

**TOWN OF HOPKINTON  
PLANNING BOARD**

**REGULAR MEETING**

**Wednesday, February 2, 2022  
6:00 p.m.  
Hopkinton Town Hall  
1 Town House Road, Hopkinton, RI 02833**

**CALL TO ORDER:**

Planning Board Vice Chair Emily Shumchenia called the meeting to order at 6:08 p.m.

**MEMBERS PRESENT:**

As the meeting was held remotely, only Town Planner Jim Lamphere and Senior Planning Clerk Talia Jalette were in attendance in the Town Hall. Planning Board Vice Chairs Emily Shumchenia and Ron Prellwitz, Planning Board members Carolyn Light and Keith Lindelow, Planning Board alternates John Pennypacker and Cecil Wayles, as well as Conservation Commission Liaison Deb O'Leary, Town Council Liaison Sharon Davis, and Planning Board Solicitor Maggie Hogan attended via Zoom.

**PRE-ROLL FOR MARCH 2, 2022 PLANNING BOARD MEETING:**

Ms. Shumchenia, Mr. Prellwitz, Mr. Lindelow, Mr. Pennypacker, Mr. Wayles and Ms. Light all stated that they would be in attendance at the March 2<sup>nd</sup> meeting.

**MINUTE APPROVAL EXTENSION REQUEST, PURSUANT TO RI GENERAL LAW 42-46-7(b)(1): January 5, 2022**

Ms. Shumchenia said that the request was noted, and thanked Ms. Jalette.

**APPROVAL OF MINUTES:** October 20, 2021 Special Meeting Minutes, November 3, 2021 Regular Meeting Minutes

Mr. Lindelow made a motion to approve the minutes from the October 20<sup>th</sup> meeting and the November 3<sup>rd</sup> meeting. It was seconded by Mr. Prellwitz. There was not any further discussion.

In Favor: Shumchenia, Prellwitz, Lindelow, Light, Pennypacker

Abstain: None.

Opposed: None.

5-0, the motion passed.

**OLD BUSINESS:**

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

Ms. Shumchenia asked if the parties who would be participating were in attendance. Ms. Jalette replied that they were, and she began to promote them to panelists, but that it was taking some time to do that.

Ms. Light began by asking Ms. Hogan for her input on a request that had been submitted to the Board by the objector's attorney, S. Paul Ryan. She said that Mr. Ryan was "requesting that we postpone this event until the next meeting." Ms. Shumchenia said that she thought that Mr. Ryan was "requesting a continuance", and that he was asking the Board to refrain from closing the public hearing. Ms. Hogan said that that was her understanding, and that Mr. Ryan was "anticipating that the applicant will proceed, and that he would have the opportunity to reply, uh, next month, once his, uh, witnesses have had the opportunity to review the most recent filing". She noted that the submission had been submitted "very close to the meeting". Ms. Hogan asked if Mr. Ryan had been made a panelist. Ms. Jalette replied that he had not, but that she would make him one. She then explained that she had "made it so that panelists can unmute themselves and mute themselves at will", and that she was "giving this directive as an explanation to both Bob [Craven] and Mr. Ryan." Mr. Ryan began to speak, but Ms. Jalette quickly interjected. She said that she had "one quick thing" that she wanted to "say before we really get underway". She said that there was a stenographer in the audience, and asked those in attendance to state their name for the record before they spoke, as that "makes it a lot easier for both myself and the stenographer, to keep track of who's who and what's what." Ms. Hogan said that she did not see the stenographer on the screen, and asked if she was in the building with them. Ms. Jalette said that she had been made a panelist, but that it appeared like she had left. Ms. Hogan said that the stenographer needed to be in attendance. Ms. Jalette replied that she knew that, and that she had made the stenographer a panelist, but she had left, so she was making her a panelist for a second time. Ms. Shumchenia asked Ms. Jalette if they were ready to proceed as Mr. Ryan and the stenographer appeared on the screen. Ms. Shumchenia asked Mr. Ryan if he wanted to explain his request.

Mr. Ryan: "Uh, yes, I can. Um, originally, I had sent a request in for a continuance, uh, on Monday – a week ago Monday, and then, um, uh, realizing that, um, uh, we got a lot of material from the applicant, and from Crossman Engineering, even into Tuesday morning, so, um, to accommodate the Board, I have no objection to the applicant proceeding tonight, presenting his witnesses and Crossman [Engineering] doing the same – as long as I can have my experts review the extensive materials that were presented, and then appear in March."

Ms. Shumchenia thanked Mr. Ryan, and said that she wanted to mention that the Board had "previously continued this matter", and "extended the decision period for the application to February 9<sup>th</sup>, 2022". She said that she thought that the Board's "first order of business" should be to "verify with the applicant that we can continue the matter". She suggested the March 2<sup>nd</sup> meeting, with a decision extension until March 9<sup>th</sup>. She asked Mr. Craven if the applicant found that agreeable. Mr. Craven replied that they did. Ms. Shumchenia asked for a motion, but Mr.

Lamphere interjected. He said that he wanted the Board to be “mindful that the Brushy Brook project is going to be on the March agenda”, and advised them that “before we set dates in stone at this point, without hearing how much progress we make on this application tonight, we don’t know if the applicant is really gonna be ready to come back in March.” He said that “sometimes, it’s difficult to turn these things around month to month”, and that they could “make whatever motion you’d like to make, but just be mindful” of what’s already on the agenda. Ms. Shumchenia said that that seemed reasonable, and that the suggestion was “to proceed with hearing the applicant’s witnesses and materials tonight”. She said that before they moved “on to the next application”, the Board would need to “remember to consider whether we continue to March or April – or some other date that people find to be reasonable.” Mr. Craven asked if he could “pipe in”. He said that “for the purposes of Mr. Ryan’s request, he would like to know that there’ll be another day – that the applicant has agreed, uh, to continue the matter to.” He continued.

Mr. Craven: “Whether that day ends up practically being March 1<sup>st</sup>, April, whatever the heck the date in April is – um, we can determine at a later date, but, as long as he can rest assure[d] that he’s gonna have his opportunity, to respond, I think that would, uh, probably set Paul Ryan’s, uh, uh, mind at ease.”

Mr. Ryan: “That’s correct. Absolutely.”

Ms. Shumchenia said that she thought that the Board’s plan would be to arrange those dates before the meeting was over, and that Mr. Craven and Mr. Ryan had said “all sounds good.” She said “next step” would be to hear from the applicant about the “new materials submitted”.

Mr. Craven introduced Sergio Cherenzia, and explained that he was going to “set the table” for his presentation.

Mr. Craven: “There were several questions that arose from the Public Hearing, and some of those questions were answered, some of those questions that needed additional study, and some of those questions came from, uh, the back and forth between, uh, Woodard and Curran, uh, Sergio Cherenzia, and, uh, uh, and, you know, others, including Crossman [Engineering]. So, uh, I’m going to introduce, uh, Sergio Cherenzia, who’s going to go through all of those questions that have already been asked, but remain either unanswered or not completely answered, uh, and he will go through them one at a time, introducing them, as to what the question was, what the concern was, and what the change, in any of the materials, or all of the materials, may be.”

Ms. Jalette explained that because they were now using a hybrid system, screen sharing would be available. She said that if there was anyone who needed to screen share, they would “be able to accomplish that.” Mr. Cherenzia began by explaining that he had “prepared the site survey”, and that he was working with Woodard and Curran, who had “been preparing the detailed site engineering plans, uh, for the proposed solar array.” He stated that Stephanie Kaiser and Denise Cameron, of Woodard and Curran, were in attendance as well, and that they would be available for “detailed, uh, commentary or questions” that would be “brought forth”.

