TOWN OF HOPKINTON
PLANNING BOARD

REGULAR MEETING

Wednesday, November 3, 2021
6:00 p.m.
Hopkinton Town Hall
1 Town House Road, Hopkinton, RI, 02833

CALL TO ORDER:

Planning Board Chair Al DiOrio called the meeting to order a "tad past" 6:00 p.m.

MEMBERS PRESENT:

Planning Board Chair Al DiOrio, Planning Board Vice Chairs Emily Shumchenia and Ron Prellwitz, Planning Board member Carolyn Light, and Planning Board alternates John Pennypacker and Cecil Wayles were in attendance. They were joined by Town Planner Jim Lamphere, Senior Planning Clerk Talia Jalette, Planning Board Solicitor Maggie Hogan, Town Council Liaison Sharon Davis, and Conservation Commission Liaison Deb O'Leary. Planning Board member Keith Lindelow was absent.

PRE-ROLL FOR DECEMBER 1, 2021 PLANNING BOARD MEETING:

Mr. DiOrio explained that he would not be in attendance at the December 1, 2021 Planning Board meeting, or at the Planning Board meetings in January or February 2022. He explained that he was taking a class that would keep him from participating. He then said that he would return in March 2022.

Mr. Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Pennypacker, and Mr. Wayles said that they would be in attendance.

FORMAL INTRODUCTION OF CECIL WAYLES, PLANNING BOARD ALTERNATE:

Mr. DiOrio introduced Mr. Wayles. Those assembled clapped. Ms. Light jokingly asked for a speech.

MINUTE APPROVAL EXTENSION REQUEST, PURSUANT TO RI GENERAL LAW 42-46-7(b)(1): October 20, 2021 Special Meeting

Ms. Jalette explained that "with these very long meetings that we have", she would "need more time to put them to paper." Mr. DiOrio said that that was not a problem at all. He asked Ms. Hogan if they needed a formal vote. Ms. Jalette replied that she did not believe that that was the case. They confirmed that it was "just something for the record".

OLD BUSINESS:

Master Plan – Public Informational Meeting – Major Land Development Project – <u>Skunk Hill Road Solar</u> – Plat 18, Lots 8, 13, and 14, 0 Arcadia Road, 0 Lisa Lane, and 145 Skunk Hill Road. Skunk Hill Road Solar, LLC., applicant.

Mr. DiOrio asked to be refreshed "as to where we left off last." Robert Craven, the attorney for the applicant, appeared before the Board. He said that they had "left off where we were doing the public comment, after the folks that were in the formal opposition presented their witnesses." He said that he believed that he had "cross-examined the witnesses as well." Mr. Craven stated that at the last meeting, Mr. DiOrio had suggested that he speak with some of the abutters. Mr. Craven said that he had done that, and that their discussion had yielded some proposals that he wanted to bring to the Board's attention. He noted that one of the parties he had spoken with, David Johnston, of 173 Skunk Hill Road, had some things that he wanted "to say about our conversation as well." He then said that Marc Tremblay, the applicant's forester, had returned, and that he was "going to address the concerns that was [sic] raised by many members of the public as to the habitat plan". He said that Mr. Tremblay would also address the concerns raised by the objector's expert, Linda Streere, in regards to "what would happen to the habitat", including the remaining 250 acres of the parcel that were to remain undeveloped, and "what accommodations could or should be made". He suggested that the Board hear from Mr. Tremblay first. He then referenced the telephone poles proposed for the site, which had been discussed at length at previous meetings. He stated that there was a "section of five or six telephone poles, along the Skunk Hill side of the property", and that some had expressed concerns about their placement. He said that they were going to present a plan that they had devised "that will allow those telephone poles to be buried, so there won't be telephone poles – there'll just be wires underground". He said that that course of action would "dramatically minimize the impact" on the views of the residents. He then called Mr. Tremblay to testify before the Board on "issues involving the wildlife habitat on this project." Mr. DiOrio interjected before Mr. Tremblay began. He wanted to gauge how many people in attendance wanted to make public comments on the proposal. He counted four members of the public who raised their hands. Mr. Tremblay then appeared before the Board.

Mr. Craven explained that he was going to share a smaller copy of what Mr. Tremblay was going to present with the Board and the Planner. Mr. Tremblay then began his presentation. He stated that he is a "certified forester", and noted that he had appeared before the Board in the past on other occasions. He said that he was responsible for "developing forest management plans for landowners", and that his clients included "many here in Town." He said that "wildlife habitat is, is a big part of that, of that package." He said that he would start by looking at "the landscape scale first", and gave the example of examining a woodlot, which would be observed to understand how the property "fit into the jigsaw puzzle of habitats that are out there." He said that that was called "landscape scale review." He described the next step as "zoom[ing] into the property level", where he would examine the subject property in detail, to understand "how it fits into" the surrounding environs. He said that he would investigate the "travel of wildlife, types of habitats that are present on the property, and the potential for making changes down the road, as part of someone's forest management plan". He explained that if the property owner was "harvesting timber, or doing stand improvement practices", he would study "how that impacts

the wildlife habitat – for better or for worse." He stated that, "in all cases, what we're talking about is a swap - of one type of habitat for another". Whether a property owner was interested in "forest stand improvement", "thinning, or something simple – little patch cuts", or a "timber harvest", they would be "creating different conditions for the types of wildlife that were there previous and will be there in the future." He said that he took "the same approach" with the property in question. He said that he used the "same database" that had been created by the Rhode Island Department of Environmental Management, and had been presented by Ms. Steere previously. He explained that there were layers of the map that could be switched on or off, like the "500+ acre, unfragmented forest blocks in the State." He said that another layer was used for the 250-acre unfragmented forest blocks. He gave the Board a "larger view" of that map, and that the "500+ acres, as you can well imagine" were in the Arcadia Management Area, or under the ownership of the State or other organizations. He stated that the project was proposed within a "250-acre plus part of a 250-acre plus zone", which could be seen on the map he had shared with the Board. He produced another map, which showed the "wildlife habitat practices" that the applicant hoped to implement, and reiterated that the project site was in "one of those 250-acre plus sites". He stated "all the surrounding land is quite fragmented – it's a subdivision, it's open fields, it's the lake down below it, with development along the roads surrounding it, I-95, Route 3 – it's kind of chopped up, surrounding this 250-acre block that we, we're talking about." He said that the applicant was "talking about clearing about 70 acres" of "mature forest habitat", but that what they were saving would be "more than that – uh, over a hundred acres of mature forest habitat". He said that they would be "creating, uh, vegetated buffers and riparian buffers, as required by DEM [Department of Environmental Management], of course". Mr. Tremblay then said that that remaining land would be preserved in the "spirit of protecting the habitat", and what "utilizes those corridors to travel." He said that there is an "old gravel bank that's north of the eastern portion of the subject, proposed development", which was "naturally seeding in with, uh, native vegetation" such as white pine. He stated that it was his understanding that the applicant was going to "offer to restore some of that gravel bank with grasses". To restore that area, they would need to "reshape the topography", "bring in some, some loam – scatter that around", "seed it down with grasses, and plant shrubs and trees that will provide some sort of an open shrub land kind of habitat condition." He said that that would "eventually occur with a gravel bank", but that it would take years. He continued.

Mr. Tremblay: "If you've ever walked into an abandoned gravel bank, you know that it's a long, slow process. But, with a little help, a little topsoil, planting certain species of warm season grasses, you can develop a, a rabbit habitat and, and you know, bird shrub land, bird habitat that, that, you know, would take nature quite a while to, to take place. And then, within those forested buffers, and the riparian buffers along the edges of the, the project, there would be all sorts of shrub planting for, for nesting sites and food sources – and that's what this, that we've got here, uh, represents."

Mr. Tremblay then stated that that was his summary. He asked the Board if they had any questions. Mr. DiOrio thanked him, and said that they were going to start with questions from the Planning Board. Mr. Prellwitz did not have any. Ms. Light asked for the area of the gravel bank. Mr. Tremblay replied that it was "several acres", and that it was "not a huge gravel bank". The Board did not have any other questions. Mr. DiOrio asked Mr. Lamphere if he had anything for Mr. Tremblay. He replied that he did not. He then asked Ms. Hogan if she had anything for

Mr. Tremblay. She indicated that she did not. Mr. DiOrio then asked if there were any members of the public who had "questions of this particular expert." The first person to ask questions was Eric Bibler, of 119 Woodville Road. He stated that at the last meeting, Ed Avizinis, an environmental expert for the applicant "made quite a point of informing the Planning Board that there would be 39 acres of forest cleared, and he also said that that would include the existing fields". He then said that, at the meeting that was taking place, "no one on this side corrected that". Mr. Tremblay replied that "47 [acres], plus or minus, would be cleared". Ms. Light interjected, and told Mr. Bibler that he needed to ask questions "through the Chair". Mr. Bibler replied that he was asking a question of the expert. Mr. DiOrio suggested that they "get the procedural thing out of the way". Ms. Light said that the "procedural thing is it goes through the Chair, and not interrogation". She then said that another thing she wanted to bring to Mr. Bibler's attention was "simply Condition 15, that the Council approved and requires Plat 18, Lot 14 – 42.5-acres remains after the project – untouched, forested." For Plat 18, Lots 13 and 8, she read that "after completion of the clearing, 46.1 acres will remain". She said that she was "hopeful that that can be confirmed", as that "would answer the questions." Mr. Craven responded. He said that they should "just talk to our engineer, Sergio Cherenzia". He then stated that "there are a total of approximately 40 acres – that probably the 39 came from – of woods that will be cleared."

Mr. Craven: "The balance of the 70 acres comes from the field itself, that I think all you folks saw when you did your site walk. There's no trees to clear there because it's already just a field with no trees in it."

Mr. DiOrio said that they had that clear. Mr. Bibler thanked Ms. Light for the "information about the remaining forests, that was stipulated by the Town Council in the Ordinance", but that "had nothing to do" with the point he was making. He said that the point that he was making was that "the expert stood there and said that there would be 39 acres cleared, and that would include fields", which was why he "came up here to ask the question, because now it appears that the cleared area is 70 acres, which includes approximately 40 acres of woods that would be removed". He said that, "by deduction, approximately 30 acres" of that land would have to be in the fields. He said that that was "all [he] wanted to do" – to "reconcile" the different statements. Mr. DiOrio said that he "appreciate[d] that". Mr. DiOrio then asked if there were any other members of the public who had questions for Mr. Tremblay. The next person to appear before the Board was Janice Tapley, of 20 Lisa Lane. She said that she didn't know what a "riparian buffer" meant. Mr. Tremblay explained that a riparian area was a "narrow band associated with the steams, and any abutting wetlands that are along the stream", and it included the flood plain. Therefore, the riparian buffer "would be the riparian stream zone, plus the buffer that's associated with it on each side of the stream." Mr. DiOrio then asked if there were any other members of the public who had questions for Mr. Tremblay. When he did not hear from the audience, he thanked Mr. Tremblay. Mr. Craven said that the next topic that he wanted to address was related to concerns that had been raised about the proposed telephone poles. He asked Denise Cameron, an engineer with Woodard and Curran, to appear before the Board.

Ms. Cameron said that, after hearing the comments from the Rhode Island Department of Environmental Management, they had come up with a "proposed change" that she thought would, amongst other things, create a "better situation from a wetland protection perspective".

