

The Hopkinton Planning Board

Held a Hybrid Open Meeting on

Wednesday June 1st, 2022 at 7:00 PM

Town Hall 1 Townhouse Road Hopkinton, RI 02833

Call to order: Chairman Mr. Prellwitz called the meeting to order at approximately 7:00 PM

Roll Call: Present were Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Pennypacker, Mr. Wayles, Mr. Lindelow, Mr. DiOrio, Town Solicitor Hogan, Town Planner Jalette, Planning Clerk Spellman, and Ms. O'Leary liaison from the Hopkinton Conservation Commission.

Pre Roll for the July 6th, 2022 Meeting: Chairman Mr. Prellwitz, Ms. Light, Mr. Lindelow, Mr. DiOrio, Mr. Pennypacker, and Mr. Wayles will all be in attendance. Ms. Shumchenia advised she will be unable to attend.

Approval of the May 4th, 2022 minutes: Ms. Shumchenia made a motion to approve the minutes, which was seconded by Ms. Light. Chairman Prellwitz, Ms. Shumchenia, Ms. Light, Mr. Lindelow all voted to approve the minutes with Mr. DiOrio abstaining as he missed the meeting in question.

New Business:

Preliminary Plan- 2-Lot Minor Subdivision- **Bergan Minor-** Plat 19, Lot 8, 0 Spring Street. William and Susan Bergan, applicants.

Chairman Prellwitz moved the New Business ahead of the Old Business on the evening's agenda indicating it was amenable to all parties presenting on the evening in question, and was most judicious use of meeting time. Mr. DiOrio indicated his notice of recusal on the matter at hand as he had a conflict. He presented the recusal notice directly to Planner Jalette and Mr. Pennypacker took his place on the Board as a voting party.

Mr. William Bergan presented to the Planning Board that this was a 30 acre parcel on Grassy Pond Road. That he had appeared previously to discuss this proposal with the Planning Board about a year ago. That this 30 acre parcel will have two lots subdivided for home construction, one on the corner of Grassy Pond Road and Spring Street, which will be a two acre parcel. The remaining 28 acres will be for one house lot. Mr. Bergen indicated everything was consistent with what was previously discussed. He indicated one item was different and needed to be clarified. It was reference the Fire Marshall's concern as to egress onto the property. A concern that Mr. Bergen stated could be clarified to the Planning Board by the Fire Marshall.

Captain Patrick Hawkins of the Hope Valley Fire Department, who serves as the Fire Marshall then spoke

to the Planning Board. Captain Hawkins indicated when he initially read and reviewed the plan he reviewed it as a subdivision and not a proposal for only two family homes. His initial interpretation was as a subdivision and would have to comply with full 18 NFPAI regulations. As only a single family home, it does not have to meet these requirements. Captain Hawkins also indicated the home is close to the road and had a 300' driveway. This allowing will all the necessary egress for fire apparatus. He indicated that he appeared at the Planning Board Meeting this evening, to give testimony at the meeting, as a point of clarification.

Chairman Mr. Prellwitz indicated he understood the new testimony, and that it clarified that this project does not meet the need for more specific project refinements. Ms. Light asked Solicitor Hogan how to interpret the new information and Solicitor Hogan indicated to ignore the corresponding proposed condition in the draft and substitute this new information for what was previously indicated in the Planning Board packet.

Mr. Bergen further indicated to the Planning Board that the 28 Acre Piece is deeded as only being for one home. The rest is undevelopable per a deed restriction. Discussion was made over the length of the Driveway by Ms. Light. Mr. Bergen indicated that it was a 300' driveway on the plan and may measure out at 460' in total length. Mr. Wayles inquired on the Buffer Zone on the property. Mr. Bergen indicated that all was done in consultation with a biologist and is in compliance with all required parameters. Ms. Shumchenia expressed concern over proximity within 100' to a nearby riverbank. Mr. Bergen indicated that there are other wetlands on the property and they will be preserved. Mr. Bergen indicated that he had all appropriate DEM, wetland and Septic permits and that proof of these were provided to the Planning Board in their packet.