Mr. Cherenzia said that he was going to “try to keep [his] testimony relatively brief”. He then said that the project team had “made some significant advancement, um, in the design in, uh,

addressing commentary, uh, both from, uh, the engineering peer review, as well as comments, uh, made at previous meeting.” He said that he knew that it had been “a while” since the applicant had appeared before the Board, so he was going to try to make sure to “cover the items, uh, that have been, uh, brought up in previous meetings.” He said that the applicant thought that they had “addressed them, uh, rather completely”, and that they were “still working with the peer reviewing engineer on some of these storm water considerations.” He then used screen sharing to share a map with those assembled. He explained that it was “not the detailed, um, engineered site plan”, but that it was “more of a presentation plan” that was “from the Master Plan that was resubmitted, um, showing the abutters.” It showed an aerial view of the proposed array. He continued.

Mr. Cherenzia: ‘The items which, uh, we addressed from last, uh, meeting, uh, one of which is the reduction in the, uh, the, the percent slope of - overall through the, through the site. Uh, one of the concerns that, uh, we have for storm water is, um, slopes, uh, because, uh, it creates more of a, uh, uh, uh, more of a potential for erosion, uh, if, if the site is not properly stabilized. So, ah, in an effort to alleviate, uh, impacts of erosion and, and the, uh, the effects of storm water, um, over those slopes, all those slopes on the site have been reduced to less than 15%. Um, obviously, it, it’s a large site, um – I’m not gonna go into specifically each contour and, and elevation, but, um, generally, over the site, that, that’s been accommodated. Uh, one of the comments, uh, specifically from the Fire Department was, um, accessibility, uh, through the site, and the drives, um, uh, once again, overall, the site, the, the driveway widths have been expanded to accommodate their request of a minimum of 20 feet wide drives. Um, the other changes that have been made – I’ll do a quick zoom in here – hopefully, everything will still pop up here, um, but the, uh, there was some turnarounds, uh, added, right at the entrance here, uh, at Skunk Hill, uh, a sh-, a short distance in, um, a, you know, a, a hammerhead, or, uh, uh, a ‘T’, um, has been, uh, added so that, uh, for turnaround, and I believe the same has been accommodated on the other side of the array. Um, coming off of Arcadia Road, uh, there’s, uh, also, once again, the, the, the, uh, driveway has been widened, and another turnaround has been added, uh, in that vicinity, and a, a slight adjustment to the, to the location of that, um, of that drive. So, all relatively minor, uh, changes. If you looked at it at a glance, you’re not gonna notice these type of things, but, um, there’s some details that have been, uh, changed.’”

Mr. Cherenzia said that “another, uh, adjustment” that had been made “site-wide” in “varying locations” was the removal of “fence encroachments” that had been “pointed out by some of the Planning Board members”. He said that they had “adjusted those fence locations to keep them out of all of the setbacks.” He said that this shift could not be seen on the map that he had pulled up, but that if they wanted “to get into the details of where those were adjusted”, they could “do so”, but noted that, “generally speaking, [they were] observing all of those setbacks.” He reiterated that they “had some minor encroachments”. He then stated that in regards to the “security fences around the arrays”, “those fences have also been adjusted” as a means to “accommodate, uh, some of the other, uh, site changes that have taken place, um, mostly for, for, uh, storm water considerations”, like “different areas, um, being graded and, uh, changed slightly.” He said he was going to bring forth another exhibit. He mentioned that the Board and some other parties had commented on the “routing of the electrical overhead lines through the site”, with a particular focus on where the proposed lines were “going to cross a wetlands” area.

Mr. Cherenzia: “Um, we heeded the recommendation of the Board and that has been rerouted, um, in this clouded figure here, to be an underground line that is going to circumnavigate, uh, any wetlands, and any of their upland, uh, perimeter areas that would be sensitive, um, th-, that would be sensitive to, uh, environmentally, and, uh, within, uh, the DEM [Department of Environmental Management] right, uh, regulatory realm. So, uh, this figure identifies, uh, the re-routing of those electrical transmission lines, and, uh, to be proposed underground. Um, lastly, uh, as more of a, uh, just kind of a general, um, uh, I just want to bring back up the Master Plan here, um, just as a, uh, general, um, overview, we’ve been working with Crossman Engineering, um, peer reviewing, uh, the, the, the site plans, and, uh, mostly for storm water management and, uh, we’ve had, uh, calls and meetings with, uh, Steve Cabral – I don’t know if he’s on the call this evening, but, um, as late as, you know, uh, earlier this week, trying to make sure we’ve accommodated all of his commentary and his recommendations, um, I would say we’ve made significant progress in working through, um, his, his comments and concerns, um, and it’s been, um, a valuable exercise to work with him, uh, to, to work with a peer reviewing engineer, um, in addition to myself and Woodard and Curran to, uh, as we work through, um, this solar project, uh, to make sure that all the storm water concerns are mitigated so there are no downs-, you know, detrimental or adverse downstream effects, and that we pro-, you know, uh, substantially, uh, and, uh, protect the, uh, the wetlands, um, on-site as well.”

Mr. Cherenzia said that that was “kind of a general overview of, of what’s changed”. He said that the “panels are still in” the same location that they were in on previous plans, except for some “minor, minor changes to accommodate, uh, the, the storm water, uh, the more detailed storm water, um, uh, analysis and, uh, design.” He said that the applicant was “confident” that they could work with Crossman Engineering to ensure that they could “accommodate their comments and concerns”, and to ensure that Mr. Cabral’s “review is satisfied, um, hopefully by next meeting”, but that they would have to coordinate “closely with him to, to, uh, make sure we accommodate that.” He then turned the presentation over to Mr. Craven. Mr. Craven asked Mr. Cherenzia to introduce Ed Avizinis and his “wildlife augmentation reports”.

Mr. Cherenzia explained that Mr. Avizinis had produced the “solar field wildlife augmentations report”, and that he would “be able to identify, uh, some of the, uh, wildlife, uh, concerns, and how that, their habitat, how that habitat is gonna be changed, and, and some created and preserved.” Mr. Avizinis then appeared before the Board.

Mr. Avizinis explained that he had been previously qualified as an expert by the Board, and said that, “in response to some of the concerns, uh, by the Board, and, and members of the public”, “the team wanted to put some of the recommendations that [he] had for, uh, wildlife habitat augmentation into a letter”. He said that in addition to that, he “added some, um, perspective”, and stated that he had included “a map at the end of [his] letter”. He asked if he could share his screen. Ms. Jalette explained that screen sharing had been enabled, but Mr. Avizinis had some difficulty with it. Mr. Cherenzia offered to pull up the map for Mr. Avizinis, which he accepted. Mr. Avizinis then began his presentation.

