do have to take, you know, trees down, and then, uh, to put down, to put in the, uh, solar arrays. Uh, once the solar arrays are in, that topsoil goes back down, and then it's, um, there's a specific, you know, seed mixture that will go on it, so, to address your, your comment, um, we anticipate very little, uh, regrading, and the natural topography, uh, should remain, with the exception of, obviously, of the forest that we need to remove, and replace with more of a – what we would consider a grass meadow, or a meadow mix. That also, I will add, has habitat, um, although it's a different habitat, uh, I think, um, our, our environmental professionals, um, that are on, and the landscape professionals that, on our team, will attest that, uh, it does provide, uh, habitat and pollinator species that do provide a, um, a, a natural benefit, albeit, it's not trees, we, we acknowledge that, but it's a different type of, of, of stabilization, and, and vegetation that will grow underneath these, uh, solar panels. Um, the solar panels, with respect to ground-, with, with, to surface runoff, are not considered impervious. Obviously, the panels are an impervious surface, but by virtue of the fact that the water runs off of them and onto the ground below, it allows it, the, that water, to seep into the ground, as long as it doesn't exceed a certain, um, percentage. In cases where it does exceed a certain percentage, um, you know, low to moderate, I believe is somewhere between 5 and 10%. 10, 10% to 15% and over are steep slopes. Uh, we make sure that we stabilize the site appropriately. We capture that storm water, and we send it to, uh, storm water, um, storm water, uh, in-, facilities, uh, in the forms of infiltration basins, so that water does get put, mostly, back into the ground, um, and in, in, grav-, back into the, into the, uh, into the soils, and then, um, is attenuated appropriately, and metered out accordingly so that it doesn't impact the wetlands and the, uh, the Brook, uh, down gradient.”

Ms. Shumchenia: “That's actually a perfect segue into my final question, and then I'll hand it over to other Board members, um, and my question is actually for, uh, our representative from Crossman Engineering, if they're on, um, and I'll just say my question, and then we can figure out if they can answer it. Um, in their assessment that was provided to us, they, um, talked about the topography of the site, and the orientation of the panels being, I guess, you know, just – trying to be objective as possible – less than ideal, in terms of impacts for erosion, um, because the panels were oriented ninety degrees to the slope. Um, some additional measures – they saw the need for additional measures to control run off and erosion, um, since the land is, it's just not sloped the way that you would hope it would be when, when you orient panels, uh, for a solar installation of this size. So, I'm trying to get a sense of what is – is the, is the plan that you have all put forth, and, and revised according to Crossman, uh concerns – does it address that? You know, how big of a problem could this be? Um, water movement – you know, a lot of folks in, in the public comment have brought up the fact that forests are sponges, and when you remove forest, there's a lot of extra water that is not gonna be absorbed by a natural system, so we're talking about lots of water, uh, that could be deposited on this site, and I know there are these retention ponds and stuff, that are basically a ring around

this, uh – it’s a disconnected ring, but this site is kind of, you know, a sloped feature, where all of these wetlands and detention ponds are surrounding it. Um, I’m, I’m a little bit concerned about the amount of potential run off, and this, this disconnection of the land from the wetlands, which are part of the land, so, I, I understand that storm water retention ponds will capture water, but will that – will those storm water retention ponds prevent water from getting into the wetlands, that are right nearby, that, you know, I know we’re trying to prevent pollutants, and, and other things that come in run off from getting into the wetlands, but, are we gonna have a wetland disconnection problem because we’ve got all these storm water detention ponds, and so much water not being captured by forests. I’m just, I’m concerned about the connectivity of the, the site, and, it - because of the scale and the alteration of the natural system.”

Ms. Hogan: “Emily [Shumchenia], it’s Maggie Hogan here. I see Steve Cabral on the screen. I think he probably can answer those questions for you.”

Ms. Shumchenia: “Perfect.”

Mr. Cabral: “Oh, yes, oh, good evening. I’m Steve Cabral with Crossman Engineering, and that, those concerns are certainly very good ones, that we’ve looked into in extreme detail. Now, at the Master Plan stage, in the checklist, for the, the Town, it does require detailed, uh, drainage data, but in this application, they’re seeking a waiver to provide the detailed drainage analysis at the Preliminary stage, and so, as of today, we’ve only received conceptual drainage data, and conceptual drainage sizing, to demonstrate that their intent is to fully conform to all of the Town and State, uh, storm water standards. And, you’re correct – one, one of our concerns that we’ve had with solar fields, where the orientation is such that the panels are perpendicular to the slope is that as precipitation cascades off of the panels, they don’t have the opportunity of forming a sheet flow, which is the or-, the intent of, uh, storm water on solar panels. What happens if the solar panels are oriented perpendicular to the slope? You end up having this cascading flow, forming a, a channel. So, immed-, immediately, you have a, a potential source of erosion, as the run off flows down the slopes. So, once the applica-, once the, the designer provides the detailed drainage design, what we would look for is to make sure that they incorporate measures that would take that cascading flow, and make sure that it gets distributed in a manner to recreate the sheet flow, so that it could flow through the, the grassed hillside, you know, in a manner that doesn’t create erosion. And one of those options would be to install, uh, periodic stone channels, ah, parallel to the contours – and what that would do, is that would take the flow cascading off of the panels. It would flow into these stone trenches, and then the stone trenches would be sized in a manner that the flow would be able to, to spread out, and sheet flow down, down the hillside. One, one of our – another one of our concerns with solar farms is that we’ve noticed that, that during the construction, the ground tends to be compacted much more than the, the designer anticipates, and once we compact – once the soil gets compacted, the run off from the solar fields is significantly higher than the design anticipates. Now, because we’re at Master Plan stage, we’re able to make sure that the design incorporates the additional flow. When it comes to a disconnect from the wetlands, uh, basically, the design is intended, or the standards are intended to make sure that the preexisting hydrologic balance is maintained, meaning we’ll make sure that the volume of precipitation that infiltrates is similar under proposed conditions, and that the volume that discharges over, and directly into the wetland, is similar to existing conditions. So, we will be looking at

the potential for erosion, and, therefore, we'll be looking at additional measures, such as those stone channels, and we'll be making sure that the infiltration ponds are sized to make sure that they do mimic the existing hydrologic conditions. And, one related concern that we had with the landscape architect's presentation is that they had referred to, uh, bio-retention systems, and one reason that was a concern is that the, the conceptual drainage design was based upon infiltration ponds, and there is a significant difference in the performance of a bio-swale, or a bio-retention pond, and an infiltration pond, and that primary difference is that the bio-filtration systems rely upon the precipitation filtering through organic soils, as opposed to an infiltration pond, that relies upon the precipitation infiltrating through the natural, say, gravelly soil. So, the infiltration ponds have a much higher infiltration capacity than the bio-systems. So, when we do get into the Preliminary stage, we're gonna make sure that the design is coordinated appropriately, between the landscape architect and, and the engineer. So, I hope I answered your question – oh, and one other thing I'd like to point out – is, over, over the past couple of years, as everyone has pointed out, there's been a considerable amount of construction of solar fields in, in Hopkinton, and we've found that some of the DEM [Department of Environmental Management] regulations and standards really don't address all of the issues related to solar panels, solar farms, so we've actually introduced, uh, DEM [Department of Environmental Management] to some of the sites in Hopkinton, and we've made them aware of site specific issues that do arise, and how the site specific concerns aren't necessarily reflected or addressed in the DEM [Department of Environmental Management] standards. And, one of the outcomes is that DEM [Department of Environmental Management] is in the process of, uh, publishing new standards for storm water runoff from solar fields, and I believe that, uh, Sergio Cherenzia has indicated, in past discussions, that he's willing to incorporate those new standards, even though they're not in effect as of today."

Ms. Shumchenia: "Thank you. Uh, that was really helpful. Um, how, how unusual is it to have this storm water waiver at this stage? I mean, given what we would like to know, you know, some of the questions that have been raised, and some of the issues – is that critical information that we really should have in hand when making a decision about this Master Plan stage?"

Mr. Cabral: "Okay. Uh, typically, the, the Major Land Development process, as, as you know, has four stages – the Pre-Application, Master Plan, Preliminary, and Final, and the underlying intent of the Master Plan is really to establish the concepts, not necessarily the final details of the design. There just seems to be a disconnect between the checklist for the Master Plan in Hopkinton, that has a notation that requests detailed design, versus the general concept of what Master Plan is intended to do, and this differs from the Development Plan Review application, which would normally require the applicant to submit all of the full-blown design, at, at once."

Ms. Shumchenia thanked Mr. Cabral. Mr. DiOrio asked Ms. Shumchenia if she was "good with that" response. She replied in the affirmative, and said that "those were all" of her questions. Mr. DiOrio had a follow-up question for Mr. Cabral.

Mr. DiOrio: "So, Al DiOrio – Steve [Cabral] – if you're still there, I'd like to just follow up on Emily [Shumchenia]'s thought process, specifically with regards to this – the

applicant's request for a waiver, concerning this topic. Uh, I, I get that the Master Plan is not the definitive design, but I guess I'm, I'm asking you your opinion – is the granting of the waiver – does, does it put us in a bind? If we approve the Master Plan with this waiver, and then the applicant finds out that certain things can't be supported, when they get down to the brass tacks, I mean – does it simply mean that the design changes to accommodate the final calculations?"

Mr. Cabral: "Um, yeah – basically, uh, what will occur is that – my honest opinion is that, due to this steep and rolling terrain of this site, and the fact that the infiltration ponds are being built in areas that are sloping, I do anticipate that as the final design progresses, in the Preliminary stages, there – we will find that the storm water mitigation system will require more land area, and therefore, the footprint available for the solar fields may actually decrease. Now, as an engineer, I'm guilty of – I like to follow the - I like to follow checklists, and I love to analyze numbers, so when it comes to granting a waiver from a checklist item, it's always been my opinion that the waiver should only be granted if there's a, a true hardship or reason for granting that, that waiver. But, I also understand that, in general, the purpose of a Master Plan is really to iron out the concepts, and I have heard the applicant's engineer testify that his intent is to fully, his intent is to fully conform to all of the storm water requirements of the State and the Town. So, so that concept I would accept, because, as we go to the final stages, that's – I, I could only approve, or give a position recommendation, if all of the standards are met. But, without those detailed computations, which are required on the Master Plan checklist, I cannot testify – or, no one can testify – that the footprint of the solar fields will, or will not, change. So, I, I may not have answered your question."

Mr. DiOrio: "Well, I may not have posed it properly."

Mr. Cabral: [laughs] "Okay."

Mr. DiOrio: "So – in that – and my apologies for that – so, again, my takeaway is – we have a concept before us. If we grant the waiver, and we accept this as a Master Plan, when we get down to brass tacks, if things need to change, they will change, because the applicant has to comply with certain standards. Would, would that be a fair statement?"

Mr. Cabral: "Yes, and it's my understanding that, at, if the storm water system has to be enlarged, above and beyond what's depicted conceptually, that that doesn't grant the applicant the ability to make the solar farm larger. If anything, it's my understanding they would have to make it smaller to accommodate the storm water standards."