With no further comment or question from the Board, Chairman Prellwitz called for a motion on the plan. Ms. Shumchenia made the following motion:

Ms. Shumchenia made the motion to approve the application for a **Preliminary Plan** for "Bergan Minor" a two lot minor subdivision approved for AP, Lot 8 based on the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. William and Susan Bergan are the Applicants and owners of the subject property.
2. The subject parcel, which is vacant land, is located at 0 Grassy Pond Road and Spring Street, in the RFR-80 zoning district and contains approximately 30.8 acres.
3. The subject parcel is not currently designated as Farm, Forest or Open Space as of April 18th, 2022.
4. The proposal is to create two new building lots: Lot #1 to have 28.8 acres and Lot #2 to have 85,570 square feet (2.01 acres). Both lots will exceed the Town of Hopkinton's minimum frontage and lot size requirements.

5. The Applicants have represented that they will be placing a voluntary deed restriction on lot #1 prohibiting further subdivision. The Planning Board is relying on this representation in reviewing this subdivision.
6. Soils within the area of the proposed construction are Paxton and Canton, both of which are generally without complications of groundwater and ledge.
7. Water shall be provided by two new private wells.
8. On March 8, 2022, the Rhode Island Department of Environmental Management issued a letter in response to a Wetlands Application No. 22-0045 and RIPDES No. RIR102312. The letter indicated that although there were wetlands located on site, a permit for the project pursuant to the Freshwater Wetlands Act, RI General Law 2-1-18 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1 was not required. Said correspondence was specifically in response to plans submitted on February 2, 2022 and predicated upon other conditions within such correspondence.
9. On April 5th, 2022, the Rhode Island Department of Environmental Management issued a three bedroom OWTS permit, #9114-3309, for proposed Lot 1.
10. On April 5th, 2022, the Rhode Island Department of Environmental Management issued a three bedroom OWTS permit, #2214-0305 for proposed lot 2.
11. On April 18th, 2022, Anthony Nenna P.E., President of On-Site Engineering, Inc. issued correspondence referencing the Institute of Traffic Engineers (ITE Trip Generation Manual 11th edition), opining that the traffic volume generated by the development is minimal and will not have an impact on Grassy Pond Road.
12. On May 17th, 2022, Captain Patrick Hawkins, Hope Valley Wyoming Fire District, issued a request that the Planning Board require the access driveways to meet the width and vertical height requirements of the National Fire Protection Association(NFPA) Chapter 18: Fire Department Access Roads.
13. The Planning Board has determined that a site walk is not necessary for the review of this two lot subdivision and has not undertaken a site visit.

CONCLUSIONS OF LAW:

1. The proposed development is consistent with the Comprehensive Community Plan.
2. Each lot of the proposed development conforms to the standards and provisions of the Hopkinton Zoning Ordinance.
3. There will be no significant negative environmental impacts from the proposed development as shown on the Final Plan, and all required conditions for approval.
4. The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots, according to pertinent regulations and building standards would be impracticable.
5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street, namely Grassy Pond Road.
6. The proposed development provides for safe circulation of pedestrian and vehicular traffic, for

- surface water run off control, for suitable building sites, and for preservation of natural,
7. historical and cultural features that contributes to the attractiveness of the community, with the required conditions of approval.

ORDER:

1. The proposed Preliminary Plan for “Bergan Minor” is approved, together with the following conditions of approval:
 - a) The requirements set forth in the RIDEM’s letter dated March 8, 2022 attached hereto as Exhibit A, are incorporated as conditions of approval.
 - b) A copy of the RIDEM’s March 8, 2022 letter shall be attached as an Exhibit to deeds of conveyance as a means of placing all future owners on notice of the wetlands conditions and limitations.
 - c) The width of all proposed driveways shall meet the standards set forth in the NFPA Chapter 18: Fire Department Access Roads. Each Driveway shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
2. Final Plan approval shall be delegated to the Town Planner.

Motion was seconded by Ms. Light. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Lindelow and Mr. Pennypacker all voted in support, there none opposed nor abstentions.

Old Business:

Preliminary Plan- Public Hearing- **Brushy Brook** – 140-Unit Comprehensive Permit-Plat 32, Lots 1, 4, 6, 8, 10, 12, 14, 16, 17, 21, 23, 25, 27, 30, 32, 34, 36, 38, 40, 41, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 63, 65, 67, 68, 69, 70, and 71, located at 130 and 0 Dye Hill Road, 0 Brushy Brook Drive, 0 Wedge Road,) Green Lane. LR-6-A Owner, LLC., and Realty Financial Partners, applicants.