Mr. Avizinis: “I showed the solar field kind of in perspective, so the orange is the, the, the proposed field area. You can see the light grayish property outline there, and then there’s some green crosshatching. Um, that green crosshatching is what was referred to as the 250-acre

significant forested habitat area, mapped by DEM [Department of Environmental Management], uh, the core habitat area that, uh, um, was discussed a lot in that, that previous meeting. Um, so, yes, we, you know, we acknowledge that the solar field is proposed within that area, uh, and we went through some of the reasons why that was acceptable, um, in our minds, in my mind, professionally, uh, including the fact that it was all previously farmland. Uh, although it's forested right now, the pa-, the presence of the pine trees, the pine forest that dominates indicates that it was recently cleared, and I say 'recently' – within 100 to 200 years. There's a presence of an Ap horizon, a plowed layer in the soil, so we know the whole thing was farmed at one point. Um, yes, it is a developing forest. Yes, it is si-, significant. Um, we believe the environmental benefits of this project would outweigh impact to that area. Um, but what we didn't discuss in that meeting was, uh, DEM [Department of Environmental Management] also maps tracts of, uh, 500, 500-acre significant core habitat forest, and that's actually their largest, uh, you know, most, uh, optimum forest habitat, and, as you can see, um, this, our property that we're working on here doesn't have any of that in it, but if you look at the dark green areas, uh, you can see it extends to the north, uh, there's area to the south, and, uh, you know, on the way, on the other side of 95, 95 to the southeast, um, but there's a significant amount of 500-acre, and, and much greater than 500-acre, uh, core forest habitat, um, that's older growth forest, it extends up north through the corridor, right up the western side of the State, into State protected lands, and the other benefit of this project i-, in terms of connectivity to the, to those lands is the, uh, the layout, um, of the project, allowing wildlife corridors, uh, to pass through the forest, pass around the fields, through the fields, uh, there's a connectivity to it, there's a flow to the, the remaining forest, um, along the rivers, along the wetlands, that lead to these much larger tracks, and connect these areas. There's a very light shaded, um, mint green, I guess, uh, color, yeah, those are the mapped – that's another DEM [Department of Environmental Management] data layer, um, that is the wildlife corridors, so you can see there's direct connectivity to the forest on our site to the DEM [Department of Environmental Management] map corridors, leading to the tracts of significant 500-acre forest. Um, so, I just wanted to show that, so that we could look at this in perspective of, uh, you know, sometimes, you have to, to look at the larger picture. Um, and in addition to that, uh, uh, let's see – um, you know, I, I – Sergio [Cherenzia] you can leave that up, or, or, or just, I guess, I'm done with that map at this point, um, but, I just wanted to, to briefly discuss some of the other, uh, mitigation measures that are proposed with this project, and, um, uh, there's – I, I – supplemental plantings have been discussed, uh, frequently, for, uh, buffers to the neighbors, and along property lines, and to provide, uh, visual screening for, for people and abutters, uh, but they're also a great food source, habitat structure, um, increasing the habitat existing on the site, uh, increased, uh, habitat diversity, um, leads to species diversity – that's been well-documented in, in environmental science, um, and then, from preservation of the forest corridors, which I just talked about and showed on the map, other habitat augmentations include brush piles, uh, which will be placed, uh, around the field, within the limit of clearing, but, um, you know, in certain, select locations, I also included in my letter a, uh, USDA [United States Department of Agriculture] NRCS [National Resources Conservation Services], um, essentially a template for how these brush piles should be, uh, located, constructed, and what they do is they provide more habitat structure, places for, for animals to live, um, feed, take cover from predators, um, another thing is, is installation of bluebird boxes and bat boxes on the, on the property, along the perimeter, um, species like bluebirds are, uh, on the decline in our State because there used to be a lot more open farmland, so back, uh, you know, there's probably a fair amount of bluebirds in that area, 'cause there are some open fields already, um, but, in the

State overall, they are on the, on the decline, but with, um – and DEM [Department of Environmental Management] actually, you know, Fish and Wildlife Service provide grants to open land up, to open up forest, and create meadow habitat for these types of species. Um, bat boxes, same thing, uh, bat populations are in the decline, globally, uh, creating areas where, uh, having an open area like this solar field will be over, um, you know, and adjacent to waterbodies, wetlands, where you're gonna have a lot of productivity of mosquitos, and, and bugs like that, um, you know, that, that'll be a great feeding ground for bats, so allowing them to have some roosting areas, there's a specification for the type of box that is, uh, you know, best recommended for, um, for bats to, to make best use of that area. Pollinator habitat's going to be planted, um, uh, Mr. Gifford, uh, uh, has more specifications on that if you want to get into the details, but, essentially, it's designed to create natural, native wildflower species that will flower in succession, provide, um, season-long food source for bees and, and other pollinators, which, uh, you know, so, they're – so, it's an extended period of pollen and nectar, as opposed to, you know, one big bang of species, and then that dies off, and there's a dearth, um, so that's gonna be incorporated into the project, and, and also fence passage, so, um, one of the sources that I was working with, uh, reading about, and trying to determine what the best course of action for fas-, fence passage for small mammals and, uh, to get through the, allow, you know, easy access is, uh – one of the sources recommended 12 by 18 inches cutouts, placed every hundred yards along the, the, uh, the fence, uh, the security fence, um, however, you know, I recently spoke with someone at DEM [Department of Environmental Management], and they recommend that the fence only needs to be lifted six inches, so there's a little debate on what exactly that cutout is going to be, but there will be some way that wildlife will be able to get through, and, uh, yeah, I've been reading a lot of the recent research on solar fields and wildlife and things like that, and, uh, it, it'll definitely be beneficial to have those cutouts, allow passage – it also allows some protection from species that are being predated, uh, they're actually able to cut through the fence and avoid being eaten, um, which, uh, you know, that could be good or bad, depending on how you look at it, but, it depends on what species you want, but, uh, regardless, the cutouts to allow natural passage through the fields is, is, uh, gonna be incorporated into the plan as well. Um, uh, that's essentially a summary of my letter, um, and I'm happy to answer any other questions on that.”

Ms. Shumchenia asked Mr. Craven if he had any other witnesses to bring forth, and suggested that they ask questions at the end. Mr. Craven agreed to that course of action, and introduced George Gifford, the applicant's landscape architect. Mr. Craven said that his work “kind of dovetails” with Mr. Avizinis's testimony.

Mr. Gifford asked Mr. Cherenzia to share the first sheet of his plan set, and said that he would “just give an overview”. Mr. Gifford then began his presentation.

Mr. Gifford: “So, um, I've discussed in the past this, this is a, this is an overview, and, um, the, the extent of the landscape plan is, uh, limited to providing, uh, screening in key areas, and also the pollinator habitat areas that, uh, were just mentioned. So, um, uh, we're looking, right now, at the overall landscape plan, and, and, uh, we have discussed the locations of the, the berming. There's some berms that, that are in the northerly portion of the site, that run in a north-south, uh, direction, and on, uh, as well as a berm that runs horizontal to Skunk Hill Road, and on the top of these berms, we've got a dense evergreen screen, which was, uh, stipulated by the zoning

approval, and, um, and in addition to that, we've got some screening down to the, at the south access. Uh, there's no berming in this location, however, there are some, some points along that, uh, maintenance roadway that we felt it prudent to plant some evergreen screening alongside the roadway. So, um, uh, we've talked about this berming before. It has the screening, uh, planted on the top of the berm, and then the side slopes of the berms we felt were appropriate for the pollinator habitat areas, um, and so we have specified a, uh, a seed mix that will, um, provide, uh, foraging opportunities, flowering opportunities for these pollinators, to, uh, to have it, to, um, colonize in these areas, and we've specified a program in which that vegetation, within the pollinator habitat areas, will be cut only on an annual basis, and the vegetation will, uh, lie down where it is cut to provide appropriate, um, uh, seed source for the following year. Uh, that is – oh, in addition to that, we provided a, uh, a seed mix to, uh, for - a meadow seed mix, to uh, infiltrate in between the solar array areas, and stabilize the soils in those areas. That is, is really the limit of, of my testimony.”