Mr. DiOrio: "I understand. I, I think I have my answer, and I appreciate it. Thank you."

Mr. DiOrio then asked if there were any Planning Board members who had any questions. He explained that they were "in excess" of their proposed timeline, but that it "should not get in the way" of the Board asking questions "and getting answers." Mr. Lindelow and Mr. Prellwitz spoke at the same time. Mr. Prellwitz deferred to Mr. Lindelow. Mr. Lindelow said he was "satisfied with the public opinion", and he thanked Ms. Shumchenia for "being on point with so many questions that are, are on the tip of [his] tongue". Mr. DiOrio returned to Mr. Prellwitz.

Mr. Prellwitz: "First of all, I, I'd like to compliment the people in the audience that spoke up with their heartfelt feelings. Uh, I feel the same way. As I've stated before, I've been in this Town going on 70 years. That's a 7 and a 0, not a 1 and a 7, and that has a lot to do

with the way that I think. Now, my first question would be for Jim [Lamphere]. The applicant – the proposal is – to be put, or suggested to be put on commercial property. Is that correct?”

Mr. Lamphere: “Uh, Jim Lamphere – Town Planner. Ron [Prellwitz], that is correct. It’s commercial special – is the zoning.”

Mr. Prellwitz: “Okay. The next question – has the applicant followed the checklist, and followed the guidelines set forth by you and the Town.”

Mr. Lamphere: “Yes. I certified the application complete.”

Mr. Prellwitz: “Okay. Thank you. That’s it.”

Here, Ms. Hogan raised the question of whether or not the Planning Board would take a site visit to the property, “to see this firsthand, on the ground.” She continued.

Ms. Hogan: “It’s one thing to see an application on paper, and, uh, on, in documents, and, uh, on a screen, but it’s a whole other ball game when you walk the site, and you can see, uh, there were testimony tonight from an abutter that talked about what could be seen, would be seen on his property, and, uh, I don’t think that the Board can fully make, uh, findings, uh, perhaps, on, on a project this large without undertaking such a walk. Now, I know with COVID it’s been a, you know, kind of a crazy time for, for this type of situation, but I think maybe it’s worth a conversation, to see whether that could be fit in, you know, prior to closing the Public [Meeting]³, and making, um, a determination on the application.”

Mr. DiOrio thanked Ms. Hogan for “bringing that up.” He said that he “personally, would, uh, benefit from that kind of, that kind of site inspection”, and that he had been thinking about how he was going to respond to Mr. Gregory’s “invitation to visit his site”. He said that while he was not sure accepting that invitation would be “entirely appropriate, perhaps that could be accomplished by, uh, site inspection of the surrounding area, that is, the applicant’s site.” He said that his “personal take” was that he would be “very interested” in conducting a site walk. He said that he “did not know how other Planning Board members” felt about it, but that they would have the “opportunity to chime in.” Mr. Prellwitz agreed that he would be “very interested in doing that”. Ms. Shumchenia said that she felt the same. Ms. Light said that she concurred. Mr. Lindelow said that if it would be “beneficial to the process, [he] would be a part of it.” Ms. Hogan explained that the next thing the Board would have to do would be to pick a date and time that worked for the membership and the applicant. Ms. Hogan explained the required parameters of the site meeting as she understood them at the time⁴. She said that it would be a “one-way flow, um, primarily, of information” between the Board and the applicant, and that it was not a “back and forth” discussion. She continued.

Ms. Hogan: “You are not to discuss the application or the merits or the details of it amongst yourselves, or, or with members of the public if they’re there. Um, you’re there to absorb information, so, basically, someone from the applicant – I assume Mr.

³ Ms. Hogan referred to the “Public Meeting” as a “Public Hearing”.

⁴ Ms. Hogan later informed the Board that under the current COVID protocols, they would have to arrange a different way for the membership to conduct a site walk.

Cherenzia, or someone from his, his team, would be saying to you, ‘Okay, look at your site map. Here’s where we are. That’s north, that’s south. This is what we’re looking at.’ Orient you, that kind of a thing. So, you’re, you’re there as observers. You’re not there to, um, you know, engage in a, in an analysis, if you will, of the project. So, I just wanted to give those cautions right up front, so that everybody knew what the parameters were when you go out there.”

Mr. DiOrio replied that he “appreciate[d] that guidance” from Ms. Hogan, but he did “have to inquire, however” on some of her points. He continued.

Mr. DiOrio: “I’ve conducted a number of these in the past. Uh, I don’t think I’m a stranger to it. So, when we do a site inspection, uh, I’m not a big advocate of being a mute as I walk around. There are things that I’m going to want to know about. Uh, if the public is invited and cares to join us, there are things that they’re going to want to know about.”

Ms. Hogan clarified that Board members could not be having discussions amongst themselves, but that they could ask the applicant’s representatives questions. She said that the applicant should do “most of the talking and the explaining”. Mr. DiOrio replied that he understood. Mr. DiOrio asked the applicant if they would allow a site walk. Mr. Landry responded that he was “absolutely certain” that his client would be “amenable” to a site visit conducted by Planning Board members, but that he was concerned that inviting the public would “become a little bit unwieldy, uh, to have, uh, an orderly process”, as an “awful lot of individuals” from the public were interested in the project. He continued.

Mr. Landry: “My, my experience with these things is that the purpose, sort of like a view that’s taken by a, by a judge, is to point out what people are looking at, so that they can orient themselves to the site plan, and, and other information that they’ve heard, as, as opposed to, ‘Well, how are you gonna handle this’, or, you know, whatever - some more, more substantive things. So, um, you know, I, I’d really – and this is one of the drawbacks of COVID, and, uh, you know, these, these, uh, virtual, uh, meetings, that I don’t really get a chance to confer with my client in any meaningful way on new things that come up. Uh, so, I, I’d like to have the opportunity to, to do that. It’s not my land. It’s not my liability. I, I really would like to confer with my client, as to whether they’re open to having a public meeting that could draw, who knows – 60, 70, 80 – I don’t know how many people are gonna wanna become part of this, and can we, you know, can we really do that, you know, in a way that’s, uh, you know, that’s safe. Uh, I’ve walked the site in the snow, and there were a lot of ups and downs, and, and steep, steep climbs. Uh, you know, not dangerous climbs, but, but aggressive climbs. Um, changing elevation – we’ve heard about that. It may not be for everybody, and I think we’ve gotta, you know, be prudent about how this is, this is handled. It, it may be best, since the public, you know, will, will not have the ability to, to interact and ask questions, you know, it might be better if this is a videotaped, uh, a well videotaped, and choreographed operation, so that people can really become familiar with, with the site. Um, you know, make sure that whoever was, is taking the video is panning the entire area, and we can see on National

Geographic how well that can be, that can be done, on much larger areas than this. That, that's where my recommendation is leaning, but if the, if someone on the Board felt very strongly otherwise, that that direction is not appropriate, um, my client's about a hundred out of a hundred so far in, in agreeing to whatever people want, from the Town really want him to do."

Ms. Hogan offered "the option of the Planning Board members going on the meeting, going on this visit, uh, with someone there, to, to film that, and to film what you're talking about." She said that that "probably satisfies both, um, elements" of what they were discussing. She continued.

Ms. Hogan: "But for the decision makers –

Mr. Landry: "Yes."

Ms. Hogan: "And members of the public are not the decision makers. So, the decision makers here – and this is a major project, and there's a lot of responsibility here, I, I believe that the Board is gonna be well-served by personally visiting the site, and, and seeing what it is that we're actually dealing with."

Mr. Landry: "Oh, absolutely. That's a given."

Ms. Hogan: "Okay."

Mr. Landry: "My, my comments subsumed that the Board, and, and the stenographer – anyone officially associated with this process would absolutely be there, in person."

Ms. Hogan: "Excellent. Thanks."

Mr. DiOrio said that he thought that Ms. Hogan and Mr. Landry had gone in a "great direction." He approved of the concept of the videotaped walk, and described a site walk he had participated in in Richmond that had gone awry. A participant "took a digger, and was injured". He explained that it was "not a good thing." He continued.

Mr. DiOrio: "So, I can only envision, on a significant site like this, with significant relief, and maybe some obstacles, uh, as much as the public might want to participate, it just might not be in anybody's best interests. So, I'm in favor of that approach."

Mr. Lamphere had a question for Ms. Hogan.

Mr. Lamphere: "Um, Maggie [Hogan], if, if the Planning Board members were to go out on the site, and instructed not to talk among themselves, but to listen to a presentation by the applicant, and have individual Planning Board members ask questions of the applicant's representatives, one-on-one, with the answers going back and forth, does this have to be a public meeting, and what is the necessity of videotaping this? 'Cause I can just see now, alright, now we're going out there video-, videotaping something. We're gonna have a meeting here, I guess, and we're gonna show the video to the public? I mean, what, this, this meeting, as I see it, is for the information of the decision makers – the Planning Board. So, I mean, how – I'm just wondering when we're going to get to a conclusion of this whole process."

Ms. Hogan replied that while she understood the “desire to conclude a matter”, it could not “override the necessity of being thorough and undertaking what needs to be undertaken.” She explained that under COVID-specific guidance in relation to the Open Meetings Act, an open meeting would need an element that would allow the public to participate⁵. Mr. DiOrio recapped that it seemed as though the Board and the applicant were amenable to a site walk, and asked for prospective dates. Mr. Landry said that he was certain that they property owner could get an insurance certificate to cover the Board members on the site. Ms. Hogan asked for an estimate on how long it would take the Board to traverse the site. Mr. Landry said two hours, but Mr. Cherenzia suggested three. Mr. Landry ultimately said “who knows”, as the length of time would really depend upon the interest of the Board members and how long they wanted to stay at each portion of the site. Mr. Landry said that if the Board wanted to investigate the Canonchet Brook area, that would add even more time. Mr. Cherenzia chimed in to state that the longest site walk he had conducted on the property was in the company of the Conservation Commission Chairman, Harvey Buford, and the Appalachian Mountain Club, and that took about three hours, with “a lot of stopping, talking, looking at, uh, different historic, uh, relics on the site”. He explained that it would all depend upon how long the members wanted to stay on the site and what they wanted to see, but that he would suggest the Board “budget a couple hours, if not more.” Ms. Hogan thanked him for clarifying that. Mr. DiOrio explained that he thought that the Board members should submit “in advance, topics or areas of concern”, and that they would “focus on those.”

Mr. DiOrio: “So, I’m not suggesting we’re running through the site, but, you know, there’s a time limit here. Uh, I know that I would not want to be out here for three or four hours. I wanna see what I feel is important, and then we move on.”