She had Mr. Cherenzia share a map with the Planning Board. She then explained that the "red, clouded area" showed the "new, proposed route". She stated that they were moved from the previous route, where it "would cross the wetlands". She stated that "by using this, this new route", the applicant would be able to "go underground", instead of aboveground. Mr. DiOrio asked the Board if they had any questions for Ms. Cameron. He said that he "didn't get the benefit of the previous, proposed route", and that he was "looking at this for the first time". Mr. Craven stood up and pointed out the previous and proposed routes to Mr. DiOrio. When the Board did not have any questions for Ms. Cameron, he asked Mr. Lamphere and Ms. Hogan if they had any questions for her. He then asked if anyone in the audience had any questions for Ms. Cameron. When he did not hear from the public, he thanked Ms. Cameron. Mr. Craven then invited David Johnson, of 173 Skunk Hill Road, to appear before the Board. Mr. Johnson's wife and mother-in-law, Johnna and Joanne Serydynski, respectively, had appeared before the Board at the last meeting where the project was discussed. Mr. Craven stated that Mr. Johnson's "mother-in-law and wife raised a number of concerns". He reiterated what the Serydynskis had stated at the last meeting, which was that they had not been informed of the proposal prior to their purchase of the property. Mr. Craven then stated that they had some concerns about the height of their property "in reference to the height of this project", as Mr. Johnson and Ms. Serydynski's property was higher by – per Mr. Johnson's estimation – 20 feet. Mr. Craven explained that Mr. DiOrio had asked him to "reach out" to Mr. Johnson and Ms. Serydynski, and, "lo and behold", Mr. Johnson called him. Mr. Johnson confirmed that. Mr. Craven stated that they had spoken on the phone, and Mr. Johnson had told him of his concerns. He asked Mr. Johnson to "simply speak to the Board members as to what [his] concerns were", and said that they – Mr. Craven and Mr. Johnson - would "collectively" address "what possible solutions there are" for Mr. Johnson and Ms. Serydynski. Mr. Craven explained that when they had talked on the phone, he had encouraged Mr. Johnson to "do the smart thing" by consulting his wife and mother-in-law. Those assembled laughed. Mr. Johnson explained that they did not "want to look at it", or "see it", and that they didn't "really like the look of it." He stated that they were "not opposed to it, obviously", but that they did not "want a berm on [their] side either." He said that they were "concerned" that the berm would "trap water" on their property, and "act as a dam." He said that they were interested in "some sort of tree covering on that side", as it would "grow in" and obscure the view. Mr. DiOrio replied that he understood, and asked if "visibility" of the array was their "primary concern." Mr. Johnson replied that it was. Mr. DiOrio said that at the last meeting, they had shown where the property was in relation to the proposed array on the map, but he wanted to confirm that there was a house on the property. He asked Mr. Johnson if that dwelling was "approximately 20 feet higher than the subject site." He replied that he would say so, though it was "possibly more". He said that from their first floor window, they were looking out onto the field. Mr. DiOrio replied that what he was "trying to get to" was that when they started "talking about a solution that you folks may have talked about, uh, if, in fact, it's 20 feet", he didn't "want to hear about putting in a three-foot juniper, because that's obviously not gonna do the job". Mr. Johnson concurred. Mr. DiOrio said that "difference in elevation is probably important, and it's great to do an estimate", but that he was "hoping that we have a more definitive value as we move on." He continued.

Mr. DiOrio: "So, understanding that, if you folks have come to some resolution, let's hear it."

Mr. Craven replied that Mr. Johnson "wants trees", not a berm, like the 12-foot one that the Council "called for" in their decision, as he thought that it would cause water to flow "in some direction that could impact his property." He then stated that the applicant would "need to take a look at that", and that they were going to do so. He said that they were going to "see where the water flow comes from", but that he had "not informed the engineers". He said that the Department of Environmental Management would "certainly have to be involved" if they were "going to alter any, uh, natural water, uh, that flows off his property onto ours, or it - whatever direction." Mr. Craven said that it "might be a combination of some type of a berm that can act as the deterrence to water flowing off of his property." He said it would be part of the "water runoff RIPDES [Rhode Island Pollutant Discharge Elimination System] issues". Mr. Craven then said that he had suggested "a more – a dense type of tree, like an arborvitaes" to Mr. Johnston. He then noted that, as most of the "trees there are pines", they could plant a tree "of a height that was sufficient", which would provide Mr. Johnson and Ms. Serydynski with "immediate relief". He said that it would be part of a "block, as a group" that would keep them from "being able to see the solar field." Mr. DiOrio asked Mr. Craven if he could "talk at all to what the existing vegetation might be – specifically in the area of concern." He wanted to know if there was "anything there now", and if the applicant was "proposing to clear in that area." Mr. Craven replied that they were not, "but that's part of the field". He asked Jason Tefft, a member of the applicant's team, if they Board had been directed to view the area on their site walks. Mr. Tefft said that they had not. Mr. DiOrio said that he was not asking them "to solve the issue right now", and that it sounded like the applicant was "going to examine this in greater detail." Mr. Craven replied in the affirmative. Mr. DiOrio asked if the applicant was "planning on being on touch about [their] findings" and what they were "going to propose", and if they were "going to come back and talk to" the Board about it. Mr. Craven said that they would. Mr. DiOrio asked Mr. Johnson if he was "comfortable with this idea." Mr. Johnson said that he was. Mr. DiOrio said that was "very good", and noted that he appreciated the discussion. Mr. Craven said that that concluded his "presentation of - reacting to the concerns the neighbors have", and that he was not certain that they had "finished with the public's input." Mr. DiOrio concurred. Mr. DiOrio thanked Mr. Craven for "that, uh, reaching out" to Mr. Johnson. Ms. Light said that she had a "couple questions."

Ms. Light said that she had "scrolled through the conditions", and brought up Condition 14. She said that it says that "'the applicants will protect the view scape so that no installed solar panel is visible from the first floor of any abutting neighbors' homes following construction of the arrays.'" Mr. Craven confirmed that. She said that she recalled hearing "some members of the, uh, abutter crew come forward and talk about, uh, how they still have, uh, viewing concerns." She continued.

Ms. Light: "One, one home in particular, uh – I've got the name written down here, and, and the other concern that this raised in my mind was the Frances Barber area. Um, it, it bleeds right into Condition 19, uh, for the setbacks of 'the solar panels to abutter property lines near Lisa Lane, Frances Barber [Drive], Beverly Ann [Drive], Grancera Drive shall not be less than 300 feet' -"
Mr. Craven: "Sure."
Ms. Light: "Um, so I know, um, the Frances Barber people, uh, will, will have full exposure to, uh, whatever vehicles are accessing the development. Uh, I, I want to make sure that we're still, uh, meeting that 300-foot setback requirement for all the abutters."

Mr. Craven: “We will.”
Ms. Light: “Yeah.”
Mr. Craven: “And, uh, other than – and I’m not minimizing construction – other than construction, maybe once every two, three months, a truck will go down.”
Ms. Light: “Okay.”

Ms. Light then said that “vehicle access was a concern of probably half a dozen neighbors that wrote letters in, to the Board”, which she said “kind of points to Condition 16, a little bit – ‘logging and debris removal will be done primarily onto Skunk Hill Road. No offloading of machinery is allowed on public roadways’”. She said that the applicant would “need to do that”, and reiterated that the concerns of the abutters, when “consolidated”, were related to the entrance off of Arcadia Road. She said that that entrance “shouldn’t be used for heavy equipment”. She then said that they were also “concerned about a 300-foot buffer on each side of that part of the project”. She said that they hoped that “the big equipment would be going in and out through Skunk Hill Road.” Mr. Craven replied that it would be. Ms. Light said that those were “the only points in the conditions” that she had “wanted to make sure” were still in force. Mr. Craven replied that those conditions were “the rules of the road”, and that there was an “obligation in these conditions that were set forth, in granting a zone change, conditionally, for its use, for the length of its use, and then it reverts back to residential farmland.” He said that “during that period of time – construction through conclusion”, the applicant was “obligated to abide by all of those rules” that had been “set forth by the Town Council.” Ms. Light said that she was “hopeful that that additional confirmation would satisfy some of the concerns” that were expressed by some of the abutters. She said that this was “limited to the abutters who did write in, and abutters that came to speak to” the Board. She said that she “just wanted to make sure that we could reconfirm that those responsibilities are gonna be adhered to.” Mr. Craven said that he appreciated that, and that he had “had a few opportunities, like the Johnsons, to talk with” abutters. He explained that when he had met with Mr. Johnson, he had said, “quite candidly”, that he understood that Mr. Johnson was concerned, as it was his property. He said that he asked Mr. Johnson, “‘How can I help you?’”, and said that they would “adapt this project in any way, shape or form”, while, obviously, conforming with the rules prescribed by the Town Council. He reiterated that the applicant would “do it in any way that will give them an opportunity” to shape the project. He said that they had “never really gave as much concern or doubts” that there would “be a downside to berms”, but they had “heard some people say berms might not be what they want”. He said that “whether it is a legal issue” that would be worked out between the applicant and the Planning Board Solicitor, as it was “a condition set forth by the Town Council”, or not, the applicant would do “whatever we need to do or have to do” to do their best “to satisfy the concerns of the surrounding neighbors.” Ms. Light responded that they had “only had one abutter say that he would prefer there be no berm, um, but with the berms that are proposed, [the Board] did have another abutter ask to have the berm continue through her line of sight”. She said she didn’t know “if that had been highlighted anywhere”. Mr. Craven said that he did “take that into account”, and that Ms. Light’s comments reminded him that someone had sent him a letter on the topic. It was from Joseph Machado, of 6 Michael Lane. Mr. Craven said that Mr. Machado had asked him to share copies of the letter with the Board. Mr. Craven said that Mr. Machado had communicated to him that he did not want a berm, as he thought that it would “prevent animals from roaming in the area”. He submitted the letter to the Board. Mr. DiOrio asked Ms. Light if she was all squared away. Ms. Light replied that she was. Mr. DiOrio spoke.

Mr. DiOrio said that while they were “on the topic of conditions”, he wanted to bring up “Condition 5”. He read Condition 5, which states that the applicant would submit a “reasonable plan” that would be “‘designed to sustain the native animal species in and around the solar array facility during [its] construction and its operation until the facility’s closure’”. He said that he did not think that the Board had “seen that yet”, and that he wanted to “be sure that there’s no misconstruing” that the “little map” provided by Mr. Tremblay earlier in the evening “somehow constitutes that plan.” Mr. Craven replied that it did not, and that it was “more of a mechanical question”. He stated that what Mr. Tremblay had shared with the Board was “a concept of what we would do to encourage, um, to be an attractive place for the animals to go.” He said that how the applicant would “let them through” the site, either through fences or other provisions, during construction, would be determined later, and that they would “come back” with “the specifics of that”. He estimated that construction would take “three or four months, probably maximum” to construct the array. Mr. DiOrio said that he was “getting to the issue of when that’s going to be presented”. He said that “it would seem that, you know, in this period, where we’re waiting for a few things, that this would be an opportunity for that to come forward.” Mr. Craven said that he agreed. Mr. Prellwitz said that he had the original document, and asked Mr. Craven if he wanted to have the original back. Mr. Craven thanked him. Mr. DiOrio then said that he supposed that he should draw the applicant’s attention to “Condition 18 as well”, and apologized “for hunting and pecking through this”. He said that he was “trying to get as much information up front, so that we’re not assessing this, you know, at the Preliminary and Final stage.” He continued.

Mr. DiOrio: “[Condition] 18 is all about creating a pollinator habitat plan, so that sounds very similar to what we just talked about. Perhaps those things can be linked for your -”
Mr. Craven: “I will address -”
Mr. DiOrio: “In, in your thoughts.”

Mr. Craven said that, “in addition” to what they had presented that night “with Marc Tremblay, the conditions set forth specifically, in Condition 5 and 18” would be addressed at the “next meeting.” Mr. DiOrio replied that that was “outstanding”, and thanked Mr. Craven. A member of the public had a question. Mr. DiOrio invited them to appear before the Board. It was Joanne Serydynski, of 19 Malo Drive. She said that Mr. Craven had mentioned a “100-foot setback line” earlier, and she wanted to know if there was a “100-foot or 300-foot setback line” between 173 Skunk Hill Road and the project. Mr. Craven replied that there were “varying sizes, depending on where, what part of the project” they were discussing. He said that it was his “recollection” that the setback in that area was “a hundred feet”. He said that “in the area of Lisa Lane, it was requested” that a greater setback be provided. Ms. Serydynski said “that condition sounded like all of [the] abutters”, and she “certainly” thought that the 300-foot buffer should be “considered for 173 Skunk Hill Road as well.” Mr. Craven replied that he would “assure” Ms. Serydynski that “every condition” that they had “agreed to” before the Town Council would be adhered to, but that it was his recollection that there was a hundred-foot setback against 173 Skunk Hill Road. She replied that she thought that she thought that the setbacks should be the same for all abutters. Mr. DiOrio thanked Ms. Serydynski. Ms. Light said that the abutters “were very specific” when they requested the 300-foot buffer. Ms. Serydynski replied that at that time, the present owners of 173 Skunk Hill Road were not involved. Mr. DiOrio then said that they would “take, uh, comments from the audience”. It was Joe Moreau, of 32 Old Depot Road.

Mr. Moreau: "One of the things I wanted to say is: typically, when I've looked at these solar projects, one of the first things you see – and 216 is a prime example – you see the telephone poles goin' into these projects, and I wanna compliment the developer and the attorney and the people responsible for taking the added expense of burying these, these lines so that you don't see these telephone poles."

He then said that he wanted to "compliment Mr. Craven for reachin' out and speaking to abutters and residents on this project." He said it was "very seldom" that one would see an attorney "making adjustments and reaching out" in the ways that Mr. Craven had. He said that he appreciated their efforts, "especially with eliminating these telephone poles." Mr. DiOrio thanked Mr. Moreau.