Mr. Craven asked if they could return to Mr. Cherenzia. He asked him if he wanted to discuss “the sight lines now” from the abutting properties. Mr. Cherenzia replied in the affirmative. He explained that the applicant had “prepared some, uh, site profiles”, and acknowledged that there had “been some neighbor concerns” about whether or not the berms and vegetation were “going to be effective in, uh, sight line screening.” He stated that they had looked at some “specific areas to evaluate, uh, sight, sight views.” The first one was from the Rathbun property off of Skunk Hill Road. He identified a “pretty significant berm” that the applicant was proposing near the “entrance off of Skunk Hill”, which was “going north-south” in orientation, and another that was “going, uh, more or less, east-west following Skunk Hill Road.” Mr. Cherenzia explained that the neighbors in the Skunk Hill Road area “would be looking across, um, there's a pretty significant wetland, uh, which we have identified on the property”, and that he thought that that wetland complex would go “into the neighboring properties”, and had some “pretty substantial, uh, forest growth on it”. He said that behind the wetlands, there was a farm field, which is where the berm was proposed, and beyond that area was the proposed solar field. He said that they had “extended this profile”, and that if someone looked at the profile “from the first story” - which, he noted, the applicant was “required to do by the zoning approval” - they could see that there are “significant tree, trees that, uh, are located in the wetland, in the forested wetland area”, then the berm, “which creates, uh, a visual barrier, with the plants on top”. Mr. Cherenzia said that Mr. Gifford had communicated to him that what was shown on top of the berm on the plan was “closer to the planting height”, so they were “pretty conservative in this exhibit – that these trees, this vegetation on top of this berm will get even taller and create even more of a, uh, visual” block to the proposed solar field. He said that the sight lines “clears, uh, the solar arrays”, despite the change in topography on the site, noting “even such, at the end of the array, that sight line, through the trees”, that the applicant felt “strongly” that, “given all of these, um, impediments” abutters were “not going to see the, uh, the array” due to the “visual blocking” from the “vantage point” in question. He then brought attention to another sight line that they examined. This location was on the other side of the proposed project area, where abutters David Johnson and Johnna Serydinski own property. He said that he believed that “they were adamant that they did not want to have a berm” as they had concerns about “storm water retention on, on their property”. He noted that there is a proposed berm along Skunk Hill Road, and that they did not “anticipate” that it was “going to cause any storm water issues.” Mr. Cherenzia stated that there is a wetland in that area as well that would be “collecting storm water”, and “diverting it as well,

before it gets to the field as, as it is anyway.” He explained that the “grades generally go from a northwest” direction to a “southeast” direction. He said that Mr. Johnston and Ms. Serydyski were at a “much higher vantage point” than some of the other abutters, and that they also had a “forested wetland that they would have to be looking through as well” before they could see the array. He brought up another view that they had explored, which was if “their view was skewed and not looking at the berm”. He said that they would be “looking through a significant amount of vegetation” if someone “wanted to even see the, the panels”. He said that one would “have to be able to see through all this vegetation at the vantage point they’re in, and, for the most part, if you’re looking over those trees, you’re, you’re looking way past these, these panels, and you’re not – they won’t be seen.” He said that the applicant believed that “there won’t be any impact, um, from that vantage point.”

Mr. Cherenzia said that their last view was from Michael Lane, and noted that, “obviously, there’s different vantage points”, but that they “split the difference” between the views from abutting homes. He identified a “significant forested wetland” in the area “between Michael Lane” and the applicant’s property, and that one would have to “see through all those trees’ and described the property as “significantly forested”. He indicated that although “Where the berm gap is in place”, the area still is “significantly forested” and that he “does not believe that um they will see the panels at all.” He was very clear and reiterated that the sightlines are limited to the panels by neighbors of this proposal.

Mr. Craven also pointed out that he believed there were “questions about the telephone poles near the entrance”, he advised the Board that if any questions existed that Mr. Epps and their team was prepared to answer them. He then directed through the Chair that his team was available to address any concerns they may have.

Ms. Shumchenia asked if the information that was just presented in the last sightline diagrams displayed, was in any packet that had been given to the Planning Board for their collective review.

Mr. Cherenzia indicated that they had this information for the presentation and that this information he had just given to the Board was outside the packets provided. He indicated that if “it pleases the Board I will ensure this information is available moving forward.” He “would be happy to present them for further review”.

Solicitor Hogan interjected and stated that she was “sure that Mr. Craven is aware of this, but if this document is to be part of the record”, that it must be presented to the Planning Board. Mr. Craven concurred and thanked the Solicitor for making that point.

Acting Chairman, Ms. Shumchenia stated that she wanted to get to the Independent review done by Crossman Engineering. The Chair felt this was a prudent course, and “would answer preemptively many of the Board Members questions.” Her course of action was found acceptable by all Board members and the review of the proposal by Crossman Engineering was then presented to the Planning Board for their information and review.

Mr. Steven Cabral of Crossman Engineering indicated they were presenting an independent review of the project, “not intended to be for or against the proposal” and give an expert opinion on proposal details to address concerns of any Board members as they exercise their collective oversight duties. That Crossman represents the Town of Hopkinton and its residents. He indicated that he had a rapid turnaround for analysis of the project due to the time period allowed for his review. As a result there was “quite a bit” of information to review, so Mr. Crossman would hit the “highlights” for Board review at that point. Mr. Cabral indicated that The Rhode Island State Historical Commission has indicated that a “Phase 1 archeological review of the site” needed to be conducted. That that review is presently ongoing and to be available later. That the United States Department of the Interior expressed concerns that the Northern Long Hair Bat is on the premises. Mr. Cabral acknowledged that the habitat protection had been discussed in the presentation previously. That the concern was reference with tree removal so that it does not interfere with their nesting. As to Stormwater analysis, he wanted to express “big picture concerns.” He stated one of the “unique” features of this solar design was the size of the arrays. He indicated that the average proposal had panels that were 12’ wide with 12’ in between the panels. This project has arrays that are 21’ wide and have 5.7’ in between the panels. That 80 % of the area is comprised of impervious solar panels. Mr. Cabral indicated that sheet flow could be impacted. That the panels are so large that sheet flow for storm water mitigation could be impacted. He indicated he wanted to ensure that there was a “robust storm water mitigation process”. As water cascades” off the panels, Mr. Cabral is concerned that flow could be impacted due to design, orientation and topography. His concern is that “there could be more storm water runoff than was presented in the master plan.” Not that “we can’t get there”, but that we are “not there tonight.”

Mr. Cabral continued that it had been his experience with Solar arrays that, ‘quite a bit of compaction of underlying soils” occur. With highly compacted soil developing limiting the soil’s ability to mitigate runoff. Mr. Cabral described Mr. Gifford as a great landscaping architect and acknowledged he discussed seeding to address the water flow and runoff. With the size of the panels and “the 5.7” of open sky, interspersed with large 21’ panels”, all “about 2.5’ above the ground”, it is hoped the seeding mix discussed ”can create a densely populated” undergrowth. Mr. Cabral articulated two primary concerns, that this proposal as it exists will not “get sheet flow as assumed in the storm water analysis”. That the storm water analysis that upon completion that the ‘solar fields can be a perfect meadow”. Due to Mr. Cabral’s experience with other arrays, and what he has observed, and the “size” of these panels, that he believes that the “volume of runoff is underestimated”. Mr. Cabral indicated that the design team has shown they are very receptive to their comments and have expressed a willingness to work to address them in their design. He indicated the Storm water runoff is often discussed in the preliminary development stages, and it is unique to Hopkinton that detailed storm water designs are discussed in this phase. As such Mr. Cabral will defer to the Planning Boards concerns at that point.

Acting Chair Shumchenia asked the Board if they had any questions and at that point and the Board asked none. Town Solicitor Hogan asked Mr. Cabral if there would be a supplemental report available or one to follow. Mr. Cabral indicated that he had a “zoom meeting” with the applicant. He described the applicant as very “responsive” to his concerns. He believed it was

appropriate to allow them to respond, however if the Board sought further reporting he would prepare one.