Mr. Cherenzia asked that if there were any sites that needed to be staked in advance, he would like to know, so he could “get the appropriate survey markers out onto the site.” Mr. DiOrio replied that he did not think they needed to “bring it up to that point”, but that it would be important to have someone like Mr. Cherenzia on the site at the time of the walk “so that, uh, if someone needs to know where a, say a storm water basin is going to be located, and you want to wave your hands, and say, ‘Well, it’s going to be approximately in this area,’ that’s probably gonna be good enough.” He said that he did not think that the Board would “have to start imposing survey work on the applicant.” Mr. Cherenzia replied that he appreciated that, and said that there were a “number of features on the site” that he would be able to “point to that will orient us, including a significant amount of test holes in those said storm waters areas”. He said that he felt “confident and comfortable” that the Board would be able to navigate the site in the company of the applicant’s representatives. The Board then spent some time discussing the dates and times. Mr. Prellwitz explained that he was retired, so he was flexible with his availability. Mr. DiOrio joked that he was “not retired”, so “not every time” would work for him. He then suggested a late afternoon, and that he was “reluctant” to suggest dates on the weekends – “only out of respect for [his] colleagues.” Ms. Shumchenia said that any weeknight after 5:00 p.m. would work for her. She suggested that 5:00 p.m. to

⁵ Upon further review of the guidance, Ms. Hogan informed the Planning Department and the Board that she had been incorrect on how site walks would have to take place under COVID guidelines.

7:00 p.m. could work. Mr. DiOrio and Mr. Lindelow agreed that that would work for them. Ms. Hogan threw out a few dates. The applicant explained when they would be available. There was further discussion of dates, times, and availabilities. They ultimately selected June 9, 2021, beginning at 5:00 p.m., and agreed to meet at a telephone pole near the entrance of the site on Palmer Circle. Mr. Lamphere asked if the Board would need to continue the Public Informational Meeting to a date certain. She replied in the affirmative. He suggested the date of June the 16th. Mr. Skwirz, the objector's attorney, said that they would not be able to attend on June 16th. He asked if the meeting date could be moved "further out", if that was acceptable to the applicant. Mr. Lamphere replied that the next regular meeting for the Board would be on July 7th, and that the Skunk Hill Road Solar project would be returning that night as well. Mr. Landry said that the applicant would extend the time for the Board to review the application "another thirty days, from the current June 16th date, out to, you know, maybe, uh, you know, June-, July 19th, or something like that, to make sure we have a couple of Planning Board opportunities." He continued.

Mr. Landry: "But I'm not sure why we couldn't just continue this, this process, um, to the site visit meeting."

Ms. Hogan: "Because the public's not going to be there."

Mr. DiOrio: "Right. Then we'd have to do another continuance."

Ms. Hogan suggested that the Public Informational Meeting "be continued to a date certain, so that there's no re-noticing stuff". She said that they would be moving forward with the Board's site walk in the interim. Mr. Landry said that he would extend the period of review by the Board "until, maybe, July 21st, with the same understanding we've had – that if, you know, we're all making progress in good faith, it would be our, our intention to continue that period for the Board to act further at that time." Mr. Lamphere replied that he wanted to note that they were in a "grace period", where the Board had allowed two meetings in May and two meetings in June.

Mr. Lamphere: "Um, it's my understanding that the Board wants to go back to one meeting a month, so I would suggest, uh, Mr. Landry, that you give an extension of the decision period through the August meeting – first meeting in August. I don't have that date in front of me, but -"

Mr. DiOrio: "The date is August 4th."

Mr. Lamphere: "Okay, through the August 4th meeting."

Mr. Landry: "Okay. That's fine."

Mr. Lamphere: "So that's the, that's the decision, uh, period, and then – so, now, we're going to continue the Public Informational Meeting to July 7th."

Mr. Landry: "That's fine."

Mr. Lamphere: "If that works."

Mr. DiOrio said that he would "entertain a motion for the continuance." Ms. Shumchenia began to make a motion, referring to the Public Informational Meeting as a Public Informational Hearing, when Ms. Jalette corrected her. She began her motion again.

MS. SHUMCHENIA MADE A MOTION TO EXTEND THE DATE FOR PUBLIC INFORMATIONAL MEETING FOR THE STONE RIDGE AT HOPKINTON APPLICATION UNTIL JULY 7TH, AND TO EXTEND THE DECISION PERIOD FOR THE PLANNING BOARD UNTIL AUGUST 4TH.

IT WAS SECONDED BY MR. PRELLWITZ.

There was not any further discussion.

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

ABSTAIN: NONE

OPPOSED: NONE

5-0, THE MOTION PASSED.

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.

Before discussing the next agenda item, Mr. DiOrio reiterated that the Skunk Hill Road Solar application had been continued. He then recused himself from the proceedings, as he had done work for Centrica Business Solutions in the past, though he was “in no way associated with this project”. He handed Ms. Jalette his recusal form, which she accepted. Mr. Prellwitz was elevated to the position of Chair from Vice Chair.

Mr. Prellwitz began by asking if the applicant was present. Ms. Jalette replied that the attorney for the applicant, Joelle Rocha, was in attendance. Ms. Jalette elevated her to the role of panelist so she could participate in the proceedings in that manner. Ms. Rocha then began her presentation.

Ms. Rocha: “Um, I’m not sure if there’s any housekeeping before I start, or we’ll dive right in. I know there was a, uh – we did submit a memo, per your request, uh, last month.”

Ms. Hogan: “Yup. Uh, we, uh, we received that – thank you – and, uh, any further discussion on that, uh, Mr. Prellwitz?”

Mr. Prellwitz: “Uh, I had no discussion. I think I’m ready to proceed. Planning Board members – do you have any discussion on the memo, or anything pertaining to it?”

Ms. Light replied that she was “all set.” Ms. Shumchenia spoke.

Ms. Shumchenia: “This is Emily [Shumchenia] – I think – just, just for the public’s benefit, um, we received the memo, and we’ve received guidance from our Planning Solicitor on interpreting that memo, um, and it’s – the recommendation we’ve received is that, uh, there’s essentially no impediment to our authority to hear the application and decide it on its merits.”

She was interrupted by Ms. Hogan, who was switching from one computer to another, which was “echoing”. Mr. Prellwitz said that it sounded like the Board was “ready to proceed.” Ms. Shumchenia replied that she thought they were going to wait for Ms. Hogan to return, as she didn’t know if “Maggie [Hogan] had anything to add to that statement.” Mr. Prellwitz thanked Ms. Shumchenia, and said that it was his mistake. Ms. Shumchenia replied that it was “no problem.” The Board waited for Ms. Hogan to return, which took a few minutes. Ms. Hogan rejoined the meeting. Mr. Prellwitz told Ms. Rocha to proceed.

Ms. Rocha: “As this Board is aware, uh, the Town Council allowed, uh, for the zone change at this property from RFR[-80] to commercial special, to allow only solar at the property as a use. The Town Council also set 17 detailed conditions, many of which govern the design, uh, of this project. The Town Council, as it was required to, under the statute, found that the zone change and the solar use itself, um, was consistent with the Comprehensive Plan, citing two specific sections. Um, the Town Council also amended, as you all know, the Comprehensive Plan’s Future Land Use [Map] – the Use Map - to allow solar at this site. Uh, we were before this Board on Pre-Application, and we’ve incorporated, and hopefully addressed, some of your comments from that, uh, from that meeting. Uh, we’ve also had site visits with the Conservation Commission and the Land Trust. Um, as the Planning Board is aware, several of those conditions of the zone change related to, um, the Land Trust itself. Um, first, if the project’s approved, the Land Trust will have a conservation easement, in an area outside the fence and the Limit of Disturbance. Um, the Zoning Ordinance also calls for the Land Trust to have a conservation easement across the whole property after decommissioning. To that end, another condition provides for us to work with the Land Trust on a reforestation plan. Uh, we’ve had some great conversations with the Land Trust over the last several weeks. Um, we, um, are thankful for the continuance you allowed us in April, um, to allow us to further those conversations, and we’ve agreed to the terms of those, um, of that future document, fingers crossed, um, should the project move forward and be approved. Um, we’ve looped in the Land Trust’s attorney, who’s prepared, if we get to that point, to draft up the conservation easement under those terms. Um, one change we did have, um, and you probably will hear from the Land Trust, if not tonight, at, at a future time on this project, when there is public comment, so I don’t want to speak for them – I just want to update the Board, um, but, actually, we found it better for all parties that, after decommissioning of this project, the project property will be deeded – Unit 2 will be deeded to the Land Trust, um, so, it’s, it’s important, as this pro-, project, hopefully, move forward, that the future decommissioning, reforestation, or whatever this property looks like in the future, that’s it’s in partnership with the Land Trust, um, and we’re fully on board with that. Um, at this point, um, I’ll turn it over to our project engineer, Jason Gold, to go through the proposed conceptual site plan. Um, as the Board knows, we’re at the Master Plan, concept level, and have a lot of work ahead of us after this stage, with respect to DEM [Department of Environmental Management] approvals, um, a process which we’ve already begun, um, as you’ll hear from Mr. Gold, and as probably noted in our packets, um, and then, the, the detailed engineering and storm water and landscape and what the property looks like, um, after decommissioning, um, so, we’re fully aware we need to do all that before we see you again. Um, you’ll see we’ve submitted for the

Board's consideration and, and addressing comments, from the Pre-App[lication], that we've set the array back a hundred feet, um, from the neighboring residential property. Um, we will discuss that in more detail momentarily. There is one addition, um, since I've had the benefit of sitting through, uh, previous solar applications the last couple months – uh, Member Light had asked on a previous application about the interconnection status, so I just wanted to get that out of the way on this. Um, there was a reference on the previous project that they had to go through a study. Um, we actually got our, uh, interconnection approval in 2019 on this project, so, our study was complete in 2019, so we're not held up in the queue on this project, which will allow it to go forward if we get the approvals. Um, so with – unless there are any preliminary questions for me, um, I'll leave it to the, the professional to go through the site plan with you."

Mr. Prellwitz thanked Ms. Rocha, and asked Mr. Gold if he was ready. Ms. Jalette asked Mr. Gold to press *6. Mr. Gold then joined the meeting, and asked if he would be able to share his screen. Ms. Jalette replied that he would, and made Mr. Gold a panelist instead of a participant. Mr. Prellwitz joked that he would have to "upgrade from a flip phone." Mr. Gold then spoke before the Board.

Mr. Gold: "Um, so as – uh, my name's Jason Gold, a civil engineer with ESS Group. As, uh, Joelle [Rocha] just mentioned, we've advanced the design, uh, quite a bit, since you saw the concept at Preliminary⁶ in January, so, what I'd like to do is just give you a brief overview of some of the changes that we've made, uh, and then, of course, I'm always happy to answer questions. So, in general, uh, we've incorporated feedback from the Board, during the Pre-App[lication], uh, discussions with the Town Planner and also some preliminary discussions with, uh, the Fire Chief. Uh, those include some advanced designs for the driveway, the storm water design, uh, grading, proposed ground cover, and increasing the eastern setback, and we've also reduced the fenced area quite a bit to accommodate those changes. Uh, so this sheet, for anyone that's not able to view online, is Draw-, Drawing SO-1, which is Sheet 3, showing the new array, uh, layout. Uh, some of the changes that I want to point out are the eastern setback. Uh, we were requested at the Pre-App[lication] to look into increasing the setback to the array, uh, by, up to, 100 feet from the property line, and so we've pulled that in. Now, that's now a hundred feet between the array and that eastern property line. In doing so, that also reduced the fenced area. It was originally 9.07 acres. It's been reduced to 8.1 acres, and that also reduced the size of the array a bit, uh, by a little more than a thousand panels, uh, from 8,764 to about 7,758. I do want to point out that even though the array changed a bit, it does not affect the profile views that we showed you during Preliminary⁷ application – I'm sorry, during the Pre-App[lication]. Uh, those views were from Chase Hill Road, and from Polly Coon Bridge, showing that the topography blocks, uh, the views from those locations. The changes to this slide does not affect that at all, so those, um, those figures are still valid. Moving on to the landscape plan, Drawing C-1, uh, we have prepared this to show more detail of the ground cover that was not available during Pre-App[lication]. We're showing a low growing grass inside the fence, beneath the array, a restoration mix outside of the fence, and a, uh, restoration mix intended for detention basins within the

⁶ Mr. Gold referred to the "Pre-Application" as the "Preliminary".