The next speaker to appear before the Board was LouAnne McCormick, of 9 Lisa Lane. She said that she was "a little confused about, um, what's available to the abutters at this point." She said that the situation seemed to have "morphed into, um, people being able to contact the attorney directly to negotiate conditions", and that she did not think "that all the abutters know that" that was "available to them", which concerned her. She said that if that was "something that, all of a sudden, has become available, then it feels like all abutters should be made aware – that direct contact with the attorney, to work out conditions, is, is, is available for them, too." She said that her next question, which was "obviously much less important" than the one she had just asked, also related to abutters. She stated that, "based on the fact that there's so many meetings, and there's so much going on, there's been so much in the past where they haven't been able to talk, and, and then they show up and, and it gets continued – we've already been through all that – they don't know when they should be sending e-mails in to your attention necessarily, because we don't know whether or not" it was going to be heard. She asked if it was "something where they – no matter when they send it in, even if you're not hearing the, the, this plan at that time, that that information is still viable and being considered, or is it like, if they put it in, and then it doesn't get heard, those kind of get put by the wayside, and then we have no way of explaining to them, or, or they have no of knowing when that information has the most – packs the most punch, to actually be considered". Mr. DiOrio replied that he would see what he could do, "unless there was something else" Ms. McCormick had to ask. She said that she did not. Mr. DiOrio then replied.

Mr. DiOrio: "So, let me handle the second one first – sounds a little bit easier."
Ms. McCormick: "Okay."
Mr. DiOrio: "So, e-mails from the public, regarding an application – I would maintain - I'm pretty sure that my colleagues would agree – the door is always open. If an application is before us, no matter what stage it's in, if someone sends an e-mail, they're not going to get a response necessarily, right, because that's like, taboo, but that e-mail is immediately forwarded to the Planning Department, and will be in some Planning Board package. Depending on when we receive it, it's in the next Planning Board package, or it may end up being in the following – but it always ends up in a Planning Board package. I have a whole series of e-mailed, copies of e-mails from the public in my package this evening. So, for those in the audience, I encourage you to send e-mails anytime you want, if any application is before us. Obviously, we don't want you sending e-mails about projects that have gone by the Boards or projects that are not before us. That just doesn't make sense."

He asked Ms. McCormick if that answered the second part of her question. She asked for "one clarification."

Ms. McCormick: "So, so, in, in your opinions, in general, there isn't a specific time where an e-mail is gonna be – get more attention than another, based on what part of the process you're in? Okay."
Mr. DiOrio: "I would say no."
Ms. McCormick: "Okay."
Mr. DiOrio: "Right? Alright, so, the second part – listen, the issue of an, an applicant – an abutting property owner, opening dialogue with an applicant and/or his or her counsel – ah, that's not like a foreign topic. It happened to come up the other evening, because we have folks who I sense are newcomers to the equation, but I don't think it's unreasonable for any abutter to reach out to an applicant directly. Listen, if there's a concern, and someone had an idea of the most direct route to a resolution, I don't think you're gonna have anybody up here objecting."

Ms. McCormick then asked if she could ask Mr. Craven a question, through the Chair. Mr. DiOrio replied that he didn't see why not. She asked Mr. Craven if he would "have any issues" if she took a picture of his business card so she could "e-mail blast it out" so abutters could "contact [him] directly." Mr. Craven replied in the affirmative. Ms. Light asked Ms. McCormick if what she was saying was that she had "a list of about 700 people, because he doesn't know what he's answering right now." Ms. McCormick replied that that was "not at all" what she had said. Ms. Light replied that Ms. McCormick had said "e-mail blast it to everybody". Ms. McCormick replied that it was to those who were "on the list for Skunk Hill". What Ms. McCormick said next was unintelligible, as she was standing too far away from the microphone. Ms. Light reiterated that she wanted to "make sure" that Mr. Craven understood what he was agreeing to. Ms. McCormick replied that she was "talking about people who have skin in the game – people who are going to be affected by this – not every Tom, Dick, and Harry". said that she understood that that would be a "problem", and said that that was not what the list was. She then said that she thought that "all abutters should have the opportunity that these nice people [the Johnsons]" had had to discuss their concerns with the applicant. She said that, "as the property value situation was discussed by Mr. Craven", she knew "of multiple people who bought their houses and had no idea this was going on – and one of them was sold by an ex-Planning Board member – and the person wasn't told." She said that they had "people out there that came into this blind, and we have other people that have major concerns about the berms, they've got major concerns about the flooding – we've got major concerns about line of sight." She continued.

Ms. McCormick: "They have major concerns about a lot of things, that, if they have – if, all of a sudden, there is an open conduit to be able to discuss issues directly with the attorney, I, I think that they should be given that opportunity."
Mr. DiOrio: "Yes. I concur – and as long as Counsel is agreeable to that, I think I've stated it publicly – I know that that this project is controversial. I also know that this applicant has, at least in my experience, has been very receptive to listening to folks, and to the extent possible, addressing their concerns. It's unusual, right? We, we're blessed that we have a number of applicants in that category, but this is over and above, in my opinion."

Ms. McCormick asked if she could ask one more question.

Ms. McCormick: "You talked about the fact that the large, um, that, uh, the 'big boy toys', um, are gonna be on Skunk Hill – where are they accessing Skunk Hill? Where – are they going past Arcadia, in order to go up there?"

Mr. Tefft began to speak from his seat in the audience, but Mr. DiOrio asked him to approach the podium. He said that it would be accessed from Route 3, down Skunk Hill Road, using the "preexisting driveway". Ms. McCormick asked why they weren't using Arcadia Road. Mr. Tefft replied that the "Town Council said that we couldn't use Arcadia Road – we have to use Skunk Hill for, for all the big equipment." Ms. McCormick asked if there was a "time limit on that". Ms. Light interjected that "these projects do have timelines." Ms. McCormick asked if that included delivery of equipment and traffic. Ms. Light replied.

Ms. Light: "Uh, if, if it takes them, uh, a year, they have the year to, to travel those routes -"
Ms. McCormick: "Right."
Ms. Light: "With the equipment and supplies."
Ms. McCormick: "I'm talking about 8 to 5."

Ms. Light replied that that was "another condition that the Town Council put into the Ordinance." Ms. McCormick asked about the traffic. Ms. Light replied that "all construction activity is limited to that 8 to 5 window". Ms. McCormick thanked Ms. Light, but, again, the rest of her comments were not captured by the audio as she was standing too far away from the microphone. Mr. DiOrio replied that their discussion was "outstanding", and thanked those involved. He then asked if there were any other members of the public who had questions. Mr. Bibler raised his hand, but Mr. DiOrio asked him if he would defer, as someone else who had not spoken previously had a question. Mr. Bibler deferred. The next person to appear before the Board was Nancy Clarke, of 46 Arcadia Road.

Ms. Clarke explained that she was an abutter to the project, and that her son, Daniel, lived at 48 Arcadia Road. She said that she had a few questions "about where the electrical's gonna connect on Arcadia", as "Pole 57 is right at the corner of our properties". She said that when she "looked at the map, it looks like it's underground, and then there's one pole that will come and connect to Pole 57." She said that, at the Planning Board meeting in September, "there were some questions about that", and that the testimony that she recalled was that "it could be up to seven – that's a concern, for me, because there is no berm, there's no tree, there's nothing that you can put up that's gonna block that from the front of our homes". She said that she was "asking for clarification", if the applicant was "able to give it to" her. She asked if that was "in fact, correct", or if the wires were "going to be underground, one pole, and then connect". Mr. DiOrio said that they would get her "an answer to that right now." Mr. Cherenzia replied that he wanted to be sure on the question. Mr. DiOrio asked him to state his name for the record. Mr. Cherenzia asked if the question was "how many poles will be located on Arcadia Road", so Mr. DiOrio asked Ms. Clarke if that was her question. She said that it was. She then said she wanted to know "how many poles will be above ground as it connects". Mr. Cherenzia said that his "previous testimony was seven poles – up to seven poles", and that he thought that that was still correct. Ms. Clarke said that she and her son would "have an issue with that, because that's - it's going to

connect right on our property, and it's directly across the street". She reiterated that "there's no way to hide" the poles from their view. Mr. DiOrio wanted to be clear on what Mr. Cherenzia had stated, so he asked if there was "still going to be seven utility poles" at the interface on Arcadia Road. Mr. Cherenzia replied that there would "potentially" be seven poles, but that the applicant did "not know yet, until the interconnection." Mr. DiOrio asked if there would be a "cluster of poles". Mr. Cherenzia replied that there "could be", and that there already were "overhead utility lines" that ran "along the driveway there." He said that right now, there's "one at the end, but one crosses the street", and that there would be others "further in the property." He said that it "could be as many as seven poles" in that area. Ms. Clarke responded, but her statement was not clear, as she was standing too far away from the microphone. Mr. DiOrio then spoke on the topic. He said that the topic had "come up before", and that, to the best of his understanding, "this is not something that the applicant can change." He continued

Mr. DiOrio: "This is a National Grid call. As much as we rail against it, uh, I do not know of another solution. I remember when Jason [Tefft] and I were in the field – I explicitly asked this question: 'Is there any way to make that go away?' This is not a call that either the Town or the applicant can make. Just so we're clear."

Ms. Clarke replied that she understood, and Mr. DiOrio said that it was "not as if we're not sensitive to the concern". She replied that it was her property and her value, and Mr. DiOrio said that he understood. She reiterated that "it can't be hidden", and that the fact that the poles could not be moved or hidden did not make her happy. She said that she had another question, as she wanted more information about the access road off of Arcadia Road. She said that "there is one there", and that it was "not directly in front of anybody's homes – like, looking out your front door, you can't see it". She asked if that was "going to continue to be the access road." She said that she knew that "there was some discussion a while back about the access being moved to another location on the lot". She said that she didn't know if "anybody can clarify that." Mr. DiOrio replied that they would get her an answer. Mr. Cherenzia responded. He said that the path "will remain, generally speaking, the path that we will take into the site to access the solar facility off of Arcadia Road." Mr. DiOrio thanked him. Ms. Clarke thanked the Board, and Mr. DiOrio thanked Ms. Clarke. Mr. DiOrio then asked Mr. Tefft if he had "something to add to this". Mr. Tefft began to speak from the audience, but Mr. DiOrio instructed him to appear before the podium. Mr. Tefft said that, on the site walk, he had shown the Board the "five preexisting poles". He explained that "you can't see the poles if you look across the street – there's trees there now – there's a pole behind the tree, and whoever went to the site walk's seen it was five preexisting poles along that road now." Mr. DiOrio thanked him. Mr. Bibler then appeared before the Board.

Mr. Bibler said that one of the previous speakers had "complimented the applicant on, uh, being willing to spend extra money to make sure that the poles ran underground within the site", and he wanted to "make sure that the Planning Board is aware of Condition 19, which says 'the applicants, with RIDEM [Rhode Island Department of Environmental Management] approval, will interconnect to the grid via underground cables to the maximum extent possible' by National Grid, 'and exit onto Arcadia Road." He said that he thought the "condition at the time was clear, and it was actually discussion about, uh, having some device to tunnel under the wetlands at the time." He reiterated that the "condition was clear" that the utility wires, "to the extent possible,

were going to be buried underground". He said that he did not know, and it was not clear to him from the plans, "whether the wire is going to be buried underground, you know, along the access road all the way from the arrays to the polls." He said that "on this map", an "alternate route" was discussed, which would connect "the two arrays". He posed that question "through the Chair". He reiterated his question, which was if "these cables are going to be buried underground up to the poles." Mr. DiOrio said that he understood, and said that they would get Mr. Bibler an answer. Ms. Cameron appeared before the Board to answer the question.

Ms. Cameron stated that her understanding of the condition that Mr. Bibler had referenced was that the applicant would put the cable underground to "the extent possible and allowable by both National Grid" and the Rhode Island Department of Environmental Management. She continued.

Ms. Cameron: "In this case, we're coordinating with RIDEM [Rhode Island Department of Environmental Management], um, on that location, and moving them to the underground, uh, location, as proposed."

She said that she thought that that was "consistent with" the conditions of approval. Mr. DiOrio thanked her. Mr. Bibler replied that it was "unclear about the section connecting the two arrays", and that what he was asking was if the applicant was "planning to go underground from the array out to the road where the poles are." He again asked if they would be underground. Ms. Cameron replied that the "Master Plan documents", to her knowledge, would depict "the transitions – anywhere where it goes below or above." She continued.

Ms. Cameron: "When it comes in off the interconnection, off of Arcadia, it is above as mentioned – that's the requirement of, uh, National Grid. Beyond that, we are underground unless required for, uh, crossing purposes."