Attorney William Landry representing the applicant LR-6-A spoke initially introducing himself. He advised he was an Attorney from the Blish and Cavanaugh firm of 30 Exchange Terrace in Providence, RI. Attorney Landry advised that the applicant and this plan have been before this Planning Board for eleven years. Attorney Landry indicated that he last appeared before the Planning Board in August or September of 2021. As much has changed over the years, he sought to articulate a Timeline for this project for the current Hopkinton Planning Board. It was in 2010 that a previous Board had granted Master Plan approval for a revised version of the project. That after this approval the project was before the Hopkinton Planning Board for many months. Attorney Landry described the project in question as existing on an enormous site. He referenced over 350 acres and an initial proposal of units that would be both single family and multifamily in their construction. Attorney Landry continued stating that the scope was narrowed to a 270 unit project, with the multi-family component being eliminated. After extensive testimony by multiple Engineering groups, and peer review by an Engineering firm retained by the Town, thorough and in depth review of this project was made. Water, septic, wetlands, traffic, affordable housing were all reviewed and done so in great detail. While the project was approved in

2010, Attorney Landry stated in many ways it was also a denial. Balancing the states and towns needs for affordable housing with existing and abutting owners concerns of water availability among other things, that density needed to be determined for this project. That based on discussion and formulas in outside review, this was ultimately determined to be 140 units. Ultimately those 140 units would be located on the available 358 acres for this project proposal. Attorney Landry referenced that septic and water concerns existed and open space discussed. That requests were directed for community septic and public licensed water to be provided the proposal of this size. Attorney Landry also discussed the court proceedings surrounding this project from 2010.

Attorney Landry discussed recent developments reference this project from 2018-20. The Developer sought he stated as a preliminary plan on a pre-applicative basis to see if it was still the Planning Boards resolve to have public water and community septic as a condition of his project. Attorney Landry indicated that the Planning Board had clearly reinforced this as a design parameter. The First Two sessions of this process had occurred in August and September of 2021, and to today he described this as a third portion of the process. He described that what has transpired has been plan refinement, and peer review by Crossman Engineering. That the process has been conducted with great diligence and he expressed the applicant's respect for the efforts of Crossman Engineering on behalf of the town of Hopkinton. Attorney Landry indicated that as of May 24th, 2022 that 24 of 28 engineering issues had been reconciled. What the applicant sought tonight was to discuss concerns of water, septic and sidewalks in a "concise" manner for Planning Board review.

Attorney Landry stated the applicant was aware that this Planning Board wanted to see for review actual test results. This allowing all to see if the yield for water is actually there, and that the applicant has taken this very seriously, and a \$250,000 study will ensure the wells are sufficient, and applicants actions are intended to forward and advocate for this process. Attorney Landry discussed a "7 Phase Project" which will have each phase responsible for approximately 20 housing units. He indicated that they have worked closely with the Rhode Island Department of Health to ensure that upon getting approvals, that by phase, they will ensure that wells are adequate. That the applicant was committed to ensuring this analysis before the final approval of each of the previously discussed phases. He further indicated that as to concerns that there was not enough well yield, he was not concerned as they had conducted a hydrology report and a thorough and accurate analysis was made resulting in a detailed report. He further indicated that the applicant had hired "the best in the business", Northeast Water Solutions, for analysis for this project. He referenced Northeast's work with other Rhode Island Municipalities, including Scituate, Rhode Island, and their reputation as a positive one all over New England. Their work is to ensure, what an aquifer can support, under the worst of conditions, events such as droughts, not only under the best.

Attorney Landry then sought to pivot to discussion of the septic portion of this proposal. He did preface all by indicating to the Planning Board that both Septic and Water would require state approvals. He indicated that the Developer would have to appear before the State Department of Health prior to appearing before the Town of Hopkinton Planning Board. He referenced the Rhode Island Law and

Moderate Income Housing regulations, and indicated that this project is currently before the Department of Environmental Management not as an issue of suitability only, but to seek their approval of the entire project. This is currently pending. He also made reference to the affordable housing component of this proposed project and deed restrictions and percentages that this project would seek to meet. With all this as a preface, Attorney Landry stated that they would provide expert witnesses to answer the Board's questions, and then sought for Mr. Prive to testify and be sworn in as an expert witness.