⁷ Again, Mr. Gold referred to the "Pre-Application" as the "Preliminary".

detention basin. This plan also shows where the gate location is. There was some confusion, I think, about that during the Pre-App[lication], uh, because it wasn't labeled on the plan, so this does show – the gate location is right in here, on Unit 2. There was some question about which unit the gate was on, uh, during Pre-App[lication], so, the gate's right here, on Unit 2, and that will be locked with a Knox padlock, uh, to provide Fire Department access to the gate, if needed. And, the driveway width has been, um, has been revised a bit, or at least the design's been advanced, so it's a fifteen-foot road, which it, it was during Pre-App[lication], and we are also narrowing it down to about twelve feet where we cross the wetlands, and then it opens back up to fifteen feet again. And, we've done some grading as well – this is on Drawing C-2. Um, there's not a lot of grading shown. Um, we tried to maintain the existing topography as, as much as possible. Majority of the grading is on the road, to minimize those slopes coming down that hill, and then for the detention basin. So, we do have a storm water design here. The storm water, um, detention basin – it's actually very shallow, uh, since most of this area's already grass. There's not a lot of change happening in this area, uh, so it's about a foot deep. Storm water detention basin – it just spills over on the land. It's nothing, um, nothing too obtrusive. So, that is the, um, that's the bulk of the changes. Um, future work that would be done for Preliminary review would be the noise study, the decommission plan, the soil erosion and sediment control plan, um, Rhode Island DEM [Department of Environmental Management] wetlands permitting, which we have started. We've submitted, uh, Preliminary determination application to Rhode Island DEM [Department of Environmental Management], and they have, uh, reviewed and issued comments, and so that, um, that process is ongoing. I am happy to, uh, take any questions."

Mr. Prellwitz thanked Mr. Gold, and asked if the Planning Board members had any questions. Ms. Shumchenia had a question.

Ms. Shumchenia: "I've got a question. It actually is a little bit more general – doesn't necessarily relate to this specific design plan shown here. Um, the, the discussion about the, um, agreement with the Land Trust, um, about the status of the site after decommissioning, um, that, you know, it – the applicant's, it, it, um, their intention to deed this, this site to the Land Trust – I was curious if a specific decommissioning date is being considered or articulated or named in this agreement, or if it's just, you know, decommissioning, as to be determined by the applicant at the time, appropriate by the applicant, or is, or is it, you know, 30 years from the day that the switch is turned on – that's decommissioning?"

Ms. Rocha: "We haven't gotten to that level of detail yet. Um, I think everybody's sort of in a holding pattern, to see if this moves forward. I know the Land Trust didn't wanna, um, fund, uh, the legal expense – and I don't blame them – if it's not going forward. Uh, I suspect that it's gonna be decommissioning in the broader sense, um, rather than a, a, a timeframe. I think you're probably looking at that period anyway, um, but I, I think, um, I don't know how it'll be defined yet, so I, I can't have – I can't answer that question, and I apologize, um, but that level of detail will be, will be in that agreement, for sure."

Ms. Shumchenia: "Okay. Thanks."

Mr. Prellwitz asked if there were any other Board members who wanted to comment. Mr. Pennypacker had a question regarding “access to the third condominium unit.”

Mr. Pennypacker: “It’s unclear to me if that is a requirement, because it’s the same owner, but we’re not allowed to create non-buildable lots. Who can offer some clarity on whether or not, um, that third lot can be isolated?”

Ms. Rocha: “Sure. So, it’s, it’s actually, um, a different, it’s a different owner than Unit 2, um, so the condominium documents, as they stand today, um, if – you’ll see, on the plans, provide for, um, all roadway coming, access point, coming straight down the middle of where the solar array would be, so the condominium documents between Units 1, 2, and 3 would be amended. Uh, right now, we show a[n] eight-foot access to the side of that, um, Unit, so, um, the condominium documents, should this get approved, and move forward, we’d draft those, um, amendments to reconfigure the access point. Um, there – it, it’s been expressed to us that that property owner doesn’t have any plans to develop that, that third Unit, um, but they – we would have to make sure that they have access, and that would be also part of a conversation, uh, with the Land Trust, because they will be the eventual owners of – and with all those rights to Unit 2, um, but – so, they’ll be involved in that conversation with, about – what the condominium documents say, um, but, for now, we’ve showed that access changed, and then the, the documents would be done at the same time.”

Mr. Pennypacker thanked Ms. Rocha. Mr. Prellwitz then asked the Board if they had any other questions. When he did not hear from the rest of the Board, Mr. Prellwitz asked Ms. Rocha if she had another witness. She replied that she did. The next representative of the applicant to appear before the Board was Ed Pimentel. Ms. Jalette asked him to state his name for the record.

Mr. Pimentel: “I know I’ve been before this Board on many occasions with solar projects. I am a proponent of solar. I do a lot of solar development in the State. Uh, early on, I was involved in several projects before this Board that did involve zone changes, and I know that the sentiment was that, really, solar should not be located in resi-, residential districts. Of - and, and clearly, residential districts – that should be more so preserved for residential development, with the tree disturbing and so forth. [Unintelligible] remove myself – I, I haven’t pursued a residential development solar project statewide since a number of projects ago. The last several projects that I’ve done, in this community, or any other community, have either been by right, or those that now, is where we are hoping to, basically, uh, pursue and locate solar. And, so, there, there was quite a bit of sentiment that went out, statewide, and a pushback on the State, too, with their advisory documents, and what the State did in, in 2018-2019 was to then go around to the communities, probably only rural communities, and engage in work discussions, including the Town of Hopkinton, and, to come up with a game plan – maybe a, a preferred game plan, that would satisfy, uh, helping to, uh, introduce and, uh, uh, still accommodate solar, ‘cause our goal is to have a certain percentage of renewable energy, but, more importantly, to also, uh, a-, assuage the concerns of these rural communities and what was happening. So, what I would like, just to note for the record, is that, curiously enough, was that af-, subsequent to those hearings, the, the, uh, the Town of

Hopkinton also, likewise, amended its own Solar Ordinance in 2019, and that was the only reason why our – we felt comfortable in jumping back, in jumping into this project, because I said I would not pursue another zone change in the Town of Hopkinton. I already heard – l, l, loud and clear, from the Planning Board and the Council, we just don't want to see solar in residential areas anymore, and like I said, the only reason why I felt that this was very appropriate, it was that, like I was sayin' before, subsequent to those Town meetings, um, the, uh, the advisory, uh, documents that were put out by the State noted that what we should really be doing is, hopefully, is pursuing solar in areas that are commercially zoned, or industrially zoned, areas that are disturbed, perhaps unique things like, uh, uh, parking lot structures, car ports, and, in areas that, um, have, are either form-, currently operating, or formerly operating as gravel banks, quarry sites, sand pits, contaminated sites – brownfields, in other words – and in areas that potentially are nonconforming and we would like to extinguish those nonconforming rights. So, what did the Town of Hopkinton – came on the back end, and rewrote their Ordinance, and stated, I want to quote, 'some pre-existing uses in residential zones with difficult redevelopment potential may be appropriate and desirable areas for solar, such as gravel banks, and may warrant special consideration.' In fact, it states for streamlined review, regardless of district where they are located. And in the [Unintelligible] instance, this is talking about former sites, as had been conveyed to me by the property owner and everybody [unintelligible], this is still an active quarry. It may not be a highly active quarry site, but it is active. It has not lost its grandfathered rights. So, here, we have an opportunity to extinguish a quarry – an operational, grandfathered quarry site, in perpetuity, number one. Number two, this is where, uh, the new regulations want to see our solar facilities located, and then, the, the final – really, really the clincher here was – they're not only going to comport with all of the dimensional requirements, but that we're going, also, in perpetuity, then, to extinguish the development rights to this property, uh, regardless of the now imposed commercial special district designation, and, at the end of the lifecycle, of this temporary usage of property, it's going to be, now, added acreage to that which is protected, in perpetuity, in the Town – which is another worthy goal, as noted in my Comp[rehensive] Plan. So, that was the reason why I felt it was very, very appropriate, that this zone change could be supported, and I could argue that it was consistent with the Comp[rehensive] Plan, because this Ordinance amendment, in 2019, that went through the Planning Board process, and eventually to the Town Council, got adopted. This was rendered and realized as consistent with the Comprehensive Plan, and clearly it was, because it's taking it away from the true sites that are residential, sites that are not disturbed. We're avoiding large tree disturbance. There's very minimal visual intrusions here. There's hardly any neighbors. Given all the environmental constraints surrounding this property, and we're taking another potentially, uh, uh, nonconforming usage of property off, you know, off, off a future, uh, concerns and considerations – that's why I felt it was appropriate. The Council, to support this – and that's why I feel very appropriate, and that I can support it tonight, and contend that this is, in fact, very consistent with your Comprehensive Plan.”

Mr. Pimentel then asked if the Board had any questions. Mr. Prellwitz thanked Mr. Pimentel, and then asked Ms. Rocha if they had any other representatives from their

application. He then said that he should ask the Planning Board if they had any questions for Mr. Pimentel. Ms. Shumchenia had a question.

Ms. Shumchenia: “Um, so, uh, I appreciate that explanation, and I, I accept the premise of what you’re saying, about, you know, replacing a gravel bank use, which is nonconforming within a residential zone, and extinguishing it permanently. Why not just put, you know, place panels and design the project so that it sits within that already disturbed site of the gravel bank? Why, you know, add additional panels beyond that spread, that limit of disturbance, further, into the rest of the undisturbed portion of the site?”

Mr. Pimentel replied.