Mr. DiOrio thanked Ms. Cameron. Mr. Bibler said that there was "another thing" that he wanted to be "clear about". He said that he knew that the Board would "get a lot of e-mails from abutters, residents of the neighborhood", and that "the Chair mentioned that this has been a controversial project, which is an understatement." He said that he wanted to "mention that there are many of us in the community who believe that this project does not only affect the abutters – it also has an effect on the community". He said that he had "had many conversations" with "many" residents and abutters, and that he wanted to "make sure the Board understands that, for the vast majority of these residents – and you can confirm this however you want – the preference, their preference is not to have this project." He continued.

Mr. Bibler: "Their preference is to have a Board, within its authority, within the limits of its authority, deny this project. Uh, I do agree that the developer, um, has been responsive, and, you know, tried to, attempt to change his plan, in response to, uh, residents' concerns, but it should be crystal clear – residents do not want this project, and they're hedging their bets, because they are terrified, and they don't really believe in you. They don't really believe in the Town Council, uh, from the standpoint of, uh – I think, even, we had a Town Councilor stand up here at the last meeting and, and suggest that the Chair was misleading the public by, by suggesting that the, uh, Planning Board could actually disapprove this project, so there's a number of people that think or fear that this is a done deal, um, and who, therefore, are trying to make the best of a bad situation

in some of these comments, but I want to make it very clear to the Board that if the Board feels that it is, uh, if, if it's the sentiment of the Board, and that's up to every individual Board member, and if you think you have the proper justification for denying it, I don't want you to lose sight of that – um, that that is clear - that the preference of many people in the community."

He then said that he wanted to "take issue with a comment, uh, by Mr., uh, Tremblay" in relation to "what we're suggesting – that through the reforestation plan, uh, what we're really contemplating here is, uh, substituting one type of environment for another type of environment." He said that he believed "that that very conveniently, and superficially, disregards the fact that the new environment will begin to assert itself 30 or 40 or 50 years from now, and in the interim, we are very, definitely, going from one environment, which is a natural forest to a sea of glass." He said that it was "53 acres of solar panels", and referred to it as "an industrial utility", which he said would be "ours to live with for decades." He said that he would be "dead and buried" when "this new environment starts to substitute itself". He asked the Board to "not gloss over the time gap." He continued.

Mr. Bibler: "We also talk in terms of 25 or 30 years, uh, quite frequently, as a termination point, but there's no firm termination to this project, and, as a matter of fact, uh, most of these, um, installations, um, the, the, uh, developer may sell power for some term of time, but there are, you know, there's the ability to renew them, there's ability to renew contracts, there's the ability to replace panels. I mean, this thing doesn't have to terminate in 30 years. This could be here for 40, or 50, or 60 years, you know, uh, let's not kid ourselves here – and the difference between substituting a new sort of environment, uh, that may not even be within the lifetimes of my own children, you know, and, and I, I think it's so, those are equivalencies. I, I think we have to be clear on the difference. Um, the whole concept of the, um, this property 'automatically reverting', uh, to residential property was raised again. I recognize that that is a, um, a condition, um, in the Ordinance. Legally, it's a little too cute to pass muster. Uh, we had a crisis here, where our own former Town Solicitor – when we raised the issue three years ago, and we pointed out that there's a Rhode Island Supreme Court precedent that makes it very clear that there, that automatic reversion is not legal, the reason it's not legal is if you're gonna change the zone, through any mechanism, 10, 20, 30 years from now, to a new zone, you can't do it without, um, having – noticing all of the abutters, having a Public Hearing of the Town Council, having a, a vote of the Town Council, and the Town Council itself cannot institute that process, and informed the developer that it's the Town's intention to, you know, force this reversion. The owner of the property 30 years from now would have to request that, and, uh, that's not a given either, and it's not a given that, um, it actually could be accomplished, because someone else will be sitting in those seats, voting on that, on that version, so I don't think that we should get lost in this idea that there's anything automatic about this going back to residential property. 30, 40 years from now, when this property – you know, what we do here in Town is the Tax Assessor, after this property is, uh, re-zoned commercial, the Tax Assessor assigns it a higher valuation, collects a higher amount of taxes, um, on the property itself – gets more revenue for the Town. The value of the property to the developer, um, has gone up as well. 30 years from now, I think it's far more likely, if solar energy is obsolete, that the developer is going to approach the Town and say, 'Hey, you've got this commercial property that's limited to solar use. Solar's obsolete. You want the higher level of revenue. I wanna maximize the value of my property. I'd like to ask you to, um, uh, please rezone my property, and allow some additional commercial use.'

Certainly within the Town Council's power 30 years from now to rezone the property to some other commercial use, um, and there's nothing automatic about reversion to residential, so, that's one of the points that we rai-, I just – this isn't maybe directly relevant to what you're doing here, but -"
Unidentified member of the public: "You're right."
Mr. Bibler: "Because it was raised, because it was raised, let's not kid ourselves that this is gonna be a forest in 30 years because there's anything automatic about it. And then, lastly, I just – I don't know where the previous map is – this one – just want to draw your attention to it – it's absolutely stunning to me – you've got two, two islands where the solar panels go, and it's completely surrounded by a wetlands. You know, here in, uh, 2010, we had a massive flooding event in Rhode Island, you know, all the way from here down to Westerly. It actually took out the Woodville bridge, and wasn't rebuilt for a year and a half, and that flood was characterized as something like a thousand years' flood. Um, just in the last couple of months, with some of these hurricanes that sat over New Jersey and Delaware and other parts of the country – we've had amounts of flooding that no one imagined possible. When these facilities are constructed to the storm water guidelines for the Rhode Island Department of Environmental Management, they don't contemplate those types of events. These storm water runoff facilities don't contemplate that. I'm mentioning that because they're surrounded by wetlands, and water flows downhill, and if we get one of those weather events that are increasingly common, um, we are gonna completely overwhelm these wetlands with runoff and silt and so forth, and I think that's relevant. You know, we had an environmental expert come up and tell you that those wetlands are extremely sensitive, and that the habitat that needs to be protected by protecting this, um, forest, you know, this, um, unfragmented forest, doesn't end at the water's edge, if there's a correspondence between the uplands and the wetlands, so this is an ecosystem. It's not as if the wet part is an ecosystem and the uplands part is completely separate. It's all integrated, and I would argue that the Planning Board, you know, can, and should, have very profound concerns about the siting and the, uh, sensitivity of this, um, environment, and it is entirely justified in denying this project, uh, based on a finding that, um, that it will have a very significant environmental impact, and it is a very significant environmental hazard. Thank you."

Mr. DiOrio thanked Mr. Bibler. The next speaker was Mr. Moreau. He said that he "wanted to get a clarification on, uh, e-mails."

Mr. Moreau: "Um, prior to this evening, my, uh, my point was that e-mails had to go to our Planning Department, and then the Planning Department would take care of it. Um, I have not been e-mailing, uh, Planning Board members. I e-mailed the Chair and our attorney, so I wanna get a clarification on that, because I know it was on Facebook. In fact, I think it was the Chair that had recommend that the e-mails go to our Planning Department, so I wanted to clarify that."
Mr. DiOrio: "Sure. We can do that. So, it is certainly my preference – speaking only personally – that e-mails relative to a project go to the Planning Department. Uh, personal e-mails, I don't think should be playing a role in this. That said, um, I've maintained an open door policy throughout my tenure here of some 35 years. If people wanna reach out to me with an e-mail, I'm not going to say no. So, if that happens, great – as long as everyone understands that I don't dialogue with people about it. Instead, you can send it to me, and it goes that way. And as long as we're all clear on the travel of the e-mails, I, I don't have a strong, a strong preference – although it's probably most appropriate that it go to the Planning Department."

Mr. Moreau thanked Mr. DiOrio. He had another comment.

Mr. Moreau: "Um, the other thing is – you're all very highly qualified. Uh, it's obvious that you can make your own decisions. We don't need any, any one individual or group of individuals to try to convince you on how to vote, uh, proceed with your, your due di-, diligence. I'm not gonna talk about floods from New Jersey. Um, I've heard, for the second meeting in a row, that there's 'several', there's 'many' people here, uh, that are concerned about this project. I see maybe six people from this project. It's well-advertised. Our Planning Department, Talia [Jalette], everyone else does a great job to advertise these meetings. If there's that much of a concern, please show up. Voice your opinions. Voice your concerns. Uh, to hear it from a couple of people, it's not right. People should be here, if they have concerns. Thank you."

Mr. DiOrio thanked Mr. Moreau. The next person to appear before the Board was Sharon Davis, of 100 Cedarwood Lane. She said that she wanted to "clarify what [she] said last time." She said that, "having successfully fought the solar thing on Old Depot Road" and "waiting and waiting for the decision", she knew "what people who are involved in that feel." She said that there is "a lot of anxiety", and that "the guy who presented for the abutters made his arguments – a lot of his arguments – on the Comprehensive Plan – that it wasn't, um, didn't match the Comprehensive Plan". She said that what she was "talking about was that that boat has sailed". She said that she "didn't think that [the Board waa] gonna make, or could make, um, your decision, based on whether [the proposal] met the Comprehensive Plan – but there are other things [the Board] can look at, like, is it really meeting the, um, DEM [Department of Environmental Management]'s requirements, etcetera." She said that she wanted "to be clear" that she wasn't saying that the Board couldn't make their decision, or that they had "no power" – just that they can't use inconsistency with the Comprehensive Plan as a reason for denial. She then said that "the people do need to know, you know, what, what ways [the Board] can talk about the project, um, and make decisions." She reiterated that the public needed to know that, and that was why she spoke at the last meeting on the topic. She said that she was "right there with [the abutters]", and that she knew how she "felt all the time for [the] Old Depot Road project". Mr. DiOrio replied that he understood, and thanked her. Mr. DiOrio then spoke.

Mr. DiOrio: "Yes, you and I are in agreement. The tool of, uh, or, or the, uh, the aspect of our findings that speak to the Comprehensive Plan have been removed from our jurisdiction, if you will. We, we can no longer say that the project – although we, we said it in the beginning – we can no longer say that the project is not in compliance with the Comprehensive Plan – but, there are other findings that the Planning Board must also make, and that's what I was alluding to when we had that discussion."

The next person to appear before the Board was David Gever, of 5 Anna Drive. He explained that he was at the last meeting, "and it was standing room only, so there were plenty of people here last time – in fact, so many that I ended up leaving after a while". He said that he later used Zoom to view the meeting, and that "there may be plenty of people" using Zoom, so "there may be a lot more people listening than what are physically present here". He said that he thought that there was "still an awful lot of interest", though he felt that he was "in a minority here tonight". He said that what Mr. Bibler had said about people being "terrified" was correct, as he was "terrified about the size of this thing, and its impact". He said that the Board could "fix the nice

lady's [telephone] pole problem" by denying "this project altogether", so there wouldn't "be any issues about poles". He then suggested that they "reduce the size of it", and then asked the Board a question that he deemed "somewhat rhetorical". He asked them "what will it take to either deny or shrink this thing significantly, so that the abutters and members of the community aren't so terrified, as, uh, as I am". He thanked the Board. Mr. DiOrio thanked Mr. Gever. Mr. Bibler said that he had forgotten one of his questions, and asked Mr. DiOrio if he could appear again. Mr. DiOrio asked if there was anyone else in the audience who had not yet appeared before the Board, but wanted to comment, "before [he] allow[ed] Eric [Bibler] to return".

Ms. Johnna Serydynski appeared before the Board. She asked if the conditions imposed by the Town Council were available for the public to view. Mr. DiOrio replied, "Absolutely." She then asked if it was with the rest of the documents that had been posted. Ms. Jalette replied that they were. She explained that she was "really ignorant to what these conditions really mean", and asked if they were "basically set-in-stone guidelines for this project." Mr. DiOrio replied, "It is." She thanked him, and he thanked her.

Before Mr. Bibler appeared before the Board again, Mr. DiOrio said that they had been a question that had been posed that he wanted to respond to.

Mr. DiOrio: "So, as with many of these projects in the past, when the Town Council has crafted its Ordinance, it typically identifies an area that the applicant is allowed to work on. So, to say that we can change that, that would be inappropriate, okay? Town Council has already set the ground rules for that. So, yes, I suppose we could deny the thing in, in its entirety, but in terms of minimizing it, we only – we have constraints that we must work within. Just want that to be clear."

Mr. Gever asked if he could ask a follow-up question. Mr. DiOrio said that he could, then asked him to approach the microphone. Mr. Gever asked Mr. DiOrio to give him "an example of what potential decisions [the Board] could make", as Mr. DiOrio had described that the Board could change the project within "the confines of what the Town Council prescripted, in terms of the area." Mr. DiOrio replied.