Mr. DiOrio asked Attorney Landry if the phases were identified on the plan presented. Attorney Landry indicated yes, and that there were 7 phases total. Attorney Landry indicated that it is possible that they could go shortly to final approval for two phases which would include 40 units. He prefaced this by saying that they would ensure that excess water availability was present before moving forward with additional phasing. Mr. DiOrio asked how the town was involved or engaged, and Attorney Landry indicated that they would provide approval and the applicant would reappear by each additional phase. Attorney Landry indicated that this proposal would and will be broken down into 20 house phased projects. Ms. Light made reference to the seven phases as to water and septic, and Attorney Landry referred her to Mr. Prive who would answer in more detail. Solicitor Hogan then inquired as to the school impact locally. Attorney Landry indicated that the time table was complicated by market conditions, and estimated children associated with this development would be absorbed into the local schools within a 5 or 6 year period. Attorney Landry indicated that with affordable housing approaching a 10% mandated threshold one had to anticipate children to be part of that equation. Affordable housing will result in families locating to a municipality. After discussion with Ms. Light, Attorney Landry reiterated that a 10% threshold exists for Rhode Island municipalities to meet as to affordable housing to meet the needs of families in the state of Rhode Island.

Chairman Prellwitz was concerned as to the septic portion, and to DEM timelines and procedures for approval reference this project. Attorney Landry indicated he understood the question but believed it was more appropriate for Mr. Prive to answer that inquiry in detail, as he has been in close contact with DEM on this project. He referred to the second appendix in the exhibits provided the Planning Board, as the area where Mr. Prive would provide the septic design and its details. He indicated that the First Appendix referred to the water details. He indicated the applicant takes great effort to avoid mounding problems, contamination or any possible nitrogen loading affects that are adverse. That the applicant has "jumped ahead" of the process to allay the concerns of the Board particularly the concerns articulated previously by Mr. DiOrio. That the applicant has reordered the process based on feedback it has gotten from the Hopkinton Planning Board.

Attorney Landry presented and Engineer, Mr. Eric Prive of DiPrete engineering of Cranston, RI as an expert witness to present for this application to the Hopkinton Planning Board. His resume was presented as Exhibit 1 with the packet provided the Town of Hopkinton Planning Board. He was sworn as a witness by a stenographer utilized by the applicant. That Mr. Prive has been a practicing Engineer

for over 22 years, and is a registered Professional Engineer employed by DiPrete Engineering. His expertise was discussed in Municipal site plans, and he had extensive experience in designing, developing and implementing septic and drainage systems. That his services were often sought to ensure adequate due diligence and compliance with Environmental Permit Plans within the State of Rhode Island. Mr. Prive indicated he been working on this project for many many months, and was undertaking peer review with Crossman Engineering that was representing the interests of the Town of Hopkinton.

Attorney Landry referred to a large plan posted in the room, and asked Mr. Prive to take the public in attendance and the Planning Board through site plan and its key planning elements. Attorney Landry discussing Phases, Well Fields, Buffering, locations of ODWTS, and drainage plans for the proposed site. He asked him to detail what he described as the current "flavor" and status of the preliminary proposal plan. Mr. Prive indicated that they were approved for 140 single family lots. That an average lot for this proposal was 28,000 square feet. He indicated that in the overall plan 71% of the plan is open space. The septic plan would be in phases and the phases were in total seven and would have 20 lots per phase. That each community system is broken down as thus, and can be approved by phase. Mr. Prive referred to Sheet 11 as the best as to be able to search the overall plan. The community well field that is being discussed is on the Southeastern portion of the site. It is as he described cross hatched, and proximal to the Wetland and located near the Eastern Wetland site. He indicated that the well field is sited on and in an approved 22 acre area for wells. That all of the proposed sites, are sited to be 250' away from the Arcadia Management Area, which is located on the North and Eastern side of the overall property. He discussed in the Phases that a 1A and 1B scenario. However overall with a 20 unit proposal of three bedroom units that 6,900 gallons of waste overall is produced per day. This places the project into a "Large" phase of 5,000 per DEM guidelines. Mr. Prive discussed the seven phases broken down individually into ten houses in a Phase A and Phase B to the 20 house larger Phase. This way the flow is not concentrated and can be diluted as it spreads across the topography of the overall property. The concept of 1A and 1B was developed in collaboration with the State Of Rhode Island DEM as they sought licensing approval. Mr. Prive indicated significant steps were taken to avoid "mounding" occurrences and ensure "great separation" on this proposal. As to addressing storm water on site the applicant utilized the regulations of the Town of Hopkinton to address the issue.