Mr. Pimentel: “So, there’s a, there’s a component of this that clearly the other experts could testify to as well, but there’s an economic feasibility component to this, too. The project can only be reduced so much before it’s not economically feasible, um, and that’s a, a more – a reality that can be, um, testified to by the other experts, but that’s point number one. Point number two is that the gravel operation, in, in itself, isn’t just limited to a specific area. It’s grandfathered on the property, so, if, if this gravel bank, or I should say quarry operation, to be more appropriate, ever really wanted to materialize to a greater extent, I would think they would probably end up being a lot more disturbance on this property than extinguishing it where it is at the more current moment. So, yes, there will be a little bit more disturbance, but the, but, A), the project have to be economically feasible, and, number two, um, it will be a lot less disturbance than potentially what could happen in the future, from my professional opinion, and that’s why I think this is a good balance, of what we’re proposing. And, by the way, we have reduced it even furthermore, to the extent that we can, once again, from a project feasibility perspective, because our, I learned, like I said, my last several projects before this B-, before this Board, have all been by right projects. Uh, the, um, Main Street, Frontier Road, um, and I know what’s going on with those projects, but we, we listened hard – far and wide, to the Board, your concern about imposing a hundred foot setbacks and so forth, so we’ve accommodated everything we believe that we need to do from a regulatory perspective to, uh, to make this dimensionally compliant, um, and, and, to that extent, too, because it is zoned commercial special, we also have some, we’re entitled to some development rights to the property as well under that, but, it, it’s gotta be project feasible, too, and that’s why we need to, at least from the perspective of – because we have reduced this down to the, to the extent that we can.”

Ms. Rocha: “The, the only other thing I would add to that is that we – you probably recall, but we – at Pre-App[lication], this project had gone out, um, and towards that area. Um, the Council – based on feedback from the Wood-Pawcatuck, and we moved it – we condensed it, um, further, further north, to that area, so that we could get as far away from the River as possible, and, um, Wood-Pawcatuck signed off on that, as did the Land Trust, um, and that’s kind of the result of that, pushed up area, away from those features, um, so that’s, that’s also part of the, the thought process and the design here, by way of the background.”

Mr. Prellwitz thanked the speakers, and asked Ms. Shumchenia if they had answered her question. She replied in the affirmative. He then asked if there were any other Board members who had questions from Mr. Pimentel. When he did not hear from the Board, Mr. Prellwitz asked Ms. Rocha if she had any other representatives. It was Kellie Connelly, of TerraInk. Ms. Rocha explained that the Board had a “preliminary report, and preliminary landscape, uh, plan”, which was “a concept plan”. She explained that it would give an idea of what is on the site presently, though “some members may be aware of what the site looks like”.

Ms. Connelly explained that she is the principal at TerraInk, and a landscape architect. She stated that TerraInk is licensed in “multiple states within New England, and into New York.” She continued.

Ms. Connelly: “Um, what I have, uh, submitted is a memo, speaking, uh, to my site reconnaissance – to look at the property, and the materials that exist as far as vegetation, um, especially as it pertains to the area of, uh, disturbance and clearing - the hundred foot, um, setback, uh, that was requested. Um, what I would say is what’s really interesting about this site is that, as you move in, from Chase Hill Road, you drop into what will be the eventual solar field, uh, site, if this project is approved. So, topologically, we drop from a residential road level in through a grove of white pines that are secondary growth, a little bit of a wet area, um, which is in the northeast corner that where, is where the detention ban-, basin will be located for the project, uh, where I’m seeing more, uh, sort of hydric plants, so those are things that like to have a bit of a wet soil, and growing more as an understory – those would include alders and serviceberries, and, uh, Salix, pussy willow, um, that have a canopy of the oak and red maple. Once you move through that field, into the project site, you end up in an open, uh, secondary growth meadow, that had clearly, at one time, been, um, mown down, used, uh, part of the operation of the, the quarry. Interestingly, in that area, it’s a lot of secondary growth that’s more focused on, uh, small softwoods, like beech and birch and black cherry - some white pine, but very little evergreen, and then some young shrub species, like dogwoods and viburnums, ce-, cedars and azaleas, with the majority of that matrix being grass and herbaceous species. Since the, um, topography rises to both the east and west of this site, the land form itself is creating a sort of a visual edge, and barrier, for views in or out, unless you’re on top of a ridge-type condition, so, it’s kind of a bowl, with these very large, uh, large canopy, hardwood species like oaks, and, um, maples along the edge. As you move to the southern end of the site, you, again, have this similar sort of, uh, large canopy, hardwood species, very little undergrowth, because of the deep shade, so what I would say is that, um, most of this site does not have a lot of intercepting, uh, shrubbery, per se, because of the tree canopy, except in the area of disturbance to the southeast, where a lot of quarry activity is happening, and there, you’re getting a little more, um, shrub species that have come into the, uh, matrix. So, that’s sort of my overview of the vegetation cross section, and, uh, interestingly, I just think that the land, from the topography, is a real ally to screening, um, as well as maintaining the quality of the forestry that’s there, because of how the slopes move and, um, the mature nature of the, the species on those banks. So, I’ll take any questions if there are any.”

Mr. Prellwitz thanked Ms. Connelly. He then asked the Board if they had any questions for Ms. Connelly. Ms. Light said that she did not have any questions, but that she had thought to herself during the site walk that the Board had been invited to by the Conservation Commission that the applicant “couldn’t have picked a tougher piece of land to be installing a solar installation in.” She continued.

Ms. Light: “So, kudos to you guys for finding a way to make this work. I, I think, uh, the effort that’s gonna to be involved in cleaning up the site, yeah, is gonna complement the end game, uh, of all of the opponents, and that it is going to improve the quality of the growth around the area, just because it’s gonna be cleaned up. Um, I, I appreciate the effort that you’ve put into working with those, uh, the groups, the other Commissions in Hopkinton, so, uh, those - that’s the end of my comment, and thank you.”

Mr. Prellwitz thanked Ms. Light, and asked if there were any other Board members who had questions or comments for Ms. Connelly. Ms. Shumchenia had a question.

Ms. Shumchenia: “I guess I’d ask a follow-up question about that - um, Carolyn [Light], like, just alluded to clean-up. Um, can you talk a little bit about the extent of the clean-up, the nature of the clean-up – what would be going on, uh, for site prep?”

Ms. Rocha: “Right. So, I think there’s - probably one main question - as, as I understand it, there’s some, um, things out, some remaining things out there, or on the soil. I, I think that’s probably, um – I don’t wanna assume what, uh, Ms. Light was referencing, but, um, to prep the site, we probably, um, and, and I can let the professionals speak to this, too, um – rake that site, um, and, to the extent possible, which would, um, clean – hopefully clean up a lot of that, um, it-, a lot of that, a lot of those items. Um, again, we haven’t gotten to the, the construction-level detail of what will happen out there, what needs to happen, really, for the installation and the, the planting of the, um, grass underneath it, um, but, that’s – I, I think what she was asking – but, I’m, I don’t wanna assume that it was a different question.”

Mr. Prellwitz: “Does that satisfy your curiosity, Emily [Shumchenia]?”

Ms. Shumchenia: “Well, I mean, it kind of makes me even more curious. Carolyn [Light], what – do you want to describe what you saw?”

Ms. Light: “Uh, it’s not what I saw – it’s what we know about the history of the property.”

Ms. Rocha: “Okay. So -”

Ms. Light: “Okay? We, we’ve talked about, uh, the potential to have to remediate the land, and potential soil contamination, so that’s part of the Town Council conditions – is that the property be inspected for that, and the remediation be completed before they can execute the plan to do the installation. Am I right, Joelle [Rocha]?”

Ms. Rocha: “So, the – yeah. The condition is that, to the extent DEM [Department of Environmental Management] requires remediation for that use, um, that we complete the same. I can tell you that, um, i-, i-, as part of, really the feasibility and the financing of this project, prior, um, to, to the building permit being pulled, we will have to do some – if, if not before that, right? Because you’ve – you only want to get so far in this process, um, do some type of further invest-, we have done some investigation, um, but it is the historical use of the site that’s the question mark, um, but we’ll do some, um, testing and

investigation at that point, and coordinate with DEM [Department of Environmental Management], um, and follow whatever process they require, um, as far as an investigation report, and taking it, taking it through their regulations from there before this thing, um, is up and running, and if anything needs to be done, that it's done with, um, the site prep for this project. So, that, that's the plan."

Mr. Prellwitz: "So, to flesh this out a little bit – it sounds almost like there's a, uh, let's call it an inspection protocol from DEM [Department of Environmental Management], where they'll be monitoring the progress of the clean-up and remediation from time to time."

Ms. Rocha: "So, in, in your normal project, um - it wouldn't trigger DEM [Department of Environmental Management] – I think, it, from a bank, from a - let, let's think, right – if you were gonna go build houses on this site, or, like, any, any project you need financing for this, and they're gonna want, uh, that done, anyway, so, that would trigger us to do testing on this site. Um, it's at that point, depending on what that shows. It depends what DEM [Department of Environmental Management] process gets followed, so, the condition from the Town Council was, um, to perform remediation as re-, if, and as required by DEM [Department of Environmental Management], so that would trigger, or not trigger, a process through them, and that would, that would be the regulations, the specific regulations we have to follow from there, and the professionals would have to sign off on that, on both, both ends."

Mr. Prellwitz: "Okay. Thank you."

Ms. Shumchenia: "This is Emily [Shumchenia]. It just, that – it just sounds like that's a pointless condition by the Town Council, though, if DEM [Department of Environmental Management] requires it anyway, you guys have to do it, so – right?"

Ms. Rocha: "They, they -"

Ms. Shumchenia: "Am I interpreting that correctly?"

Ms. Rocha: "No! So, they wouldn't – there's no, there's no outright requirement, right? We're, we're gonna need to do some testing before we get our building permit, period. Um, that would be – then I think the idea was that, which, you, you, you're right – to a point, and that, if the testing shows something, we've got to go through the DEM [Department of Environmental Management] process. There's no way to avoid that, at that point. It's like a triggering, um, thing, and that would – their process, and their regulations, and whatever's found in that investigation would determine what happens, right? So, you're not building houses at this site, so it's probably a different protocol, um, and, so, solar's built on all kinds of sites throughout the country, and there's different things - that may mean topsoil, that may mean the construction process is different. Um, it depends really what, what shows up, but the project's not gonna be in a situation where you can, um, start putting it up without doing that due diligence for less, which is exactly what it is before, um, to get the funding to do this."

Ms. Shumchenia: "This is Emily [Shumchenia], again. Just out of curiosity, did, did the Land Trust have any interest in contributing to what, uh, their opinions on what testing is done, and what is, you know - to what level it's remediated? So, I understand, like, there might be different levels of remediation depending on the site use and DEM [Department of Environmental Management] might say, like, 'Oh well! It's a solar array. It's not like it's houses, so a little bit of contamination's okay,' but, um, will, will the Land Trust have an interest in that, and will they – or have they expressed that interest, to see a level

of remediation above and beyond what is 'required' for a solar field because they will be the future, uh, tenders of that property?"

Ms. Rocha: "Yeah, no – they haven't yet, um, I think they're on the line, um, so they can weigh into that. Um, I think the future use is, is kind of a, a public access, and a public – and you said something about the quarry – they did bring that up, too - or the Conservation Commission – one of them did, we've had so many, um, conversations that they're intertwined at this point, but, about how the quarry site is something, like, public, that is interesting to see, um, and the ledge, and all these features out there. The Land Trust envisions this property, going forward, as a sort of a meadow, um, which will be how we plan this going forward, post-decommissioning, um, so, they haven't raised that issue. Um, I, I don't know, well enough, the DEM [Department of Environmental Management] regulations to say that remediation, if needed – you know, there's levels, right? Residential housing is the top one, and then it's – what is that mean, but we can certainly, um, look at that, with them, as, as the process moves forward."