Ms. Shumchenia stated she had a question, and was concerned that she may be “going into the weeds”. That upon her review of the applicant and Crossman reports she had a question reference soil. She stated in his report, Mr. Cabral indicated that there was, “a really good condition organic rich soil, and A horizon soil 13-16”deep. Soils that will absorb storm water and help to mitigate runoff issues. She was concerned as to if this soil would be removed to address the slope. “Are we removing the very soils that will help storm water management?”

Mr. Cabral indicated that this was a very good question. He indicated that upon his discussions with the applicant it was clear they sought to retain the soil in question on site. They sought to keep the soil and the depth of it in place on the site they sought to place the solar array. The applicant discussed “manually tilling” the soil and to do so after the Solar array is in place. He indicated he had concerns due to the size of the array and that the applicant and their team”are closely looking at this concern, and they will give us the good answer soon.”

Ms. Light had a question for Mr. Avizinis as to if a grant funding stream existed supporting the habitat on grounds for blue birds or bats. Mr. Avizinis indicated that DEM did have funding available but was unsure if the project qualified due it being a solar array. Ms. Light was concerned as to “How many bat and bird houses would be in place?” She followed up further indicating that she was concerned for species in question, and wanted to ensure that they supported the bat and bird populations at the site. Mr. Avizinis indicated that he could not give an exact number of bat or bird houses but could have a definitive if it was required. He further elaborated that Rhode Island DEM does not have a great guide available, but he had acquired data and suggestions from Massachusetts and Florida sources. He further elaborated that although the bat population is in decline, there are no protective requirements for private developers reference bats. He affirmed that the applicant will act not to interfere with their reproductive cycle on the proposed site. He indicated all actions in this regard would be where the applicant, would “definitely want to do it to make sense and supported by scientific evidence.” Mr. Pennypacker then stated he concurred with Ms. Light, and liked seeing that the protective habitat measures were in place. Acting Chairwoman Shumchenia further elaborated that it was her hope that the plans in place could be long term in nature to protect the species. Mr. Pennypacker concurred. Mr. Avizinis stated they would be happy to elaborate further and to add these concerns to their long term maintenance plan. Ms. Debbie O’Leary of the Hopkinton Conservation Commission also had concerns for protecting the habitat of the Bats in particular. She requested this be addressed long term. Mr. Avizinis agreed to do so.

In public commentary Ms. Johnna Serdynski and David Johnson of 173 Skunk Hill Road, who have property abutting the proposal had questions. Mr. Johnson wanted to know if sightlines were first or second floor for the proposal in question. Mr. Cherenzia indicated it was “first floor”. Mr. Cherenzia citing forested wetland as a reason for not seeking additional vegetation. He also indicated that the caller had indicated that they had no interest in a berm. Mr. Johnson enquired as to specifically who watches out for berms and the solar operation overall and ensures its maintenance for the life of the project. Mr. Cherenzia stated that the operator of the solar project, operating under a DEM permit would be responsible. Mr. Gifford advised that there

were no unusual species of plants planned for their use. That the applicant will replace for one year any vegetation at site that fails or dies. Mr. Gifford reiterated that the berm would have a number of different species to go along the berm to act as a screen. Mr. Johnson asked to if his property would be given the 300' setback that other abutting property owners were availed. He wanted to know why some property owners were granted 300' and they were given a 100' setback. Ms. Kaiser indicated that abutters on the Eastern Side were granted 300' setbacks, but those on the Western Side were not. Attorney Craven stating that 100' was standard property setback. After offering a sitewalk Attorney Craven asked Mr. Johnson what he was seeking to accomplish and asked him if he wanted a 300' setback on the totality of their property. Attorney Craven stated that he was "sensitive to" the property owners concerns, and offered to have someone reach out to or meet with Mr. Johnson to further discuss. Mr. Johnson said if he was going to be "stuck" with a solar project next door he simply did not want to see them. Attorney Craven advised the property owner he would speak with them reference their concerns.

Mr. Eric Bibler of 119 Woodville Road indicated he had a question for Mr. Steven Cabral of Crossman Engineering. Mr. Bibler indicated that the slope on this project is estimated in some spots at 15% which he indicated are quite steep. That on similar projects he worked on the project slope in question here, caused him "consternation" at this point. That he was 'familiar' with the site in question, and that there was also a "ton of wetlands" proximal to the site. Mr. Bibler noted that it was Mr. Cabral's belief that the applicant had overestimated the runoff that will be mitigated by the meadow grass mix that the applicant discussed. Mr. Bibler wanted Mr. Cabral to comment on these slopes which are quite steep.

Mr. Cabral indicated that all that Mr. Bibler stated was a topic of concern when discussed with the designers. That the slope of the project, soil and drainage were issues. That what Mr. Bibler stated "is true", and all are topics for current and future discussion with the applicant. He described all as "a work in progress".

Attorney Hogan asked Mr. Gifford about the seed mix utilized for the grass in question. She remarked on due to the size of the tiles that 80 % of the field will be covered. She asked about the "proposed seed mix" and specifically its "shade tolerance". Attorney Hogan was concerned as to exactly what would grow under the tiles in these conditions. Mr. Gifford indicated it was a blend of seed mixes, and that theoretically some of them will thrive in shady areas, and some in the sun. Mr. Gifford acknowledged they do have an area where there will be dense shade. Attorney Hogan asked if there will be primarily grass or are there other seeds? Mr. Gifford answered that it would be 'primarily grass'.

Ms. Light spoke and indicated that she felt after what she had heard from Mr. Cabral that this project is "going to need to undertake a serious design review." Ms. Light had concerns about the run off, the sheeting, the habitat of the bats and blue birds, and the grasses discussed on this proposal. She felt it needed to be 'on the table' for re-review. She asked Mr. Cabral directly if she was "wrong" to have these concerns? Mr. Cabral stated that no she was "correct it was a valid concern." Engineers always believe they can "design any project..that we can mitigate the impact." "But we are at a point where we have not overcome the concerns. You are correct." Ms. Light then thanked Mr. Cabral for his input.

Acting Chairwoman Shumchenia was concerned about two issues the Board should address. “First, What can be done about the design of the project?” “Can the spacing between the panels be addressed’ discussed further as a mitigative strategy to deal with vegetation and drainage concerns. Lastly she was concerned as to timing and amount of information. “when should we continue this to?” “April or more reasonably May”, this she felt would allow the Board to have an additional review done by Crossman Engineering and allow full public access to the information provided. She then asked for input from the Board as a whole.

Ms. Light responded that she was in “complete agreement with the Chair”. Ms. Light also called for the application to be posted online for all to review.

Solicitor Hogan indicated that she would like to see a “30 day advance filing process” for adequate review. That it “may not have been” standard process for the Town of Hopkinton in the past, with the volume and specificity of information it is necessary for adequate review. Solicitor Hogan specifically indicated a week to review the volume of maps and binders of information was simply “inadequate”. Solicitor Hogan felt that failure to do this did not serve the applicant, public or Board in question well.

Mr. Pennypacker indicated that he stood by Mr. Cabral and the Crossman review, and felt it best to allow them to iron out and work out issues with the plan as they were. He felt this was a “prudent” course.

Acting Chairwoman Shumchenia inquired of the Solicitor as to if they would have to continue this meeting, or give a date for further review. Ms. Light indicated she believed that would be best served by going to the May 4<sup>th</sup>, 2022 meeting. Ms. Shumchenia than further stated that “if we are implementing a 30 day review deadline”, that would be April 4<sup>th</sup> to submit documents for review.

Planner Jalette stated there was one more member of the public that sought to comment by Zoom and asked the Chair if she would allow it at this point. The Chair indicated yes.