Mr. DiOrio: "So, the Town Council has – so, the framework here is: The Town Council has set us, has placed a set of ground rules -"
Mr. Gever: "Mhm."
Mr. DiOrio: "For us to work with, right? We don't get to tamper with those. But, the Planning Board also has other findings of fact that it must make. Uh, someone mentioned environmental impacts -"
Mr. Gever: "Yeah."
Mr. DiOrio: "Well, that's one of those findings."
Mr. Gever: "Yep."
Mr. DiOrio: "So, the Planning Board hasn't really given consideration to how we're gonna come down on that particular finding of fact. And there are – I forget – six or seven of them?"
Mr. Gever: "Suppose that, just for the sake of argument, you decide that you can't conform to that particular, uh, agreement, except for either, you know, diminishing the size of it to handle that constraint. Is that a possibility? In terms of your response to that?"

Mr. DiOrio: "I believe that it could be. We could have dialogue with the applicant -"
Mr. Gever: "Mhm."
Mr. DiOrio: "As to whether they would be, uh, prepared to entertain a reduction in the scope of their project, sure."
Mr. Gever: "Yeah. Okay. That, that's the kind of thing I, I was interested in."
Mr. DiOrio: "Of course."
Mr. Gever: "Um, the other question that came to mind, in terms of area, usage of an area – can the Planning Board – it may not be under your purview, but is there an entity within the Town that could suggest that this developer, this project, go to another area, and develop there, as well, so, you know, suggest that they, uh, use another area, instead of this area, uh, to achieve this significant size that they're, uh, trying to develop it, you know, here? I guess what I'm saying is I think there's other places in this Town that might be more conducive to develop than where this one is being suggested. So, is there any – an entity, in this Town, that could make that suggestion to a developer or this developer in particular, say 'Forget this area. It'd be much better if you developed this over, in an area over here.' Is that [a] possibility?"
Mr. DiOrio: "I, I think I understand -"
Mr. Gever: "And who would do it?"
Mr. DiOrio: "I think I understand your question, but I am – I don't think I have an answer to your question. I certainly don't know what other entity in Town might make that suggestion, and I, I fear that at its root, the property owner has a right to come forward."
Mr. Gever: "Yeah."
Mr. DiOrio: "You, you can't – I don't see how you could realistically go to a property owner and say, 'This, your property is not the site for this development.'"
Mr. Gever: "No. There's many property owners that have said that, and that's what I'm suggesting – that maybe there's an alternative, to this."
Mr. DiOrio: "So, what I might suggest is you heard, you overheard some of this conversation earlier this evening – you wanna have some dialogue -"
Mr. Gever: "Yeah, I know."
Mr. DiOrio: "With the applicant -"
Mr. Gever: "Right."
Mr. DiOrio: "And see if they can move their project. I say -"
Mr. Gever: "Well -"
Mr. DiOrio: "Go forward."

Mr. Gever replied that it was "all rhetorical", but that, "again", he was "suggesting that you entertain the idea of finding grounds for which to either deny or shrink this." Mr. DiOrio thanked him, then invited Mr. Bibler to return to the podium, as he had been waiting. He said that at an "earlier meeting", the applicant had "presented some perspective drawings that showed the view of the panels from the first floor" of abutting residences. He said that one of the Planning Board members, maybe Ms. Light, read Condition 14 aloud from the Town Council Ordinance. He then read it: "'The applicants will protect the view scape so that no installed solar panel is visible from the first floor of any abutting neighbors' homes following construction of the arrays.'" He said that he had "raised this question a couple times", and that he thought "some of the abutters have mentioned that they're, for sure, gonna see this from their second story homes". He said that he had "actually asked the applicant" if they had "perform[ed] any of those perspectives, um, from the second story of any of these homes". Mr. Bibler said that Mr. Craven had said no.

He then said that they got "lost in these conversations about what the Planning Board may or may do, in the context of the Town Council's actions", and that they "may want to consult the Planning Solicitor on this", but he did not "see", personally, "any reason why the Planning Board can't make an additional stipulation, because this has to get your approval." He continued.

Mr. Bibler: "I don't know why you can't make an additional step, stipulation that the panels can't be visible from the abutters' second story windows, or decks, or are you of the belief that the Town Council has effectively conferred a right on the applicant, so that if he satisfies this condition, you can't impose any other conditions like that? I'm, I'm very confused about where, where the, uh, where the water meets the, uh, shore."
Mr. DiOrio: "I, I don't think I – I don't think that was my statement."

Mr. Bibler replied that he was "not attributing any statement to anybody", and that he was asking a question. Mr. DiOrio replied that, in response to Mr. Bibler's question, the Board "could certainly consider that." He continued.

Mr. DiOrio: "We could not – what I was trying to convey was we could not change that condition - if you said it was 14, I don't remember."
Mr. Bibler: "I get that."
Mr. DiOrio: "We, we couldn't say, 'Well, that doesn't apply.' We must -"
Mr. Bibler: "So –"
Mr. DiOrio: "We must honor, at least, that condition."
Mr. Bibler: "That was my understanding."
Mr. DiOrio: "Yes."
Mr. Bibler: "So, so in that context, I would urge the Planning Board not to be insensitive to the fact that most of these people live in two-story houses, and they don't wanna look out their windows and see – now you have a conflict. Let's say – and, I think, I think I've heard you say – this is what made me think of it also – I think I heard you suggest, and I, I may have heard it wrong - that's why I gotta ask, right – is that, you know, the Town Council has executed a zoning ordinance, and then they have put in some planning elements in here, so, for example, they have described a minimum acreage of woods that must be preserved, but they've also prescribed an area. I think it's 53 acres for the size of the solar field. Now, is it your belief, on the Planning Board, that you are unable to come to a conclusion that 53 acres is too large, and that you can't approve a 53-acre solar development, and the ol-, you know, the only configuration that you could approve, for the sake of argument – let's say, came out to 30 acres, so, for example, if you wanted, if you were gonna say that you didn't want it to be able to be seen from the second story, and that required shrinking it to 40 acres or 33, is that within your power? Or does he now have a right to every inch of 53 acres and you, the Planning Board, have no power over this plan element anymore? That's my question."
Mr. DiOrio: "Well, unless the Solicitor slaps me in the back of the head, I would be saying that the, the Ordinance is going to rule, and if the -"
Mr. Bibler: "It's a right."
Mr. DiOrio: "If the Ordinance said, and I forget the numbers exactly, but if the Ordinance said, 'The applicant has a right to clear 50 acres,' then 50 acres it will be. Now, my position would be maybe it's not those 50 acres. That's a thought question that I'll pose to the Planning Board at

another time, but, I don't think – unless the applicant were to concur, that we could say, 'Your project needs to be 30 acres.'"
Mr. Bibler: "So, the size and the location is – those are traditional plan elements, and it's your position that the Town Council, by virtue of passing a zone ordinance, a zoning ordinance, has cemented these plan elements – it belongs here, and it's 53, and no less, unless he wants to volunteer to make it smaller, etcetera. Those are, effectively, rights that've been conferred upon them, right?"
Mr. DiOrio: "You and I have had this discussion previously, although not on this application, that, unfortunately, the Town Council, at the time, engaged in some Planning Board roles, that, well, I, I can't undo, as a Planning Board member. As much as I might not like it, that was a done deal."
Mr. Bibler: "And I know – the reason I'm asking this – I know the Solicitor has said, in the past, you know, that the, that this issue was, um, adjudicated and settled in Superior Court, and the reason I'm raising it is not because I want you to undo what the Town Council did. I'm trying to figure out where your authority begins and ends. The reason is because the suit in Superior Court was dismissed for failure to file on a timely basis, and for lack of standing, but, in terms of the merits of any of the arguments, these arguments, that we're having right now – those were not adjudicated, okay? But, and what I'm asking is, what I was concerned about, is the Planning Solicitor's advice to the Planning Board, and whether the Planning Board was, is understanding it correctly, and I'm understanding it correctly, so, I guess my answer is, unless the Solicitor disagrees, that, if this applicant wants to do 53 acres, and the Planning Board feels that 33 would be more appropriate, um, the Planning Board is powerless to make that, um, stipulation. That's what you're telling me, right?"
Mr. DiOrio: "That would be my position – unless the Solicitor would like to weigh in with a contrary position."
Ms. Hogan: "The only thing I would add is that, in the event that another permitting agency does not permit the, um, clearing of that much of the property, uh, they would have the ability to reduce the size of the project. So, if there's a wetlands clearing issue, or there's a special habitat, or an endangered species, or something of that nature, that's out of our jurisdiction."
Mr. Bibler: "Right."
Ms. Hogan: "And if that entity undertakes it, it undertakes it."
Mr. Bibler: "Is this not a permitting agency?"
Ms. Hogan: "Yes, this is a permitting agency."
Mr. Bibler: "So, this would be another permitting agency that -"
Ms. Hogan: "Another per-, permitting agency other than the Planning Commission."

Mr. Bibler thanked Ms. Hogan. Mr. DiOrio thanked Mr. Bibler, and asked if there were any other members of the public who wanted to comment on the proposal. Steve Cabral, of Crossman Engineering, appeared before the Board. He was responding to Mr. Johnson's comment about the berm. He said that he understood that an abutter's primary concern was "the concept of screening", and that Mr. Johnson "was concerned that the presence of a berm may impact storm water". As such, Mr. Johnson had been working with the applicant to "look at alternatives in lieu of a berm." Mr. Cabral stated that when it came to screening, in the "long run, there's really nothing better than a well-landscaped berm, in combination with evergreens." He said that if Mr. Johnson's "concern is also drainage", he would not "quickly give up on the berm." He said that there were a few options, "such as putting a series of culverts beneath the

berm". He encouraged Mr. Johnson to not "give up on the berm, because once it's vegetated – and you can still have the evergreens", the Johnsons would be in a "better position." He then said that their firm had "just started the peer review", but that it was his understanding that the applicant was not ready to discuss their initial comments. Mr. DiOrio thanked Mr. Cabral. He then asked if there were any other members of the public who wanted to comment. There were not any other members of the public who wanted to comment at that time.

Mr. DiOrio then turned to Mr. Lamphere on the topic of a continuance. Mr. Lamphere explained that, as Crossman Engineering had just begun their peer review, and there appeared to be "quite a bit of work to do on it, before they come back to the Planning Board", he would suggest that the Board continue the Public Informational Meeting to the February meeting. He said that he didn't think the applicant would be ready for the December meeting, and that he was not sure if they would even be ready in January. He suggested that the applicant return in February, when the Board could "really flesh this out, thoroughly". He said that, at that point, the Board could think about what they wanted "to do with the decision" that they were "inching towards". He said that there were "so many issues that need to be fleshed out here", and that the December meeting was "jammed up" already. He said that they would be "wasting everybody's time" if the applicant returned for a five-minute update, and that they should wait until "something's ready to get acted upon". He said that he would "say the same thing about the next application as well". He reiterated that he thought that the Board should continue the "Public Informational Meeting to the February meeting", and to extend the decision period to "a week or two beyond" the meeting. Mr. DiOrio asked the applicant what they thought about that idea. Mr. Craven stated that he had discussed that with Mr. Lamphere earlier that day, and that it was acceptable to them. He asked Mr. Craven if he would "be prepared to extend the decision period, too", to February 9th. Mr. Craven replied that he was "agreeable to that."

Mr. Prellwitz made a motion to continue the Public Informational Meeting to the February 2nd meeting of the Planning Board at 6:00 p.m., at this location. Mr. DiOrio asked for a second. Ms. Shumchenia said that they would need to extend the decision period to the 9th, as discussed. Mr. Prellwitz amended his motion. It was seconded by Ms. Shumchenia. There was not any further discussion.

In Favor: DiOrio, Prellwitz, Light, Shumchenia, Pennypacker
Opposed: None.
Abstain: None.

5-0, the motion passed.

Mr. Craven stated that the applicant had put up "16 photographs of the view scape, as you look from the fields out into the neighborhoods." He said that they had waited until the leaves fell, and that was "the fairest way of determining what people can see and not see". Mr. DiOrio thanked him.

Master Plan – Public Informational Meeting – Major Land Development Project – <u>Atlantic Solar</u> – Plat 7, Lot 32, Plat 10, Lot 87, Plat 11, Lot 35, 0 Main Street. Atlantic Solar, LLC., applicant.