Ms. Light: "This is Carolyn [Light]. Emily [Shumchenia], I think the proximity to the Pawcatuck River is something that the DEM [Department of Environmental Management] is going to have their eye on when they do their analysis, and, and that's some of what I was referring to earlier. It's, uh, a great piece of property. It's got great views from the hill. Um, it's a tough place to put a solar project, but in, in my mind, the potential for the remediation, and the impact on the forest and the River, uh, everything trickles down to somewhere. So, if there's contamination, this is a great opportunity to get it cleaned up, because they, uh, Comolli project could be supported by the grant funding available through the State."

Ms. Rocha: "Great point."

Ms. Light: "Thank you."

Mr. Pennypacker: "This is John [Pennypacker]. I'll just follow on to this line of questioning, 'cause I'm curious. I, I know I would feel more comfortable if I were aware of, um, what type of testing is planned to be performed. I, I realize, from the Conservation Commission document, that the intent is not to test until after Master Plan approval, but I think if the Board had a sense of the types of testing that, that will be, uh, undertaken, when they will be undertaken, and, you know, kind of steps that might go from that – I get that the, the, the DEM [Department of Environmental Management] requirements will dictate that. It would probably – it would put my mind at ease – I'm, I imagine it might put others, um, in the same condition."

Ms. Rocha: "Right, so, I, I, I can assure you that I, I don't, won't have that answer for you at Master Plan, um, because the financing partner isn't involved, and, so, the-, they will really dictate, um – it's really how stringent, uh – you know, it's not, uh, people don't fund these projects by saying, 'Yeah, yeah, here's a blank check, we don't know anything about the site', um, because of the liability, so, it's, um, how intense it's gonna be, is the question, um, but it's really – you know, there's nothing been found, or, not that no red flags, yet, have come up with, with the studies that have been done on that site – other than the historic use of the property. So, that, that's a – at least a good start, hopefully, um, but I don't know exactly what that testing would be. We wouldn't start any – we wouldn't do anything, really, until it, it's a feasible project to, to spend the money to go down that road. Um, I can see, if this project progresses to Preliminary what we can get you, from a level of detail, on that, and I see – I, I don't know if Jason [Gold]

has anything to add, but, um, I, I don't know that we know that answer to that question yet."

Mr. Gold: "Yeah, I can, I can fill in a little bit. Um, it's, it's true that we don't have specifics on that yet, right – we're not that far along, but, just generally speaking, I think to answer your question as to what kind of testing would be done, just, you know, generally speaking, um, it would be – consist of soil and groundwater testing, and the testing that would be done would be consistent with the historic use, right? So what kind of contaminants might you find with the historic use of the junkyard, right? So, those are the type of the contaminants that would be tested for. And then, the, the general process is, you know, you test the locations that are most likely to have an impact for the contaminants that you're most likely to find, right? That's what you're looking for. And then, if you get a reportable concentration, then it gets reported to DEM [Department of Environmental Management], and then, what happens from there is now DEM [Department of Environmental Management]'s asking, you know, looking at what we tested for, and is that sufficient? Um, is there additional things they want tested for? Ad-, um, additional locations? Um, so that process, you know, kind of develops as the project goes."

Mr. Pennypacker: "Thank you."

Ms. Rocha: "This is the problem with Zoom – see? He could've kicked me and done - given you a better answer."

Mr. Prellwitz then asked if the Board had any further questions or comments. When he did not hear from the Board, he asked Ms. Rocha if she had any other representatives from her project. She replied that she did not, and said that they "would like to hear from the public." She then said that the Board could hear from the Conservation Commission, and one thing they had included in their report was related to "the fence issue." She continued.

Ms. Rocha: "Um, we've been working with them on this, to find some happy medium between, um, your typical, chain link, link fence, um, and something else. Um, we've looped in the Fire Marshal and, and gotten, um, a further understanding of what his requirements are, so, as, as the project progresses, um, we're hoping to put our thinking caps on, with the Fire Marshal, and see if there is some other type of fence proposed. I know, um, they proposed a, uh, a farm fence that wouldn't have been approved, 'cause it's a safety iss-, a safety concern at the site. Um, that's heightened on this site, I think, by the conservation easement that's gonna be in place, um, as the project's up, so, the safety concern is sort of heightened. I think everybody, um, from the Land Trust perspective, and other groups that weighed in, don't want to see barbed wires on top of the fence, from a liability standpoint. That's not really an option anyway, um, but I think they're – there's probably a great option out there, um, that will work with everybody, to try to figure out, uh, the best fit for the site that works for all the parties. So, I did want – didn't want that to go unseen. I know they have a lot of other comments, um, that we can go through as, um, you hear from them."

Mr. Prellwitz thanked Ms. Rocha. He then asked Mr. Lamphere if he “felt comfortable moving on to the Public Comment.” Mr. Lamphere replied in the affirmative. Mr. Prellwitz then asked Ms. Jalette if she could “start getting people punched in”.

The first member of the public to weigh in was Sarah Windsor, of Canonchet Road. As a member of the Hopkinton Land Trust, she spoke on behalf of the group.

Ms. Windsor: “Yeah, I just wanted to comment that, um, from the beginning, this property has been of interest to the Land Trust, uh, for a number of reasons. I mean, one of which is that it abuts property that we already own. Um, it’s near the River. It has this amazing ledge, and great rock formations and stuff, so, many years ago, we were involved in looking at this property and thinking about purchasing it, um, even in that condo situation that [it] was in. Um, the junkyard stuff and the quarrying, uh, things that were already going on to it, you know, was definitely a detriment to us, and we were put off by that. Um, we did have some queries go in, uh, with DEM [Department of Environmental Management] and stuff, but we kind of backed off of it, um, at that time. So, when we heard of this happening, with this use of a possible solar thing, um, and Mr. Comolli’s interest in donating, uh, the land ultimately to the Land Trust, we did think of it as a win-win situation, um, just because, um, you know, we don’t think that solar belongs everywhere in the Town, but, in this case, uh, there’s not a lot of abutters. It’s, you know, in a unique situation, where the quarrying and the junkyard had, you know, already created somewhat of a brownfield, which definitely is something, uh, we’d be more positive about, um, and, you know, the option of finally being able to have the land at the end of it, the decommissioning, um, was really positive. So, we thought, you know, if you’re gonna have solar, let’s try to do it the best way possible, and this really seemed like a good combination of things, coming together. So, our conversations with Joelle [Rocha] in particular have been, um, very positive, you know, really interested in making us feel comfortable in being involved in it, and working with our lawyer, John McCoy, on the easement, and then working towards a fee simple arrangement, um, ultimately, if this happens. So, um, yeah – we felt pretty good about it, um, and are supportive of it. So, I guess that’s all I wanted to say, and, um, as far as the DEM [Department of Environmental Management] issues, and, you know, having the land, um, checked out - that’s important, but, you know, better to have these guys clean it up than us having to clean it up, which is what we were thinking. Um, you know, we didn’t wanna take that on, particularly, but if they take it on for this purpose, and then we get it at the end, then that’s all good, um, and it would just be for public rec-, uh, recreation, hiking, definitely. We were envisioning a meadow, and trails around that, going up to the ledge, and, um, beautiful views from up there. It’s really lovely. So, um, yeah. Thanks.”

Mr. Prellwitz thanked Ms. Windsor. Mr. Prellwitz asked Ms. Jalette for the next caller. It was Carol Desrosiers, of Pleasant View Drive.

Ms. Desrosiers: “I guess, um, just listening to this, I’m very confused by what may actually happen, uh, for clean-up of the property. I, you know, uh, if - it sounds as if, um, it may not need clean-up if it’s being used for solar. That’s kind of what I’m hearing, since solar – you know, whereas, for houses, oh, yes, it would probably, absolutely have

to be cleaned up, but I'm skeptical that there may actually be no clean-up required if it's going to be used for solar, and then what will be the impact to this going, um, to the Conservation, um, you know, for the Land Trust afterwards. I think Emily [Shumchenia] maybe alluded to this – do they then inherit, inherit, inherit, um, uh, a different clean-up regimen, um, when it's no longer solar, but becoming public space. So, that's very, um, confusing and unclear to me. That's all."

Mr. Prellwitz: "Yes. That's a good point."

Mr. Prellwitz then told Ms. Jalette that they could move on to the next caller. It was Eric Bibler, of Woodville Road.

Mr. Bibler: "Hi, it's Eric Bibler. Um, I have some questions. Um, I'd really like them to be answered, if possible, um, through the Chair, to the, um – some, a couple of these – to the Planning Solicitor. One question I have is, um, whether or not this project will require a lot subdivision, and if not, um, for the guidance of the Planning Board, could the Town, could the Planning Solicitor please refer to the, uh, appropriate section of the Hopkinton Town Ordinances that allows a land con-, condominium to be split zoned. Um, from prior hearings, on prior projects, on two different occasions, the, uh, former Town Solicitor said absolutely that, in order to split zone property on Woodville Road, and on Chase Hill Road, those properties would need, um, approval of a lot subdivision from the Planning Board, and we seem to just skip over that step here, and I have found nothing relating to land condominiums that makes them any different, so I would like to confirm that point, to stay out of trouble, um, and I would really like the, uh, Planning Solicitor, perhaps, between now and a future meeting advise the, uh, Planning Board on that point. I think that's prudent. Any – any response on that, or should I move on?"

Mr. Prellwitz: "Uh, Attorney Hogan, do you have anything to say on those matters?"

Ms. Hogan: "Uh, at – that's, uh, at the Chair's discretion, but why don't we hear what the other questions are, and perhaps I can answer them at once."

Mr. Bibler: "Okay."

Mr. Prellwitz: "Okay. Good idea. Alright, Mr. Bibler – go ahead."