Mr. Eric Bibler of 119 Woodville Road spoke by phone with the Board. He indicated he did not “hear a word of Steve Cabral”, and indicated he would go back and listen to the tape. He indicated that he would be “straight” and that he was “extremely frustrated”with the testimony of Mr. Avizinis. He reminded all that, grants are available from the US Fish and Wildlife to address issues with habitat. Mr. Bibler was particularly concerned with Mr. Avizinis statement that, “the environmental benefits of this project outweigh the environmental detriments.” Mr. Bibler challenged Mr. Avizinis to produce a single study from a single conservationist where cutting down an” unfragmented forest” area is an improvement to a habitat. Mr. Bibler referenced the 100 year and 200 year growth of forest in the area in question, and referenced another project where he hikes (Carter Preserve) where an amount of “scrub” forest was cut down by the Nature Conservancy for a Solar Project that created meadow habitat. Mr. Bibler summarized his point by indicating that it is, “really a stretch to paint this as an improvement.” He further indicated that he was “frustrated” and discussed previous testimony of a Mr. Peter Friedrichs, an expert who cited references. That this process had been going on since last June, and he had asked the applicants experts if they were aware with the documents provided, the applicant’s expert

indicated that he was not familiar. One document was the RFP from the State of Rhode Island for procurement of renewable energy. Last March they gave in their language from the “procurement title” that the ‘strongest consideration’ is given to projects directed to be located in non-environmentally sensitive areas. Mr. Bibler indicated that in the State of Rhode Island RFP, “unfragmented forest areas” like this one in question would not be considered. He summarized by indicating that the “state has redlined areas precisely like this one we are considering tonight.” In August of 2020 a study was put forth by “Synapse Energy Economics” for the “Rhode Island Office of Energy Resources”. It was a comprehensive analysis of potential sites of Solar placements within the entire state of Rhode Island. That this was “promulgated” to avoid placing them in areas of Unfragmented Forest land.

Mr. Bibler continued that in June of 2021 that the Rhode Island DEM issued a bulletin, “Freshwater Wetlands program and storm water construction permitting, ground mounted solar array guidance.” “Tips for smart sighting of ground based solar arrays.” That in this document it was clearly indicated that ‘clearing of forests or farm land is “strongly discouraged.” He further discussed testimony about issues of placing Solar Arrays in the vicinity of public wells for water. He also referenced a piece on the “Value of Rhode Island Forests”, which had a ‘long appendage’. There were concerns on the removal of forest to facilitate solar arrays. That “strategies balancing forestry with development’ was discussed, and significant concern over loss of forested land since 1967 to development in the Ocean State. “One of its greatest threats is fragmentation”. He was ‘frustrated’ and the project now at its one year mark for review has a “500 page document dump” and “that this project” is not consistent with what the state seeks to achieve. That this document forwarding, ‘goes into every imaginable detail” of an engineering plan, when this is a hearing on a Master Plan Application. Mention was made of the Board and proposals before it keep consistent with the town’s “Comprehensive Plan” and ensure that the benefits outweigh the detriments. He stated there was an expert giving “lip service” that putting up bat houses and bird houses in this array meets this.

Mr. Bibler indicated that the Planning Board is ‘ducking’ the issues and “ignoring the issues’, ‘walking around the elephant in the room” and not doing what you are ‘ignoring the criteria that you are obligated to act on’. That the Board was now ‘stretching the issue” out until June or July. That they were going “into the weeds” on an engineering study. A study that he asserted was poorly cited. Ms. Light interjected that this was not a productive conversation at this point. Mr. Bibler was inaudible briefly and stated that, ‘your own Engineer said’ that the project did not work, He concluded with “Thank you and I’m done now”. Ms. Light stated “Eric”. Ms. Light indicated that, “Emily was polite”, and this was not sticking with the path of the discussion on the table. That she was certain this would be repeated at the next meeting. Ms. Light stated that Mr. Bibler should, “show respect for the Chair.”

Mr. Prellwitz interjected that he had not heard a question asked.

Acting Chairwoman Shumchenia stated “ok thanks everyone” and focused the discussion. “I will move us along here to close this public information hearing tonight. She sought a motion from the floor to extend the hearing and decision date. She also wanted to ensure documents for that meeting from the applicant needing review were in the Boards hands or town hands by April 4<sup>th</sup>, 2022. She enquired of Attorney Craven representing the applicant if this was a condition that the

Applicant could meet. Attorney Craven indicated that he had spoken with his experts and the could be ready for an April meeting. However if the Board chose to put off until May he would acquiesce to the wishes of the Board.

Acting Chair Shumchenia asked both the Planner and his Clerk to weigh in as to what was a prudent course. Planner Lamphere advised that it appeared to be an Engineering concern. That if the applicant can have the drainage issue solved to where it was acceptable to Crossman Engineering is when the matter will move forward. He was prepared to move forward as the Board willed. Ms. Jillette stated that another member of the public sought to weigh in. Acting Chair Shumchenia indicated that they had closed the public comment portion of the Hearing and unfortunately would move on at this point. Ms. Light suggested that another stakeholder be queried, and ask Mr. Cabral or Crossman Engineering if they were available for an April meeting. Mr. Cabral stated with the timelines discussed he could be ready to discuss at the next meeting. Ms. Jillette advised the Board to remember to query the applicant as to their availability as a new motion will trigger a new decision date.

Planner Lamphere wanted to reaffirm to the Board that he strongly suggested that the two Engineering firms work until at which point Mr. Cabral from Crossman Engineering can at least report that Crossman will approve the engineering portion of this plan. If it takes time to get there at least get that hurdle on drainage passed. Acting Chair Shumchenia concurred and felt if this was followed they would be “circling a solution’ on this project. She sought the input of the Board.

Mr. Prellwitz indicated that it was on both the applicant and Crossman to work together to bring the concerns to a successful resolution.

Attorney Craven indicated that the applicant will seek a May date to allow the Engineers to work out any and all concerns, and used drainage as a specific issue. He enquired on how heavy the May calendar was and agreed to that as a date as the agenda was favorable at that time. Attorney Craven sought the decision deadline as 7 business days after the May 4<sup>th</sup> meeting date or May 12<sup>th</sup>.

Acting Chair Ms. Shumchenia sought a motion to continue this matter to the May 4<sup>th</sup> Meeting at 7 PM. Ms. Light enquired if it would be an in person meeting or a hybrid meeting. Ms. Shumchenia indicated that it would be whatever town policy indicated at that time. Mr. Prellwitz made a motion to move the matter to the May 4<sup>th</sup>, 2022 meeting. He also stated they would have a decision date of May 12<sup>th</sup>, 2022. Ms. Light seconded the motion. Ms. Shumchenia, Mr. Prellwitz, Miss Light, Mr. Lindelow and Mr. Wayles all voted in favor of the motion with none in opposition and none abstaining. 5-0 the motion passed.

**Master Plan- Public Information Meeting- Major Land development Project- Atlantic Solar – plat 7, Lot 32, Plat 10, Lot 87, Plat 11, Lot 35 0 Main Street. Atlantic Solar LLC, applicant.**

Ms. Shumchenia called the hearing to order. She recognized the Attorney for the applicant

Attorney Robert Craven. Attorney Craven indicated the same group presenting previously would present on this application as well. He then deferred to Mr. Cherenzia. Mr. Cherenzia began the discussion of the site plan and modifications as he referred to a detailed document diagram which contained this plan. He referenced changes such as a shortened driveway, but the driveway still allowed access. Mr. Cherenzia also indicated the width of the driveway had been increased to allow emergency vehicle and fire apparatus egress. The site plan was also adjusted for setbacks and to refine sheet flow, and storm water flow. Mr. Cherenzia also indicated that additional land screenings existed on the Northeast side of the property to screen the property. He also advised the Board this plan has not gone under peer review.