Mr. DiOrio explained that he was going to recuse, and Mr. Prellwitz served as the Chair. Mr. Craven appeared before the Board again. He said that when they had appeared before the Board previously, they "had presented [their] case, preliminarily, through Sergio Cherenzia". He said that he was "not certain" about whether or not the Board had finished asking their questions, or if "any significant questions were asked" by the public. He reintroduced Mr. Cherenzia, who had some "handouts and maps" for the Board. Mr. Prellwitz thanked Mr. Craven. Mr. Cherenzia spent the next few minutes arranging material on various easels in the Chamber. Mr. Craven explained that the two maps were identical, and that the handout was a "smaller version" of the maps. Ms. Hogan interjected that she had received a text message from Jeff Frenette, the Town's IT professional. She explained that he had said that "people at the podium must speak to the mic" so they could be heard. They spent the next few minutes testing the microphone. Mr. Cherenzia then appeared before the Board again.

He stated that he had given "a very brief testimony" at the last meeting, and that they had "made some very minor" changes to their project since then. He said that they were reflected on the plans that he had just shared with the Board. He said that, "for the most part", the project had not "changed substantially" in terms of size, location, or density. He said that the areas demarcated in red were where they were "contemplating, uh, changes", and that one of the "areas is a revised driveway access layout", while another was a "revised drainage" modification, which depicted a "50-foot setback, um, to the property line, keeping everything – keeping all of the site amenities that support [the] solar array, uh, outside of that." He said that Denise Cameron, of Woodard & Curran was available, and stated that she was "much more closely" involved in the design of the project. He then reiterated that, "for the most part, generally speaking", the "areas that have changed have to do with drainage." He continued.

Mr. Cherenzia: "Uh, there's a conveyance, uh, swale, um, along the southerly, uh, property boundary, adjacent to I-95, which will be used to collect and convey storm water, and, uh, if the previous proposal was to go to a storm water basin, um, they're working, the – Woodard & Curran is working on refining the drainage to this potential scenario, and you'll identify it's an organic filter. Um, these are just different means and methods of, uh, adequately, uh, capturing and treating, uh, storm water on the site, um, and, uh, will be fully reviewed and vetted by Rhode Island Department of Environmental Management, through a DEM [Department of Environmental Management] Wetlands RIPDES [Rhode Island Pollutant Discharge Elimination System] permit."

He said he would be happy to answer questions from the Board or the public, and that Ms. Cameron was available to respond to "any detailed questions regarding the storm water management on-site." Mr. Prellwitz thanked him, and asked the Board if they had any questions for Mr. Cherenzia. Ms. Light asked Mr. Cherenzia what a "trash rack" was. He replied that "if there's any type of debris or trash that, uh, enters into the, uh, the basin for any reason, the rack will, um, stop that from, uh, exiting the basin, and into the wetlands." He said that it would get "cleaned on a periodic basis", and that it was mostly used to keep debris from clogging the drainage basin. Ms. Light then asked about the 18-foot access drive. She said that that was "going to have to be widened by a couple of feet, right, to 20" feet. She then asked if there was "an issue with" making the access drive 20 feet. Mr. Cherenzia said that he did not know what the required width was, and turned to Ms. Cameron. Ms. Cameron stated that they were

"proposing an 18-foot wide road", but that they were "certainly open to comments from emergency access", and that they would "consider a request if, uh, they felt it necessary". Ms. Light replied that she thought it was "pretty standard in the community for these types of projects – that they look for 20", but that the emergency personnel would let the applicant know if that was not workable. Ms. Light then referenced Condition 14, which included language about removing panels to "increase the distance to the resident and add an eight-foot berm with eight-foot arborvitaes." When she did not hear from the applicant, she said that they could return to that. Once the applicant identified the parcel Ms. Light was referring to, Ms. Cameron asked Mr. Cherenzia to "point out the location of the proposed berm" that was featured on the plans. Mr. Cherenzia explained that there was a "proposed berm just south of that lot", and that it was "about 10 feet tall right now". Ms. Light replied that she could see that. He then stated that the applicant had been "in conversations with that, uh, owner", and he believed that that abutter would "rather not see the berm", but he didn't want to "speak for them". He said that, as it stood, "that berm is approximately 10 feet tall with vegetation on it." Ms. Cameron chimed in that it was 8 feet, and Mr. Cherenzia clarified that it depended "on where you measure it from", but that, for all intents and purposes, 8 feet was correct. He said that the berm would be planted, and that that was "reflected on our landscape plan". He said it was "going to create that same effect" that they had "proposed previously, of a visual barrier." He continued.

Mr. Cherenzia: "If we can reduce the height of that, uh, berm, or eliminate it and still get the, the effect of the visual barrier, um, I think we'd be open to that, but we wanted to put our best foot forward, I believe, uh, with that berm, in that area, to protect that neighbor from, uh, from, from the view scape."

Ms. Light replied that if the berm was something that the applicant was "going to get rid of", it would be hard to do "because it was a Town Council requirement – uh, and only because we just went through this with the other project." She said she "wanted to make sure that that's the direction" that they were "heading in". She noted that there were "several times", when she was going through the packet, "beginning in Section 2.8" that a historical review was "gonna be undertaken". She cited a letter to the Rhode Island Historical Preservation and Heritage Commission, which referenced a "review of known areas of historical significance on the project". She asked if that was "something that comes at a later date", or if that was "in process." Mr. Craven replied that it was "in process right now", and that they were working with unidentified Narragansett Indians to accomplish it. Ms. Light then had a question about the "interconnection agreement", which was "to be finalized in Quarter 1, 2021", which had passed. She continued.

Ms. Light: "So, with the delays that you guys have seen, where is that at right now?"

Mr. Craven replied that they would have to ask for an extension. Ms. Light said that those were her only comments. Mr. Prellwitz thanked Ms. Light. Ms. Shumchenia had a question.

Ms. Shumchenia: "Um, on this, this plan handout that you just sent, I see one label for a hundred-foot structure setback from property boundary abutting residential zone, labeled here, sort of in the bottom right corner of the plans. Um, I'm just wondering if that 100-foot structure setback from the property boundary abutting the residential zone is held throughout here. I see

several other labels that mention a 25-foot setback, um, and, you know, it's kind of small, so I can't really tell if the distance is the same, but I just wanted to ask if that's true for the entire boundary."

Mr. Cameron replied that the 100-foot setback was "applicable because you are adjacent to a residential, um, property, and there's a small, triangular, um, property – not buildable because it's so small and isolated, but it is technically part of a residential zone, so we applied that hundred-foot setback from that triangular parcel." She said that that was "why it varies, depending on whether or not you're adjacent to a residential parcel." Ms. Shumchenia replied.

Ms. Shumchenia: "The whole thing's adjacent to a residential zone, right, but this is like, embedded in a residential area."

Ms. Cameron asked Ms. Shumchenia where she was seeing a different setback requirement. She said she was referring to a label that was "kind of like, in the middle of the page" which said "25-foot side setback". Ms. Cameron said that that was correct. Ms. Shumchenia then said that there was "another one to the left of that, that says '25-foot side setback'." Ms. Cameron responded.

Ms. Cameron: "That is because there is a 25-foot side setback, but there is, in addition to that, a 100-foot setback when adjacent to residential. So, I'm a belt and suspenders kind of engineer, so we show them both, but we apply the, uh, the more restrictive one, which is what we've put in this site."

Ms. Shumchenia replied that she would "just recommend clarification in the labeling, then, that that's actually a hundred-foot setback from the structure." Ms. Cameron replied that she would be happy to add an explanation. Ms. Shumchenia thanked her. Mr. Prellwitz asked if there were any other questions from the Planning Board for that expert. When he did not hear from the Board, he asked Mr. Cherenzia if he had anything else to present. Mr. Cherenzia said that he did not, and turned it over to Mr. Craven. Mr. Craven explained that there were other experts that they were going to present. George Gifford, with the Gifford Design Group, appeared before the Board. Mr. Craven asked Mr. Gifford what he did for a living, and Mr. Gifford replied that he is a "licensed landscape architect". Mr. Prellwitz asked him to identify himself for the record, which he did. He then reiterated his qualifications. Mr. Craven asked him how long he had been in his line of business. He replied that he had received a degree from Rutgers University in 1982, and that he started his own firm in 1993. Mr. Craven asked him what his degree was in, and Mr. Gifford replied that it was in environmental planning. He then asked Mr. Gifford if he had any other degrees. Mr. Gifford responded in the negative. Mr. Craven then asked if Mr. Gifford had been "licensed by the State of Rhode Island." Mr. Gifford replied that he was, and that he had been since 1984. Mr. Craven asked Mr. Gifford about his license. Mr. Gifford stated that he was a licensed landscape architect. Mr. Craven asked if Mr. Gifford had ever appeared before any Boards or Commissions in the State as an expert witness. Mr. Gifford replied in the affirmative. He then asked if he had appeared as an expert in any courts. Mr. Gifford again replied in the affirmative. Finally, he asked Mr. Gifford if he qualified as an expert in his field. Mr. Gifford replied in the affirmative for the third time. Mr. Craven then asked the Board to accept Mr. Gifford as an expert. Mr. Prellwitz told them to proceed.

Mr. Gifford explained that, for this project, his job "was really very practical." He said that the landscaped berm that Mr. Cherenzia had referenced was "one element" that they focused on, and that they had also "focused on preparing some plantings for, um, a required storm water that, um, needs some native plantings, as stipulated by the Rhode Island Department of Environmental Management, which is one of the elements of that storm water basin." The third thing that he focused on was "specifying some seed mixes to ensure that upon, uh, full germination of these mixes, that the entire site would, eventually, become – the soils would eventually become stabilized." He explained that the first sheet of the plan was the "key plan sheet", and that it "orients the site". He said that they had displayed the view in the same way that Woodard & Curran had, "with Main Street at the top of the sheet and Route 95 at the bottom of the sheet", and that it identified the two areas he had just mentioned – the berm and the "storm water structure that requires specific types of plantings", which had been stipulated by the Department of Environmental Management. He reiterated that the berm was eight feet high, and that it would be an earthen berm. He said that they had specified "actually a mixture of evergreens on the top of this berm, which includes arborvitaes, as required by the zoning Ordinance – however, it is a healthier and more appropriate situation to specify a mixture of trees rather than just one species". He said that they had picked a "type of arborvitae that is deer-tolerant, and then went with three other evergreen varieties that are even more deer-tolerant than the arborvitaes are." He said that they had also proposed "some native understory and some flowering trees" for the berm as well. He then described the storm water basin, which was "to the northeast of the site." Mr. Gifford explained that they had chosen plantings that were on a "listing suggested by" the Department of Environmental Management, "so these are all native plantings", which were a "mixture of shrubbery and, uh, and native trees that serve to help to, to, uh, cleanse the water, uh, before, before the, when water percolates into the soils." He then stated that the third sheet featured the seed mixes that would be used on-site, which was the "primary reason for the preparation of this plan." He continued.

Mr. Gifford: "We've proposed three different seed mixes. The vast majority of the site is gonna be stabilized with what we call a meadow mix, and this is simply a very hardy, uh, uh, drought-tolerant mix that will be distributed throughout the solar array as a whole, and then, within the, a storm water basin, adjacent to Route 95, this area, uh, is gonna be temporarily inundated during the storm events, so we wanted to make sure we had a, uh, herbaceous mix in there that can tolerate wetter soils than what we're gonna find, uh, throughout the site as a whole. And then the third mix that we proposed goes on the, the berm. You'll note in the Ordinance, the Council approval that the, that there's a requirement to include a pollinator habitat, and what we have decided is that the most logical portion of the site to introduce a pollinator habitat is on the berm, and they also did this with Skunk Hill, incidentally. Um, so, the seed mixture that we're proposing on the berm has, a, uh, uh, vast variety of herbaceous plants in it, that provide, uh, some nectaring opportunities and also foraging opportunities because, of course, pollinators don't just jump from flower to flower, but they also feed and reproduce in the foliage, uh, within the habitat itself. So, um, it seemed appropriate to, to identify the berm as the pollinator habitat area, because this is an area that we could isolate, that would be cut on a very limited basis. In fact, we specify in the plan that it would only be cut once per year, and that the vegetation, when it gets cut, remains in place and just lies down and stays on the berm, where it can reseed for, for subsequent seasons."

He said that that completed his "explanation of the landscape plan", and that he was "available for any questions." Mr. Prellwitz thanked him, and then asked the Board if they had any questions. When he did not hear from the Board, he asked if there were any members of the public who had comments. Mr. Bibler appeared before the Board.

Mr. Bibler said that he was "having trouble, because of the scale of it, deciphering one aspect of the plan." It related to the Plat 10, Lot 86, which "abuts the entrance from the road". He continued.