Mr. Bibler: "Then my other – another question I'm very confused about, another really, kind of a procedural question. Um, this, this, um, proposal is being evaluated under the, uh, PSES that was, um, enacted on January 22nd, 2019. I don't think there's any dispute about that. In Section - Paragraph 13, under 'General Requirements', this, uh, this paragraph that relates to residential property that's rezoned states that, um, if the parcel is zoned RFR-80, and the applicant is seeking a to rezone the parcel, then the maximum requested coverage may be the lesser of 3% or three acres. Um, I believe the applicant just said this was now going to be a little bit more than eight acres. Um, I don't see anything in the Ordinance here that permits the Town Council to, uh, make a different determination. Um, under normal circumstances, if you have some kind of a Zoning Ordinance, um, and you want to - you don't want to adhere to the, uh, requirements of the Ordinance, you have to get a waiver, so I'm just really confused how it is that the Town Council is, um, able to violate this restriction. That's never been explained. Um, no, no waiver has ever been asked for, uh, or granted. You know, further down in the paragraph, there's language about the, uh, during the Advisory phase, the Planning Board may recommend a different lot coverage ratio, based upon the unique characteristics of the

property, and, you know, as was admitted during the Town Council hearing, the Planning Board not only didn't make that recommendation, the Town – I mean, the Planning Board - voted unanimously to render an adverse Advisory Opinion. So, that can't be the source of the Town Council action, so I'm really curious, again, what authority the, um, Town Council has to violate this provision, um, because one of the findings that the Planning Board has to make is that the, um, this, this applies to the first question, too – the Planning Board has to make a positive finding that they have full confidence that, um, this application conforms, you know, to all – it complies with all the Town's Ordinances, and these are two examples where I think it's far from clear, so, I, I'm at a loss to see how the, uh, Planning Board's gonna make a positive finding in these two instances. Um, and then – should I – I'd like to go on. I have one more question, um, that relates to this sit-, kind of, um, very unusual situation, um, where the Town Council has jumped in front of the Planning Board, um, has made a lot of, you know, conditions that are really, um, more germane to, uh, Master Plan process, but, um, they, unfortunately, you know, performed these various acts and conditions, you know, before any Master Plan application was filed, so what I'm particularly confused about – and I think perhaps the Solicitor can answer this one tonight, I don't think it's complicated, but I think every-, it's undisputed that the, uh, the Town Council granted conditional zoning approval for the requested, uh, Comp[rehensive] Plan amendment and the zone change, and I think it's also undisputed that that conditional approval of the Town Council, um, will only take effect, uh, if the project achieves all of the other approvals of the Planning Board that are required, so this conditional zoning approval is subject to all necessary further approvals of the Planning Board. Um, we also have talked, at length, and, um, Planning Solicitor Hogan has advised this Board, um, that it's very important that the Board make those required findings. That came up earlier tonight. So, my question is, um, did the Town Council's conditional zoning approval – and that's for zoning, not for a plan – but, did the conditional zoning approval by the Town Council – does that require, now, the Planning Board, to make a positive finding that this Master Plan application is consistent with the Comp[rehensive] Plan? Um, if so, um, I'd like to know how and why, because it would seem that the Town Council's action on zoning, which is conditional, and unrelated, would be prejudicing the, uh, the work of this Board, the authority of this Board, and I, as a resident, would want to know that the Planning Board is very clear about whether that authority's been essentially taken away from them, and decided for them, as, as has been implied in the past, sometimes, or if the Planning Board, you know, can exercise its, um, full independence, and possibly reach a different conclusion than the Town Council reached about the consistency with the Comp[rehensive] Plan. So, what are the rules of the road there? Um, lastly, um, I think it would be appropriate, um – on September – I just want to note, first of all, that on September 2nd, um, a conceptual plan - or, you know, yeah, I guess a concept plan – was put in front of this Planning Board for this project. It was a little different, you know, setbacks from the River were different, there were some different things, but the location was approximately the same, the scale was approximately the same – it was a little larger, I think it might have been thirteen acres, um, but the real question, on September 2nd, for the Planning Board, in the, uh, furtherance of their rendering an Advisory Opinion on the requested zone change, and Comp[rehensive] Plan amendment, uh, the question was whether or not these requested zoning changes were consistent with the Comprehensive Plan. The Planning Board voted

unanimously, four to zero, that the proposed project was not consistent with the Comprehensive Plan, and they made very detailed findings. Um, I'm going to spare you, but I would, I really - as part of my question, I would like, uh, the Planning Board, and the Planning Solicitor, but really, the Planning Board, to refer to them, and - my question is, as I go down this list, I don't see how anything that has happened at the Town Council, or any changes here that have - these tweaks to the, uh, Plan - I can't see anything, in all the progress that's been made since, since September 2nd - I can't see anything that has resolved any of these objections. I mean, just to read one, you know, it's not - the first one is Goal CON-1 - it's not consistent with the conservation of Hopkinton natural resources, particularly the protection of the ground and surface waters. Goal CON-1, I think there's maybe eight of 'em - three, four, five, six - there's seven of 'em, so, I would respectfully ask that if the applicant has succeeded in transforming this project, and making the project that was previously unanimously rejected for seven specific reasons, my request, as a resident - and I think it's completely fair - would be for, if, if the Planning Board does decide to approve, now, this project, I would like to ask the Planning Board to address each single specific prior objection, and explain why that objection no longer applies, and how it's been resolved, because if it hasn't been rebutted or resolved, it still pertains, as far as I'm concerned, and you haven't really justified a finding that is completely, categorically the opposite of what you found a few months ago. So, that's a lot of work, but I think that it really gets to the heart of the matter, and, um, if we don't resolve these issues, and drift through this, um, many of these things are going to apply to other proposals, so I think it is important work to do, both generally and specific to this project, and I apologize for going on for so long, but I think all these issues are very important. Thank you very much."

Mr. Prellwitz thanked Mr. Bibler. Ms. Hogan asked Mr. Prellwitz if he wished for her to respond. He replied in the affirmative. She then spoke.

Ms. Hogan: "Item Number 1 - they, the question about the land condominium - condominium is a form of ownership. It is not a subdivision. The land is not required to be subdivided in order to be developed, and land condominium is, in fact, a[n] adequate and appropriate mechanism. It is not well-known, and is not often used, but it is a mechanism that is permissible under Rhode Island law. So, the question regarding the max coverage under the PSES - to the extent that the Town Council has changed the rules of the road, the Planning Commission has no opportunity to object to that. We do not sit as a Superior Court. We do not reverse a Town Council action. We are presented with a zone change that has specific conditions and permissions, and we have no authority whatsoever to deviate from those, as difficult as that may be, uh, to place the Planning Commission - uh, pardon me, the Planning Board - in, in a difficult position, uh, that's the rules of the road. We're not the Superior Court. There is no stay from the Superior Court, um, telling this Board that it shall not act on this application, and, um, it has no authority to ignore, uh, what the Town Council has done. Um, the qu-, question about the concept plan being in front of the Board, uh, not having been consistent with the Comprehensive Plan or the Zoning Ordinance - I would respectfully point out the fact that the Comprehensive Plan has now, in fact, changed. The Town, the Town Council did that, uh, and also the Zoning Ordinance has now changed, and so this application is

before the Board for a full evidentiary hearing, on all of the requirements, um, that an applicant has to meet. To whether or not it, it meets its burden – it remains to be seen, uh, but that will come out in, in the end, when the Board makes its decision. Um, and the final thing was, uh, would like the Planning Board to address each and every prior objection specifically – I would respectfully, uh, indicate that the Board will follow, uh, whatever appropriate decision making responsibilities that it has, and it will do so, um, in accordance with State law and local regulations. Whether or not that rises to the level of, um, the, uh, requester’s satisfaction remains to be seen, but, certainly, the Board is going to discharge its duties, um, fairly and legally and, uh, with all due dispatch. That concludes my response, Mr. Chairman.”

Mr. Prellwitz thanked Ms. Hogan, and asked where the Board would go from there. Ms. Hogan replied that her “next question for the Board” was whether or not they wanted to have a site walk of the property. She said that she knew that some members had participated in the previous site walk, which had been conducted by the Conservation Commission, but that she suggested that “a view of the property, uh, a personal view of the property, a tour of the property, um, would make a lot of sense” for the Board members. Ms. Hogan explained that she thought that the applicant would be amendable to a site walk specifically for the Planning Board, as they had accommodated other groups as well. The Board discussed dates and times that would or would not work for them. It was determined that it would be a site walk exclusively for the Planning Board. It was set for June 3rd, at 5 p.m. Mr. Lamphere then recommended that the Board continue the discussion for the project to a date certain. Ms. Hogan asked Mr. Lamphere what his schedule would look like. They considered the 16th of June, but as Mr. Prellwitz would not have been in attendance, the Board would not have had a quorum to hear the application, due to Mr. DiOrio’s recusal. Mr. Lamphere spoke before the Board.

Mr. Lamphere: “Well, currently, this application, um – Joelle [Rocha], uh, graciously gave us a thirty-day extension back on April the 7th, so -”

Ms. Hogan: “Okay.”

Mr. Lamphere: “So this decision period now is good through July the 18th, as I have it, so if Joelle [Rocha] wants to give us a, consent to a longer extension, we can probably do this in, in August. We’re only gonna have one meeting a month now. Like I said – this month and next month we, we got two. We’re only gonna have one, and we’re gonna have packed agendas, and don’t ask me how we’re gonna get through this stuff. I have no idea how we’re gonna do it. There’s gonna be a lot of people waiting in line for a long period of time, and, I’ll tell ya, the, the problem is, the residential market is heating up right now. We’re getting a lot of residential stuff, and I, I just don’t think it’s fair to start holding all of our residential folks back, that want to do a lot here, or a two lots there, because we have an inundation of solar applications. We almost have to do – pick a night and do solar stuff, and let the solar people just wait in line, however long it takes to get through ‘em, it gets through ‘em.”

Mr. Lamphere said that it could be continued to July 7th, but that Ms. Rocha had said no, and that the next meeting would be on August 4th. Ms. Rocha explained that she had said no out of “courtesy” to the other solar applicants, but that her “fear” was that if she said

no, that the other projects would “both get continued to August”, which would put them “last in line.” Ms. Hogan suggested that Ms. Rocha put the applicant “on the agenda” as a “placeholder”. Ms. Rocha and Ms. Hogan continued to discuss the mechanics of the site walk.

MS. SHUMCHENIA MADE A MOTION TO CONTINUE THE PUBLIC INFORMATIONAL MEETING FOR COMOLLI TO JULY 7TH. IT WAS SECONDED BY MR. LINDELOW.

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

5-0, MOTION PASSED.

Mr. Prellwitz began to turn the meeting back over to Mr. DiOrio when Ms. Jalette informed him that the latter had left for the evening. Mr. Prellwitz remained in his role as Chair.

SOLICITOR’S REPORT:

Ms. Hogan stated that she did not have anything for the Solicitor’s Report.

PLANNER’S REPORT:

Mr. Lamphere stated that he did not have anything for the Planner’s Report.

CORRESPONDENCE AND UPDATES:

1. Letter from Eric Bibler – 4/29/21 – URI Solar Survey Results

Ms. Jalette explained that during this section of the meeting, the Chair would ask the Planning Board members if they had “any questions or comments on the correspondence that was received.” When he did not hear from the Board, he asked to move on to the Public Forum portion of the meeting. Ms. Hogan interjected that Mr. Prellwitz would have to say that the material had be entered into the record for that meeting. Mr. Prellwitz reiterated the statement.

PUBLIC FORUM:

There was initially one caller. It was Joe Moreau, of Old Depot Road.