Discussion then became focused on storm water and groundwater drainage on site. Mr. Prive may a point to discuss a use of a grass swale network on the property plan to address groundwater and storm water drainage and overall management. He indicated the design of this site was consistent with DEM best practices. The design also factors nuisance water and roof run off into the site plan. The flow has peel off effect as the water flows down Dye Hill Rd. They also factored pre development versus post development concerns for drainage flow, with utilization of detention basins. Mr. Prive indicated he worked closely with Mr. Cabral from Crossman Engineering on extensive peer review. They provided modifications and clarifications to the design. Mr. Prive discussed the use of berm and swales to make the flow of drainage off the roadway, and the basin design. Topographic depressions and culverts were emphasized as it made sense from calculations used. It made sense he indicated to make sure the flow gets where it needs to go. A Subdivision suitability has been applied with DEM at this point and

discussions made with that entity. Soil evaluations have also been made and again discussed with DEM. Sizes and large system cumulative analysis has been provided as has specifications for each of the pumps to be utilized for the community leach field. The health safety and wellness of the septic system has been a point of emphasis. They have provided fail safes for this system. Permitting was discussed, and storm water was part of a DEM review to obtain a Septic permit. That permit could be issued as soon as next Month. Mr. Prive indicated that the setback from the Arcadia Management area is exceeded at all points of this project and proposal. Drainage and septic proposals were all within the best practices of design and under review by DEM. Mr. Prive stated that safeguards put in place mitigate any consequences from this development. A denitrifying system will be put in place which is a common practice on these type developments. This was mandated by the Master Plan conditions. Mr. Prive discussed that many developments have pumps in their septic applications. He ensured that the applicant will dig wells before any phase application. We will ensure adequate water is available before pursuing a further phase approval. Mr. Prive indicated that the system during a storm water event is designed to handle a peak type storm. The culverts are sized to handle a 100 year storm on this proposal. The system can handle in drainage both peak volume and velocity. The system will drain into wetlands and not onto anyone's land property proximal to the development. It was also pointed out that sidewalks were not a condition in master plan approval. Road widths were discussed as were a discussion of use of Cape Code berms in areas less than a 3% angle for drainage.

Ms. Light asked Mr. Prive if there were any comparable sized projects to this one in Rhode Island. Mr. Prive indicated that there was a similar size and scope project in North Smithfield. He believed that project to have 126 lots. Ms. Light said he had indicated to the Planning Board that the average size was 28,000 square feet, and she had seen a big range from 23,000 square feet to 80,000 square feet. Mr. Prive responded that he did not recall any of the projected lots were as large as 80,000 square feet, and the low was 20,000 square feet. He also interjected that size does not always matter as the same steps are taken irrespective of the size of the project to meet code for permits.

Mr. DiOrio asked in follow up as to the size of the lots in question and to seek clarification on a question he may have asked in a previous proceeding, as to what meant what on the plans given to the Planning Board. As to the green on the plans did the light green mean development, dark green mean natural state, and what did the black dots on the green areas indicate? Mr. Prive indicated that the black dots meant approved limited disturb. Mr. DiOrio wanted to see the deeper green states on the proposed plan as deed restricted to keep them from being developed. Mr. DiOrio wanted to minimize limited disturbance by use of a deed restriction, or some other mutually agreed upon restriction. Mr. Prive responded, and prefaced it that he did not want to appear to be a "wise guy", but Mr. Prive asked if this was a condition the Planning Board was placing on all applicants. Mr. Prive wanted to ensure this developer was being treated like all other applicants. Mr. DiOrio responded that, this project was not being treated like just any subdivision, that it was a massive project and as such needed significant review. That he was not singling the applicant out, but this projects size requires diligent review. Mr. DiOrio than asked in regards to a Denitrification system, what the applicant was doing to ensure that the individual home owner had working knowledge as what to do and what not to do with that system. Mr. Prive responded is this question in regard to input into the system as opposed to a vendor for