Mr. Giffords indicated that the Northeasterly border of the site had been modified. That after discussions with another Team member it was relayed that Planning Board Members sought additional evergreen screening in this location on the site. That this was accomplished without disturbing the screened area. Attorney Craven indicated that after presenting this change to the Board they had met the elements of the checklist and sought Board input and further questions.

Mr. Prellwitz indicated that he was all set. Ms. Light asked the Board if it was reasonable to ask Crossman to step in for peer review at this point, and asked the Board if that was a path they wanted to go down. Ms. Shumchenia stated that she wanted to ask the distance between the panels. She indicated she has similar concerns to the companies Skunk Hill Road initiative. Mr. Craven asked the applicant's team if they could answer the questions asked and their thoughts on going to peer review. Ms. Kaiser answered and stated that the sizing of the panels and spacing was very similar to the Skunk Hill proposal, although the relief was far gentler overall on the terrain of the project. Attorney Craven asked if it would create a concern for drainage as it had on the previous project. He asked for her professional opinion. Ms. Kaiser stated that she did not want to speak for Mr. Cabral but she did believe he may have some similar concerns on this project as well. She stated there were some similarities in the project but also some differences. She did not feel there would be the same range of comments as in the previous project however. Mr. Wayles indicated that it was not just the water drainage issues, but the issues with vegetation under the panels. Attorney Craven concurred.

Town Planner Mr. Lamphere did agree that this project needed Crossman review as to its water drainage. This was consistent with good practice, previous actions and the runoff needed to be reviewed. He did not think it would present some of the difficulty the previous project did however. Mr. Lamphere indicated that this was the same timeline, same developer, same review team, much of the reason the proposals were paired together. He wanted to get the matter to Crossman to conduct peer review. Attorney Craven agreed with the Planner and would have all available to meet the May 4<sup>th</sup> meeting. The dates would be the same May 4<sup>th</sup> for the hearing and May 12<sup>th</sup> for the decision.

Solicitor Hogan then indicated it would be appropriate for the Chair to see if the public had any input. She also indicated it should be limited to questions and not speeches.

Mr. Joseph Moreau of Old Depot Road was commenting and enquired if this was public comments or specific to a project. As it was specific to a project he indicated he would hold his comments for later.

Mr. Craven asked for a point of privilege to recognize Hopkinton retiring Town Planner Jim Lamphere. That they interacted professionally for years and are about the same age. That Planner Lamphere has spoken of retiring for many years. Mr. Craven said that “few men dedicate their lives to one of public service.” “He would be remiss if he did not thank him.” He also indicated that tomorrow the Rhode Island House of Representatives will adjourn in his name to honor his service to community and state. Mr. Lamphere thanked Mr. Craven and thanked all the Planning Board members, Town Councilors, Town Solicitors, and Town Managers that had been so good to him. “That it was time well spent on the earth for him and rewarding.” His only regret was that he had gotten older and is leaving as quickly as he goes, but we all have to retire someday. He did not want to be “too long winded but thanked all this evening for everything”

A motion was made to continue the Public Hearing on this project to May 4th, 2022 with a decision date of May 12<sup>th</sup>, 2022 by Ms. Light. The motion was seconded by Mr. Prellwitz. Ms. Shumchenia, Mr. Prellwitz, Mr. Lindelow, Ms. Light, and Mr. Pennypacker all voted to approve the motion; there were no dissenting votes and no abstentions.

#### **NEW BUSINESS:**

#### **Pre-Application Meeting – Major Land Development Project – Commercial Development – Anderson Mixed Use – Plat 15, Lots 4, 5 & 6A, 916 Main Street, 0 Main Street. Woodland Ridge, LLC., applicant.**

Ms. Shumchenia asked if the applicant was in attendance. Ms. Jalette replied in the affirmative. Sam Hemenway, of Garofalo and Associates, appeared before the Board to present the project on behalf of the applicant. He explained that Jad Anderson was both the property owner and the applicant. Mr. Hemenway stated that the subject property was formerly known as the Enchanted Forest property, and that it was comprised of three lots. He said that it had been “developed previously”, but it had since “laid vacant for quite a while”. He noted that “there are existing improvements on the property”, and that there is an existing solar array on the site. He highlighted the “parking field” for the former Enchanted Forest, and said that the site was “primarily wooded”, with “grassed areas”. He said that there are “a lot of trails, and, obviously, land disturbance that’s happened in the past”. Mr. Hemenway said that there was also a small lot which was zoned manufacturing, and that he thought that it had been the subject of previous Planning and Zoning Board inquiries. He said that there was a “question about whether or not that lot is technically merged or not”, and that they were trying to “sort out” that issue.

Mr. Hemenway then noted that “the existing property, uh, does contain a pretty significant amount of wetlands on it”, and said that towards the rear of the property, “there’s an unnamed stream that traverses through the center of the property”. He then noted some “isolated, forested wetlands” and “drainage channels” that would “interconnect between them.” He said that “slopes are moderate, um, generally speaking, but obviously, they do, uh, pitch fairly steeply adjacent to the stream corridor.” He then said that he was going to ask Mr. Anderson to speak to the Board about the proposal, but that he was going to give the “10,000-, uh, foot” view. He stated that Mr. Anderson’s business is kind of a “hybrid, uh, of several different uses”, which was “most primarily” related to “forestation”, like “tree cutting and trimming”. He continued.

Mr. Hemenway: “Uh, this is an attempt to consolidate operations that include, um, um, uh, modifying or milling some of the, of the tree, of his equipment, but also storing equipment on the property, uh, associated with his business.”

Mr. Hemenway stated that Mr. Anderson was a business owner, and that he purchased the property “with the intent of moving his business here”, where he could begin “expanding it and incorporating some other elements.” He said that they had had “two meetings with staff to talk a little bit about the application, and, and, uh, uh, some of the concerns that the Zoning Official had” were related to the fact that “there is no specific use identified for, for the operation that he’s proposing.” He continued.

Mr. Hemenway: “Uh, there is a sawmill, uh, that he’s anticipating using, uh, that, that, uh, the determination was made that it would, uh, uh, likely trigger, uh, um, a use variance in the, in the district, the primary business district or commercial district that is the main portion of the property, uh, but there is this, this secondary lot extends into a manufacturing zone, where that use is actually permitted, so the operations as, as indicated on this plan – I’ll just kind of walk through the different buildings.”

He pointed out the location of the proposed sawmill, “where lumber that’s brought to the property” or “taken from his operations would be” later “cut to size and utilize[d] for other things” or “other uses that he feels he can incorporate into the development.” He delineated a “woodshop on the property, a “showroom” and potentially “have a retail component”. This was described as an “affiliated use”. He delineated two additional structures on the property a storage facility and a restaurant. He also discussed a long range plan where a brewery component could be part of the restaurant. This is a long range plan. As for that building location there was concerns with “septic and wells” and they freely acknowledged the business plan had not “drilled specifics down” that far along. We are showing tonight what we envision as the first stage of construction. Hopefully this is enough to give you a sense as to what the “application” entails. He indicated the project would come forward as a major land project. He indicated that they had two good discussions with staff and it is in the aquifer protection zone. They also will seek to get dimensional relief from the front set back. This will allow us to get good sun to maintain specimen trees on site.

Mr. Anderson discussed his project will allow the expansion of his business. That he is running out of room at his current location and expand his operations.