Mr. Moreau: “Hi, this is Joe Moreau. Um, I appreciate your time. I know it’s been a long meeting. I only need about five or six minutes, because I have some very important issues I need to discuss. Uh, I have some facts to discuss, and also I wanna discuss a Federal crime that was committed. I guess since the Hopkinton Citizens Alliance was dissolved in

February of '21, we now hear from the Hopkinton Citizens Responsible for Planning, or, I should say, from Mr. Bibler. I don't believe I have ever referred to Mr. Bibler by name in any of my comments before. He continues to mention my name in e-mails sent, uh, sometimes, uh, to my home. He sent something to my home with the Town's address as the sender, and on May 10th, '21, violated a Federal law by putting something I sent to him in my mailbox. A person could be fined up to \$5,000 for this. If I had a petty, uh, issue like Mr. Bibler has, that would be the last thing I would do. Someone had forwarded, in an e-mail, recently, in which Mr. Bibler said the following: 'Even though some Hopkinton citizens, including Joseph Moreau, have publicly urged the Planning Board to approve the massive Stone Ridge solar project, seems clear that regardless of the zoning, this proposal is utterly inconsistent with both the Town's Comprehensive Plan and the solar siting done by the State of Rhode Island.' I never said that. You can look at the Planning Board meeting for May 5th, '21, start at 2.08 to hear what I said. In the same e-mail, Mr. Bibler said the following: 'I do not believe that there is more than a handful of Hopkinton residents, other than Mr. Moreau and members of the Hopkinton Conservation Commission', then he goes on to make some other points. That is not true either. Um, the third point is that, um, in another e-mail, Mr. Bibler said I was a 'vicious, rumor-mongering gossip' – also not true. In a recent e-mail, Mr. Bibler referred to Stone Ridge as a '92-acre sea of glass'. I stated at the 5/5 Planning Board meeting the actual size is 81.33 [acres], and I confirmed that with, by a Town Official. Mr. Bibler continues to present false facts to the public. Mr. Bibler also stated at a meeting that Stone Ridge would be the largest solar array in Rhode Island, and maybe the largest in New England. On June 22nd, 2020, North Smithfield approved Rhode Island's largest solar array – 38.4 megawatts, 400 acres, with 160 acres of panels. If my math is correct, Stone Ridge is not the largest solar array in Rhode Island. Again, false facts were presented to the public about Stone Ridge by Mr. Bibler. A resident did some research concern-, uh, concerning Mr. Bibler's action. Um, one, one of these was in a newspaper article, dated June 5th, 2010. The headline said, 'Eric Bibler to The Grassroots, Go for the Jugular – Wind Power Simply Does Not Work.' Can you imagine someone saying 'go for the jugular'? On February 3rd, 2011, Mr. Bibler made a statement to the House Committee regarding industrial wind energy. Mr. Bibler said, 'My name is Eric Bibler, and I am a full-time resident of Weston, Connecticut.' Of course, we all know Mr. Bibler is a part-time resident of Hopkinton. One final thing I wanted to read to you. This was to the Yarmouth Board of Selectmen, from Joyce Flynn, 'RE: October 11th – Eric Bibler and Peter Kenney Allegations' – 'October 17th, 2013 – I'm writing to call your attention to the deliberate misrepresentation by Eric Bibler and Peter Kenney of a recent letter from Rebecca Tepper at the Mass. Department of Public Utilities to the Cape Cod Light Compact' – she goes on to say some other things, but then she also points out 'this factual context' -" Ms. Hogan: "Mr., Mr. Prellwitz. Mr. Prellwitz."

Mr. Prellwitz: "Yeah?"

Ms. Hogan: "I'm sorry – I've got to interject, and I apologize, but, Mr. Moreau, um, this is not the forum for listing of these grievances, and if, if you don't have anything else, um, I think we need to just stop."

Mr. Moreau: "Well, uh, you are certainly the attorney. I know other people try to be attorneys, and I respect what you have to say. Uh, I will not continue reading the rest of this, where he distorted the facts. Um, I'm surprised, though, because, you know, other

people are allowed – it’s Public Forum - other people are allowed – I do, and I’ve asked this question before – I do have, from Kelly O’Rourke, Title 42 – State Affairs and Government, Chapter 42-6, ‘Nothing within this Chapter shall prohibit any public body or the members therefrom from responding to comments initiated by a member of the public during a properly noticed, open forum, even if the subject matter or the citizen’s comments for discussions were not previously posted, provided such matters will be for informational purposes’, and what I wanted to talk about was informational purposes.”

Ms. Hogan: “Right. Mr., Mr. Moreau, the – that, that talks about whether the Board can respond, and I’m gonna advise all of them not to respond, at all, to these comments. But this isn’t, this -”

Mr. Moreau: “No.”

Ms. Hogan: “This is a Public Meeting. It’s not a place for us to, um, make complaints about, um, other citizens. The Board has no authority to correct or do anything about anyone’s, um, behavior or what they say or do or what they put in someone’s mailbox. It’s just not something that, that’s properly before this Board.”

Mr. Moreau: “Okay. I can understand that. Could I continue with some facts concerning the projects, and what was said tonight?”

Ms. Hogan: “Yes.”

Mr. Moreau: “Okay. Thank you. I appreciate it. Uh, I gotta skip down – uh, the witness tonight, Linda Steere, said tonight that the unfragmented forest was five hundred acres. As I, you know – for the Stone Ridge project – as I said, um, I was confused, ‘cause I could just about hear that, but, uh, you graciously confirmed that it was five hundred acres. Um, Mr. Bibler had said the Stone Ridge Master Plan application proposes an eighty-two-acre solar project on 252 acres, which would clear cut a hundred acres of an expanse of unfragmented forest that is over a thousand acres in size. And, in that same e-mail, he also said thirteen hundred acres, so I’m just confused, uh, what it’s all about, but, unfortunately, uh, I am being restricted as what I can say, but, in closing, the members of our Planning Board are intelligent residents who volunteer their time to accomplish what is best for our Town. When we have such a prolific e-mailer, it takes your, it makes your job more difficult to decide what are the true facts, or the deliberate misrepresentation made by one individual. Our Planning Board and Attorney could be working on other things to improve our Town. For an example, grants for Stubtown Road, etcetera. I appreciate your time, and I would hope in the future that there are some restrictions as far as, uh, time, uh, when residents are allowed to speak, because, for somebody to go on for eight minutes, to make his point, and then another twelve minutes, and ask the same questions – I hope that we can resolve those issues, and, uh, I’m disappointed, but I understand your comments. You are the attorney, I am not, and thank you.”

Mr. Prellwitz thanked Mr. Moreau. Mr. Prellwitz asked Ms. Jalette if there were any other callers. She replied in the affirmative. The next caller was Colleen Stephan, of Lisa Lane.

Ms. Stephan: “Um, I’ll be very quick. Thank you so much for, um, um, for, for taking me – it’s Colleen Stephan, uh, Hopkinton resident. I just wanted to say that tonight was very educational for me, um, to hear about these projects. I wanted to just, um, also say that I, uh, I, I’m very strongly, uh, opposed to large scale solar, and not in a way – I love solar,

I, I don't – I do believe in the value of solar, where it's correctly placed. Um, my concern is setting a precedence for other kind of projects that come up, and, um, uh, just on the, uh, on that kind of, that alone – just setting a precedence, um, about how we treat solar, and how we approach solar, and what we – what kind of projects, um, are coming before you. Like you said, it's, you know, kind of im-, im-, impending, um, impeding other projects that you already have on the table, um, and these have gone on for so long, um, just to consider how these could be, um, you know, expedited in the future, just, and, uh, and the careful consideration about the ones that are coming up today. Um, that's really all I, I wanted to say. Again, thank you so much for, um, the very, very, uh, intense amount of time and effort that you put into this, and, and have a wonderful night.”

Mr. Prellwitz thanked Ms. Stephan. Mr. Prellwitz asked Ms. Jalette if there were any other callers. She replied in the affirmative. The next caller was Eric Bibler, of Woodville Road.

Mr. Bibler: “Hi, um, first of all, thank you, uh, Solicitor Hogan. Um, just wanted to address a couple factual points. Um, for Stone Ridge, when the proposal first came in, it was 127 acres. The, uh, applicant, uh, Mr. Cherenzia, on behalf of the applicant, provided a project narrative to the Planning Board that was dated April, and in the project narrative, on Page 3, at the bottom, it described the, uh, the solar field as 92 acres. Um, I think, uh, not sure where, but I think the clearing, the amount of clearing exceeds, you know, the enclosed area, so that's where, uh, I had [unintelligible]. At a previous meeting, the 92 acres, um – that, I think, it, subsequently, was reduced further, just in the past few weeks, to 81. So, I apologize for that mistake. I plucked the figure from the project narrative. As you know, it's kind of hard to keep up with these things. Um, as far as amount of the unfragmented forest, I was hearing for the first time tonight that the, um, environmental expert for the objectors categorized the fragment, unfragmented forest as being 500 acres. Mr. Buford, of the Hopkinton Conservation Commission, issued a letter to the Planning Board that categorized the unfragmented forest as a thousand acres, and I believe that one of the documents from the applicant – and I can't point to it right now, I think somewhere characterized it as thirteen hundred acres, okay, so I don't know what the definition of unfragmented forest is, but, look, these are honest references to documents that came in to the Planning Board. They're not deliberate distortions. You know, as to, you know, all the other comments, um, I wholeheartedly agree with, um, Solicitor Hogan, that it's completely inappropriate to be reading from people's – not just me – you know, people's texts or e-mails, personal e-mails, or, you know, whatever, um, and it's not right for, uh, Mr. Moreau to be making a whole raft of accusations, which – it's not appropriate for me to rebut, and, uh, it's not fair to leave them hanging out there either, but out of respect for the Planning Board, and the fact that this is completely irrelevant to what you're all about, and it's late tonight, um, I'm not gonna do any of that. I just do want to say that, um, this has been going on at Public Forum for many, many months, through many, many meetings – Town Council meetings and Planning Board meetings. Um, a lot of the references have been to a 'certain individual' or that kind of thing, um, speaking in code, not using my name, but, it really has to stop. It's completely unapprop-, inappropriate. I would respectfully beg whoever's in the Chairman's seat not to tolerate this. I'm gonna make the same request to the Chairman of the Town Council,

um, and I just will say that I have asked Mr. Moreau if I could - at least a dozen times over the past year and a half - if I could meet with him, and he's refused to meet with me. I would love to have discussed some of this personally, but this is not the forum, and thank you for, for, uh, correcting that. Thank you."

Mr. Prellwitz asked Ms. Jalette if there were any other callers. She replied that there were not.

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

DATE OF NEXT SPECIAL MEETING: June 16, 2021 Special Meeting (6:00 p.m. start)

ADJOURNMENT:

MR. LINDELOW MADE A MOTION TO ADJOURN. IT WAS SECONDED BY MS. SHUMCHENIA.

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

OPPOSED: NONE

ABSTAIN: NONE

As the Board was voting to adjourn, Mr. Prellwitz asked if Ms. Light was still in attendance. Ms. Jalette replied that she was, but that she would need to unmute herself. Ms. Light asked Ms. Jalette if she had muted her "on purpose", and she replied that she had not. Mr. Prellwitz closed by thanking the Planning Board members.

THE MEETING WAS ADJOURNED AT APPROXIMATELY 10:26 P.M.

By: Talia Jalette, Senior Planning Clerk, 6-15-21