Mr. Bibler: "And, uh, that's where the driveway comes in, and at one point in time, the poles were on the plan on the side of the road closest to Mr. Ward, and I believe they might have been mo-, moved to the other side of the road, but the, the thing I wanna just, uh, verify is, um, are the poles, the ac-, are all the structures in this, uh, plan at least 100 feet from the residential boundary of Mr. Ward's house, including the poles and any other structures, because that's our Ordinance – 100-foot setback between, uh, commercial structures and the residential boundaries, so I would just like to verify, because I can't really read the plan very well."
Ms. Cameron: "So, the distance from the regulatory wetland to the property line is, um, roughly, 100 feet, so, for portions – as you immediately enter at the site, um, you are within that area, however, you'll notice that the road quickly curves as soon as possible, following those contours to maintain that, and that was consistent with the, um, uh, plans presented during [unintelligible]."

Mr. Bibler replied that he was "still confused", as Ms. Cameron's response was about the wetland buffer, and he "didn't hear [her] say that the structures, including the poles are a hundred feet from the property line". He asked if it was "true or false" that the poles were within the hundred-foot setback. Ms. Cameron replied that "there is a portion of the road and the poles that are within the 100-foot setback as shown on the drawings", and this was because "there is no area that is not within that hundred foot between the wetland buffer and the property line." She said that it was consistent with plans that had been presented previously. Mr. Bibler asked Ms. Cameron "to what extent the – how close is the nearest structure to Mr., uh, Ward's property", and how much they were "invading that hundred-foot boundary". Ms. Cameron replied that it was "shown graphically", but if they were going to be "getting down to counting feet and inches", she would "prefer to actually measure it and get back to you with an accurate measure – but it's shown to scale". Mr. Bibler asked if it was "closer to 20 feet or 5 feet", and Ms. Cameron asked the Board if they wanted her response. Mr. Prellwitz replied that he was "happy" with Ms. Cameron's answer – that she would "like to actually go measure it and come back with hard figures", as "measurements don't lie." Mr. Bibler then said that he had wanted to know if a wetland crossing would be a possibility. He said he knew that that would be "more expensive", but that "the Ordinance is meant to, um, to, uh, guarantee that the property owners, the residential property owners won't be impacted by a commercial structure that abuts their site." He continued.

Mr. Bibler: "I understand that it's, uh, the developer doesn't, can't invade the wetlands with the road, but I, I question whether the solution is simply to waive the rights of the residential property owner who abuts, and make use of the hundred-foot, uh, span to build their road and put in their poles. That Ordinance is meant to protect Mr. Ward and other residential abutters who

don't want this aspect, and I, I question whether the developer has the right to just, you know, choose what the developer believes to be the best option here. Thank you."
Mr. Prellwitz: "Now, in my foggy, dusty memory, I seem to remember, in the last proposal, the poles are the jurisdiction of National Grid, not, not the developer, so -"
Mr. Bibler: "These are the polls that go from the solar field to go, connects to the grid. They're the service poles."

Ms. Cameron asked if she could speak to that issue. Mr. Prellwitz said that she could. Ms. Cameron explained that "the poles that you see are associated with the interconnect, and are the requirements for National Grid." She continued.

Ms. Cameron: "After those poles, then it transitions down to underground, uh, so that is consistent with the previous application, with the same approach that we used here."

Mr. Prellwitz thanked Ms. Cameron. Ms. Light asked a question about the poles.

Ms. Light: "Where those poles are placed – National Grid is going to tell you."
Ms. Cameron: "Correct."
Ms. Light: "So, you – they can say, 'You need five.' You can't say, 'No, we want four.'"
Ms. Cameron: "Correct."
Ms. Light: "Okay."

Ms. Cameron explained that it was her understanding, as a civil engineer, "working in the solar industry for a while, it's always been National Grid that dictates those interconnection requirements, including poles and equipment." Ms. Light added that it was the Department of Environmental Management who would be responsible for dictating "behavior around the wetlands", and Ms. Cameron nodded in agreement. Ms. Light stated that "these issues are slightly out of the control of the developer – and the engineers." Ms. Cameron nodded in agreement again. Ms. Cameron and Ms. Light thanked each other. Mr. Bibler asked if he could return to the podium. Mr. Prellwitz replied that he could. Mr. Bibler approached the Board again.

Mr. Bibler said that he would be "interested in, um, having the Planning Solicitor, uh, consider this question, and advise the Planning Board accordingly, because, uh, one of the findings of the Planning Board has to be that the plan that is presented and approved by you - you have to make a positive finding, that the plan that you approved, um, is consistent with all of the Town Ordinances." He continued.

Mr. Bibler: "It's a Town Ordinance that the structures must be, you know, a hundred feet away from the residential property line. Now, clearly, this does not satisfy the Ordinance. I don't know – I'm not an attorney – whether National Grid has eminent domain or some other, you know, exception to that, so that's why I'd like the Solicitor to, uh, advise the Board whether or not, um, the Board really has the latitude to, um, approve a plan that doesn't satisfy the Town Ordinance, and the solution, it seems to me, should be that the developer has to find some way to satisfy the Town Ordinance and National Grid – but I don't think it's appropriate for residents and abutters to waive their rights to this, uh, protection of this Ordinance, but I will leave that to the Solicitor to consider the question, and maybe get back to us all. Thank you."

Mr. Prellwitz: "As I'm understanding, being a layman and all, and not an attorney or engineer, the young lady who's the engineer said that where it becomes the jurisdiction of the developer, they will be underground. Am I correct in that assumption? Did I hear that correctly?"

He asked Ms. Cameron to return to the podium. She replied that "as soon as the National Grid would allow an underground line, it will become underground." Mr. Prellwitz thanked her. Ms. Light added her "layman perspective."

Ms. Light: "If the Ordinance that was, uh, voted on by the Town Council did not take into consideration what National Grid or DEM [Department of Environmental Management] is going to dictate for this site, is the developer required to follow the Ordinance, or the law?"

Ms. Hogan replied something unintelligible. Ms. Light continued.

Ms. Light: "In the way I'm reading it, is, uh, the Town Council – these presentations, the discussions – all this interaction, to finally get the approval from the Town Council, didn't take into consideration what National Grid is gonna dictate, or what DEM [Department of Environmental Management] is gonna dictate, as far as where the wetlands are and where the poles are gonna go, so, they don't have – the Town Council didn't have the specific details to say, instead of a hundred feet, it has to be 95. You know what I mean?"

Ms. Hogan responded that she thought that Mr. Bibler's question was "directed to the section of the Zoning Ordinance – it talks about the distances of structures from property lines." She said that his question was "whether or not utility poles qualify as 'structures' under that, um, section of the Ordinance, and that's something that we can, uh, inquire of our Zoning Official, to have him opine as to whether or not, uh, utility structures, utility poles qualify as 'structures' for the purposes of that particular setback." She said that they would "do that." Mr. Prellwitz thanked Ms. Hogan. Mr. Pennypacker asked if he could add some comments. Mr. Prellwitz let him.

Mr. Pennypacker: "Um, because fences are a structure that are required as part of these installations as well, does our Zoning Official believe that fences, in the context of solar installations, are structures?"

Ms. Hogan replied that they could ask that question as well. Mr. Bibler interjected from the audience, but because he did not approach the podium, it was difficult to hear him. He mentioned that the Board should ask the Zoning Official about roads. Mr. Prellwitz then called on a member of the audience who had raised their hand. It was Jason Tefft. Mr. Tefft explained that there was a "pre-existing path from, uh, Route 3, going into this project", and the Board would "see that on the site walk." Mr. Prellwitz thanked Mr. Tefft. Mr. Tefft returned to his seat. Mr. Prellwitz asked if there were any other questions or comments. When he did not hear from the audience or the Board, he turned to Mr. Craven and asked to move on to the applicant's next witness. Mr. Craven replied that they could. Mr. Tremblay appeared before the Board again. Mr. Craven stated that Mr. Tremblay had "an initial presentation", and said that he was going to begin by asking Mr. Tremblay about his degrees and expertise. Mr. Craven asked Mr. Tremblay if he had a professional license. Mr. Tremblay replied in the affirmative, and said that he had a national certification as a certified forester. Mr. Craven asked Mr. Tremblay if he had served as an expert

in the field in the past. Mr. Tremblay replied in the affirmative again. Mr. Craven asked if he had appeared before Boards and Commissions. Mr. Tremblay replied that he had appeared before the Hopkinton Planning Board, amongst others. Mr. Craven then asked if he had appeared as an expert before the courts. Mr. Tremblay replied that he had. He asked if he had appeared before the Federal Courts. Mr. Tremblay replied in the negative. Then, Mr. Craven asked Mr. Tremblay what a forester does. Mr. Tremblay explained that, as a consultant, his clients were farmers, wood lot owners, and the like, and that he would help "them with written forest management plans". He explained that some of his clients qualified for the Farm, Forest, and Open Space program, and that he would help "landowners implement those plans by marking trees for harvest, thinnings, uh, implementing wildlife habitat projects on the property, controlling invasive plants, etcetera." He said that "some of that work takes place with the USDA [United States Department of Agriculture], Natural Resource Conservation Service", and that he was a "service provider for that". He said that most of his work was meeting "one-on-one with these forest landowners". He said that he is also a licensed arborist, so he is also involved in "tree damage appraisal". Mr. Craven stated that Mr. Tremblay has been asked to "opine on both, uh, the removal of any trees, and the habitat that associates itself with this land." Mr. Tremblay began.

Mr. Tremblay stated that he had "prepared a forest assessment for the Board", and he explained that it had been "actually prepared, like, three years ago". He said that it was "a review of the forested conditions of the parcel", and it was used to identify "unique habitat types that might be on the property". He said that the clearing that would take place on the site would be occurring in the "upland areas", and that it would "not directly affect" the wetlands. He stated that he looked "at the property as a whole", and studied "where it fits into the landscape", including what is surrounding or abutting the subject parcel. He said that after that, he would "zoom in on the property itself". He explained that he would "go out in the woods and just do an assessment of inventory of the trees that are out there". He said that he wouldn't "count every tree", and that they would use "sample plots throughout the woodlot", and "formulas that allow us to determine just how many, how many trees, per acre, there are, their average diameters". He said that he would "make note of any large trees" on the site, or "any unique species". He said that the site was a mostly "rocky, upland site" with upland oaks, scarlet oaks, some northern red, and a few chestnut oaks. He said that he "made note" of those variables in his report, which also included a topographical map and a soils map. He stated that he broke the report into "a couple of different cover types, and unique areas or stands that, um, have similar, uh, characteristics." He then asked if the Board had any questions. Mr. Prellwitz replied that he thought that Mr. Tremblay had "pretty much covered everything", but asked the Board members if they had any questions. They did not. He then asked if anyone in the audience had questions for Mr. Tremblay. When he did not hear from anyone in the audience, he turned to Mr. Craven. Mr. Craven said that he thought that that was all of the testimony that they had at that time. He said that if the Board had any further questions, the applicant's witnesses were available.

Mr. Prellwitz asked Mr. Lamphere and Ms. Hogan if the Board was "at the stage to call for a vote on this Master Plan approval". Mr. Lamphere indicated in the negative. He encouraged the Board to "order a peer review" on the project, like they had done for the Skunk Hill solar project, and to continue the matter to the February 2nd Planning Board meeting. He said that that would give the Town's engineering firm, Crossman Engineering, enough time to review the material

that had been submitted by the applicant and provide a "comprehensive analysis". He then suggested that the Board should extend the decision period for the project as well. Mr. Prellwitz asked if they needed to make a motion to send the project to peer review, or if they could "just request that." Mr. Lamphere replied that it should be a motion.

Ms. Shumchenia made a motion to request peer review from Crossman Engineering on all aspects of the project, continue the Public Informational Meeting to February 2nd at 6:00 p.m. at this location, and extend the decision period to February 9th. It was seconded by Mr. Pennypacker. There was not any discussion of the motion.

In Favor: Light, Wayles, Prellwitz, Shumchenia, Pennypacker
Abstain: None.
Opposed: None.

5-0, the motion passed.

Mr. Prellwitz then stated that Ms. Hogan had informed him that a site walk of the property could take place on the 13th of November. Ms. Jalette appeared before the podium to explain that she had been arranging a marathon of site walks for the Board with Mr. Tefft, beginning at 9:30 a.m. and extending into the early afternoon. The Board discussed if they were available. Ms. Shumchenia was the only member with a conflict. She stated that they would work to create a schedule for the site walks.

NEW BUSINESS:

Second Pre-Application – 5-Lot Minor Cluster Subdivision – Fairview Residential Cluster – AP 28, Lots 113 and 113B, 0 and 46 Fairview Avenue. Brushneck Cove Investments, LLC., and S&L Family Properties, LLC., applicants.