Mr. Pennypacker indicated he was pleased to see variety in the proposals in front of the Board. He asked if this would result in employees? Mr. Anderson indicated yes and a handful, but he could not give a definitive number. Mr. Pennypacker indicated that with the garden center angled at a Southern exposure, it struck him as an “odd choice”. Mr. Anderson indicated that he understood but the angling allowed him to get appropriate sun for trees he wanted to feature. Mr. Pennypacker enquired how this project will look from the road? Mr. Anderson said he pictured a typical greenhouse and buildings in wood that would give it the appearance of a “Northern village.”

Solicitor Hogan then interjected that there was concern that the meeting was not taping due to technical difficulties with the zoom of the meeting. A brief recess was taken to address the issues. The break was to be 8:57 PM to come back at 9:10 PM.

After some troubleshooting of computer issues the meeting resumed. Acting Chairwoman Shumchenia indicated that the applicant had concluded their presentation, and had started questions from Mr. Pennypacker.

Mr. Pennypacker indicated that he had an observation that, "I know beer brewing has a lot of waste water." He indicated that he did see the applicant anticipated getting an aquifer protection permit. He reminded the applicant that the town protects its aquifers and projected environmental concerns.

Mr. Lindelow stated that he was pleased to see a retail proposal come before the Planning Board.

Ms. Light was concerned with the existing stream on the property. She was concerned that the existence of this stream had hampered development of the property in the past. She asked the applicants to "let the Board know what they knew about it" (the stream)

Mr. Hemenway stated his knowledge was limited. This was the first he had "heard of it" as a concern. That in the applicant's research they had found a Wetlands Permit for an existing solar array on the property. He had queried DEM in his research but at this point was "unaware" of any existing issues at this site.

Ms. Light was concerned and stated she was encouraged to see a retail proposal. She was concerned that the applicant would not face an, "issue down the road", and in summary the stream could pose a potential hindrance to their plans.

Ms. Shumchenia had a procedural concern as to if as this applicants plans evolve, and its use changes, does it come back to the Planning Board, or does it become a use issue for zoning? In summary how is the phasing addressed in a plan presented like this.

Solicitor Hogan indicated that the phasing will still have as part of the process need for presentation and approval by the Planning Board. In summary the approvals are "affixed" to what has been presented at that point. Zoning issues will remain with the Zoning Board.

Mr. Pennypacker followed up enquiring as to the varied elements of this project, and as to if the mixed uses are the venue of the Zoning Board. He wanted clarification of what in the future could present itself to this Board.

Solicitor Hogan indicated that the Planning Board is advisory but the Zoning Board is the relief component. Mr. Hemenway indicated that the applicant did query the Town Building Official and acquire a precertification for the uses of the property as to use and liability concerns. Ms. Light indicated that a brewery is not an easily approved use, as easy as a garden shop is to approve. A Brewery will require Town Council involvement and other regulatory issues will become incumbent on the applicant. She advised the Board this is not something we are likely to

see in a year. Mr. Hemenway concurred and said that was the intent of the phasing being discussed. He stated they were seeking to get the business up and running. Mr. Prellwitz had a question on the front yard view variance associated with this proposal. He asked, "Is that because of the existing parking lot that is located there? He commented that it existed very close to RT 3. Mr. Hemenway indicated " yes, indirectly ...and we are trying to fit the site in a manner that works." He then discussed existing trees and buildings proposed on the property.

At this point there were further issues with the video feed that Mr. Frenette came in to address for IT for the Town of Hopkinton.

The issue was resolved and meeting resumed. Acting Chairwoman Shumchenia asked the applicant if there was anything further and asked the Board if it had further questions for the applicant. There were no further Board questions, and Mr. Hemenway said the applicant was prepared to move forward with their proposal.

**SOLICITORS REPORT:** Solicitor Hogan indicated that in the Revity appeal before the Zoning Board, that they are working with Attorneys involved to find mutually acceptable available dates to move the process forward.

**PLANNERS REPORT:** Mr. Lamphere reported that in an administrative subdivision for Taylor, that Mr. Lamphere in January approved a simple removal of a lot line and saw it replaced with a new one. The change was self-explanatory.

**CORRESPONDANCE AND UPDATES:** None

**PUBLIC COMMENTS:** With the retirement of Hopkinton Town Planner Mr. Jim Lamphere, all in attendance wanted to comment and see off this tremendous public servant and gentleman. Acting Chairwoman Shumchenia led off indicating it was a "pleasure" to work with him and indicated she regretted that it was not for a longer period. She stated the Board and Town were deeply appreciative of his committed service to community.

Mr. Prellwitz echoed those thoughts, and described Mr. Lamphere as a great, efficient, compassionate public servant. He stated he was a great friend and was going to be deeply missed by this community.

Ms. Light indicated that she cannot thank him enough. That she was welcomed with "open arms" upon her appointment to the Planning Board, and she loves him. That Mr. Lamphere always went the extra mile for everyone, that he was a great mentor to his replacement Talia, and his service to Hopkinton superior.

Mr. Pennypacker stated that Mr. Lamphere was a consummate professional and his service to the community, the Board, town and applicants as superior and going to be missed. He wished him the best of luck and hoped that he could relax and enjoy retirement.

Mr. Wayles was inaudible initially, and later indicated that he had stopped in and thanked him personally during the week.

Ms. O'Leary indicated that he was a gentleman and described him as "accommodating, gracious" she wished him the best in his retirement, and hoped he would find the time to do something, "wild and crazy". She thanked him and appreciated all that she had the opportunity to learn from him.

Solicitor Hogan indicated that she had known Mr. Lamphere from his days in service to the town of Charlestown Rhode Island. That in the past they were on opposite sides of the table and had "buted heads" in the past, but she described him as a consummate gentleman. His style sets the bar very high for people treating members of the public. She particularly thanked him for his saving her trips to Hopkinton and leaving items for her to pick up at his residence for her to review. She wished both Jim and his lovely wife Claudia all the best as they enter the retired chapter of their lives.

Mr. Moreau of Old Depot Road indicated that he too wanted to express what all else had indicated over the service to community of Jim Lamphere. He recognized his efforts in getting his service to Hopkinton, and the town through the our "recent massive solar development". That it was not unusual to see him early in the morning and late at night to move the projects and give quality public service to all. He said tongue in cheek that he owed him a bottle of water, and would ensure he get it shortly.

Mr. Moreau wanted to recognize the professionalism of all on the Board and town officials in moving this meeting forward in this format.

Mr. Moreau wanted to interject that there was a comment by a speaker reference the first project he took issue with. He described the presentation by this speaker as a "bunch of nonsense". He indicated that although comments were their opinion, and all are entitled to theirs, and they have a right to share it, he requested that they have "courtesy".

Mr. Moreau concluded by indicating that Mr. Lamphere will be missed.

Mr. Lamphere addressed all in attendance, and he reiterated his deep appreciation and respect for the Planning Board and his thanks for how kind the Board had been to him in his time of service. He thanked the townspeople for their treatment of him, and he described Hopkinton Rhode Island as a second home.

**DATE OF NEXT REGULAR MEETING:** April 6<sup>th</sup>, 2022 at 7 PM

**ADJOURNMENT:** On February 5<sup>th</sup>, 2022 at approximately 10:53 PM a motion was made by Mr. Prellwitz to adjourn the meeting seconded by Mr. Lindelow. Voting in favor were Acting Chairwoman Shumchenia, Mr. Prellwitz, Ms. Light, Mr. Lindelow and Mr. Pennypacker. There were none in opposition and no abstentions.

Meeting adjourned at 10:53 PM on 2/5/2022.

Respectfully Submitted  
Michael Spellman  
Senior Planning Clerk