Mr. DiOrio returned to his role as Chair. David Johnston, the attorney for the applicants, appeared before the Board. He explained that they had submitted an application for a cluster subdivision on property with a total area of 494,400+ square feet. He said that the density calculation yielded 5.41 lots, so they were asking for five, "which encompasses the existing property at Fairview Avenue, as well as four additional lots", which would be located "to the rear." Mr. Johnston explained that "several revisions" had been made to the plan since the applicant's first Pre-Application meeting, "most notably to the road and its proximity to" the adjacent parcel, Lot 113A. He said that they would "rather move the road, and shorten it, to give a, a full 100-foot buffer to Lot 113A", though they still did "require a reduction in that buffer, uh, to Lot 114", as that lot abutted the subject parcel "directly." He said that the driveway ran along the property line for Lot 114, and that there was a "small encroachment" onto Lot 113 from Lot 114. He said that his proposal was "to move the driveway, uh, 50-foot right of way for that driveway, uh, 40 feet, uh, away from Lot 114". He said that there would be a 20-foot private driveway connected to the 50-foot right of way, and that it would turn away from Lot 114 to create a "full 60 feet" of buffer between the pavement and the property line. He said that there would be a "small, uh, swale" that would work as a "retention basin for storm water runoff for that small area". He reiterated that there would be a "private driveway, uh, with a small swale"

and a “natural buffer”, which would be “50 to 40 feet”. He said that the other change that they had made was that they “reduced that overall area slightly” on proposed Lot E to remove “the property line completely from the wetlands.” He said that it was “close to it, but it was removed, um, from the wetlands” in response to “comments made by some members” of the Board. He said that there were some other points that he wanted to note. He said that there was a “hundred-foot buffer here on the existing property, at 46 Fairview Avenue, uh, as it becomes part of that compound”, and stated that they would “need some relief from that there.” He explained that they were “proposing a no-cut buffer to, to codify, and deed restrict the current brush line”, which could be seen on the plans, and that they had “dropped in here a line at 50 feet”, which would be the “no-cut buffer to buffer, uh, 46 Fairview Ave”.

Mr. Johnston then said that they were able to “yield additional open space”, and that they were “slightly over 50%, uh, total open space”. He stated that he had sent the proposed plan to the Land Trust, as the subject parcel abut property owned by the Land Trust, but that he had not heard back from them. He said that there was “some preliminary interest, at least, in working with the Land Trust, on combining those open space areas.” He said that he had spoken with the owners of Lot 114 “at some length regarding this, moving that driveway over, uh, and the proximity to them”, and that they “indicated they’re comfortable with the, the proposal”, and that he “would anticipate” that they would appear at a meeting or produce something in writing for the Preliminary plan application. He stated that the owners of Lot 114 were the “most impacted neighbor”, and he felt that they had modified the plan “slightly to achieve some of their goals as well, which is, more or less, a lack of impact, um, on their property and their life”. He then stated that that was all he had to present at that time, due to the late hour, and that he wanted to “more or less open the discussion with members of the Board for any comments and feedback”. Ms. Light joked that the Board would be there until 10:00 p.m., so “no rushing beforehand.” Mr. DiOrio had some comments.

Mr. DiOrio began by stating that he appreciated that the applicant was “attending to some of the previous comments” that had been made by the Board. He then brought up a procedural issue, which was that it appeared that there were missing sheets, as there were references to “Sheets 3, 4, and 5”, but they were not in his packet. He said that they seemed “to speak to the drainage issues”. Mr. Johnston replied that the plans came in three-sheet sets, and explained that Jamie Sardelli, the surveyor for the project (who was not in attendance), had left a “typo” in the plan set, and that those sheets did not exist. Mr. DiOrio said that it wasn’t a problem, and referred to it as a “copy-and-paste” error. Mr. DiOrio then said that his “primary concern has to do with this proposed detention basin at Fairview Avenue.” He continued.

Mr. DiOrio: “So, that is not something that I’m impressed with. Uh, I know of many projects in Town where we have a road entrance adjacent to a pond. That is not attractive, and so, I might respectfully request that that go away. Now, that said, I fully appreciate that you must have some drainage structure in that area, so I would like to respectfully request that, in subsequent designs, your engineer consider some type of subsurface drainage facility.”
Mr. Johnston: “Sure.”
Mr. DiOrio: “So we can lose that whole mosquito pit right at the entrance to, uh, right, right at a Town road.”

Mr. Johnston replied that he understood, and said that that reminded him that they had collected "some, uh, soil samples" that were reviewed by biologists associated with American Engineering. He stated that they had reviewed the samples "in conjunction with the, uh, uh, area of the road" and the subject parcels, and that they had done "some site work" which was "very preliminary, rudimentary, regarding the new parcels" on what the site was going to look like. He said that the data from American Engineering gave them "these rough areas to work with", and that they were working with a "high degree of confidence" that those conditions were likely. Mr. Johnston said that the applicant would "look at subsurface", as they would not be able to pitch the road due to the topography of the site. Mr. DiOrio said that Mr. Johnston understood his concern, and said that his one other comment was related to the encroachment onto the subject parcel from the abutting property. Mr. Johnston explained that there was a "36-foot encroachment for the garage", and that they granted the abutter "an easement over that portion of it". Mr. Johnston explained that the abutter had a "title issue, purchasing their property, uh, because of that encroachment", so they granted the easement. He reiterated that it was a "36 square foot encroachment", which was included in their Land Unsuitable for Development calculation for the total yield. He said that, on the full-sized plans, the area they were discussing was "very small", and in an area that was "very cluttered". He said that they could have a "separate sheet made", as they had had that area "blown up" on a map when they were creating the easement, which would provide "more clarification regarding that." Mr. DiOrio replied that he would have made "that problem go away as a result of this project". He said that it seemed that Mr. Johnston had "already started the wheels turning", and that an "easement is certainly a step in the right direction", though "a conveyance would have been much cooler". He said he was not sure if Mr. Johnston was "prepared to do that" – provide a conveyance around the garage, and Mr. Johnston replied that it was "very narrow". He said that if they had "adequate space and adequate frontage", they would consider moving "that over, that 18 inches, roughly". He said that they had discussed doing that "once we came through this process", and suggested that it could be done as an Administrative Subdivision. Mr. DiOrio said that if they could "resolve that as a component" of the process, they would "be doing the whole world a favor", but that if that was not possible, that would be okay, too. Mr. DiOrio's last comment was on the 100-foot buffer, which was not surrounding the entire site. He said that he realized that "the Planning Board has some latitude there", but that he would "raise the question as to whether you would need to request a waiver from the regulation for our relaxation of that element." Mr. Johnston replied that his reading was that the "Planning Board could, in its approval, reduce, versus it being a, a waiver or a variance", but that he would want to confer with the Solicitor before he "answered that with any certainty". Mr. DiOrio said that he did not mean to put Mr. Johnston on the spot, and said that he would just "raise it as a concern". He explained that if Mr. Johnston needed "to make a formal waiver request", that that request "should be part of your application process earlier in the game." He said that Mr. Johnston could confer with the Solicitor on the topic. Mr. Johnston said that that discussion would take place before the Preliminary Plan was submitted. Mr. DiOrio concurred, as the discussion "could change the nature of the subsequent applications". Mr. DiOrio asked Ms. Hogan if she was amendable to that, and she said that she was.

Mr. DiOrio then stated that those were his questions for the applicant, and asked the Board if they had any "other thoughts". Mr. Prellwitz said that he did not have any. Ms. Hogan said that she was "working from the electronic documents" on the Town's website, and that what was on

file “has many, many layers turned on”, which made it “very confusing, very, very difficult to read”, despite the fact that she had “read a lot of plans”. She suggested that the applicant submit a “cleaner plan” in an electronic version so that could be posted to the website. Mr. Johnston replied that they would “add more sheets”, like a “very simple boundary line sheet, with the setbacks”. He said that he agreed with Ms. Hogan about the readability of the plan. He said that there were “a lot of dimensions”, and getting the title had been very difficult due to the number of deeds involved. Mr. DiOrio provided a “counter” for Ms. Hogan’s comments. He said that while he understood them, and agreed that the public deserved a “more skeletal version” for ease of readability, he appreciated that “folks that make maps are obligated to depict all kinds of data”. He said that he was “not really an advocate for eliminating things”, and that he would “much rather see” the applicant “keep that plan”, as he was “sure Jamie [Sardelli] knows that it complies with whatever surveyors need to do”, but asked to “have a simplified plan in addition”, which would address Ms. Hogan’s concerns. Mr. Johnston agreed. Mr. DiOrio said that if they could “make that a little bit easier to read”, everyone would benefit. Mr. Johnston replied that they would add a sheet that would simplify it, as well as include further information on “each parcel, especially along this front”.

Mr. DiOrio then turned to Mr. Lamphere, and asked if he had any comments. Mr. Lamphere said that the Board had the ability “to reduce that 100-foot buffer without actually asking for a formal waiver”, and that the Board had “already done it” on recent projects. Mr. Lamphere then said that he agreed with the Solicitor, in that he had had also had “an awful time trying to confirm the 257.59 feet” of frontage on Lot 113B, and that he was trying to find where the property line was. He asked if there was a right of way over the lot, or if the right of way was separate from the lot. Mr. Johnston replied that the “right of way is the lot – so, that 31 feet of frontage there is not a right of way – that’s the actual land, uh, out of the, out of the deed descriptions”. He said that he thought that he had included that in the narrative, but that it was not a right of way, but an “old cart path, frankly”. He reiterated that this parcel was part of a much larger parcel that had been carved down over time, and that he thought that the last piece that had been cut off had been separated in the 1940s or 50s. Mr. Lamphere replied that he wanted to know where the frontage for Lot 113B began and ended. Mr. Johnston asked Mr. Lamphere if he was talking about the proposed drive. Mr. Lamphere replied in the affirmative. Mr. Johnston said that that would be “part of the common space”, and he explained some of the lot lines that would be implemented. He said that the “right of way would not be over proposed Lot A – it would be adjacent to proposed Lot A.” Mr. Lamphere said that he had some trouble figuring out how the applicant had produced the amount of frontage that they claimed to have, and stated the measurements that were listed. Mr. Johnston replied that that was why he wanted the plans to be clearer. He said that they were going to move the lot line back, and that they would not need an easement over that line. Mr. Lamphere said he was still having trouble following Mr. Johnston, but that Mr. Johnston could follow up with Mr. Sardelli about it. Mr. Johnston said that he would make sure that Mr. Sardelli clarified the measurements. Mr. Lamphere asked if the right of way was the property line. Mr. Johnston replied that it was. Mr. Lamphere said that he wanted to “know the distance from where that radius hits, hits Fairview, and then goes over to Lot 113C.” Mr. Johnston said that he would clarify that with Mr. Sardelli. Mr. Lamphere then said that they were not at the point where the Board could order a peer review of the project, but, because he knew that the applicant “had a drainage issue here”, he would suggest that they submit to a peer review at the next stage. He said that he thought that it would be to Mr. Johnston’s advantage to have his

team meet with Crossman Engineering so they could return to the Board "with something that's engineered properly, so we don't waste a lot of time." Mr. DiOrio said that he agreed, and Mr. Johnston said that it sounded reasonable to him. Mr. DiOrio asked if there was anyone in the audience who wanted to be heard. When he did not hear from anyone in the audience, he turned to the applicant and asked if the Board had given the applicant everything that they would need to move forward. Mr. Johnston replied that he believed so. Mr. DiOrio and Mr. Johnston thanked each other.

SOLICITOR'S REPORT:

Ms. Hogan stated that the Revity appeal had been decided, and that "the Planning Board's decision was upheld." She said that the Zoning Board "issued a lengthy, 10-page decision" that she thought was "well-crafted". She said that they would "see what happens next on that." She said that in regards to the Stone Ridge at Hopkinton appeal, the oral arguments had begun. She said that the appellant spoke first, then she spoke, but there was "insufficient time for Mr. Landry" to present, so the proceeding was "continued to December". She said that it was progressing, but that she did not think that there would be a decision before January or February.

PLANNER'S REPORT:

Mr. Lamphere said that he did not have anything to report.

CORRESPONDENCE AND UPDATES:

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

PUBLIC FORUM:

There were not any members of the public who wanted to speak during Public Forum.

DATE OF THE NEXT REGULAR MEETING: December 1, 2021

ADJOURNMENT:

Mr. Prellwitz made a motion to adjourn the meeting. It was seconded by Ms. Shumchenia. There was not any further discussion.

In Favor: DiOrio, Prellwitz, Light, Shumchenia, Pennypacker
Abstain: None.
Opposed: None.

5-0, the motion passed. The meeting was adjourned at 8:50 p.m.

By: Talia Jalette, Senior Planning Clerk, 2-1-22 (Extension Request for filing minutes granted by the Planning Board at their Dec. 1, 2021 Meeting).