maintenance? Mr. Prive furthered that he did not have a good answer for the question but wanted to assure that they work with DEM to assure the homeowner has a good working knowledge of the system. A home owner's packet is always provided to the new homeowner reference the denitrification system. Mr. DiOrio said that was a sufficient answer to his inquiry. Mr. DiOrio then asked questions as to sidewalks on this proposal. He was concerned that this will be a walking subdivision or pedestrian subdivision as a result of its size. Mr. Prive indicated that sidewalks are always an option, and that he was concerned with icing conditions resulting from proposed swales. Mr. DiOrio indicated he would like to be part of a site visit as this continued under peer review.

Mr. Pennypacker followed up on concerns about icing occurring during drainage during colder Winter months. Mr. Prive indicated the presence of sidewalks slows drainage rate making the icing concern due to water remaining in place due to slower flow. Plowing complicates the flow as well. Town Planner Jalette commented that no cut buffers have been put in place on developments in the past, and ensured the applicant they were not being singled out. Ms. Shumchenia stated that storm water calculations are based on the limited disturbance area. Any change she indicated could be problematic to drainage overall. Mr. Prive concurred with those concerns.

Attorney Landry then called Timothy Thies of Pare Engineers and had him sworn in by the stenographer that was provided by the applicant. Mr. Thies had already provided his resume to the Hopkinton Planning Board and was listed as Exhibit #2 in the packet provided to the Planning Board pre meeting. Mr. Thies indicated he was a professional Engineer with 24 years of experience and is employed by Pare Engineering. That he had earned both his Bachelors and his Masters Degrees from Worcester Polytechnic Institute. He indicated that he had extensive experience in both public and private water systems. He indicated that his expertise in both small and large well systems has had him work with municipal providers with over 600,000 customers to working with wells at a single gas station. His firm has provided analysis for the water capacity at the Brushy Brook site. This analysis being done in conjunction with Northeast Water Solutions. In the past Mr. Thies has worked closely with the Rhode Island DEM and DOH in the developing and licensing of wells. He indicated that he had prepared the study that was Exhibit #4 in the packet provided to the Hopkinton Planning Board. Mr. Thies indicated he had followed a detailed testing protocol that sought to give an accurate and definitive analysis as to the capacity of the well systems tested. He prefaced this indicating that while doing so that he always worked closely with the RI DOH. He gave testimony that when analyzing a well system you are always cognizant of demand on the well and the well's ability to provide a water supply. Mr. Thies described a step process to getting a well system licensed and operational. He indicated a pump is put in the well proposed to provide water for a subdivision, and aggressive rates of demand are put on the well to ensure that the capacity will clearly exceed the highest of demand. He indicated that to acquire the RI DOH licensing, the aquifer capacity for the proposed development has to exceed approximately twice the anticipated demand of the residential development. As a condition the RI DOH does impact testing as to the draw of this new well system on any nearby well to ensure adequate water availability. Tests are conducted to ensure that a drought condition would not have demand so great that an aquifer could not meet demand by not having sufficient available supply. He described this as a "best practice" procedure mandated by RI DOH. This testing is mandatory with RI DOH to get them to approve a new

system. He reiterated that the applicant is seeking to permit a new water system for this project with the RI DOH. He indicated anytime a new source application is filed, that testing is done not only for capacity but for water quality. The data that is acquired is crucial for the system design. All this data is vetted by RI DOH, who will accommodate a phased approach, before a system is even built.

Mr. DiOrio asked Mr. Thies as to if the applicant during his testing was monitoring wells on abutting properties so as to “ascertain” the overall impact or an adverse one on the abutting wells. Mr. Thies indicated that was accurate and that this was part of the discussed process. Mr. DiOrio asked if there were three test wells in the first test phase and that was affirmed by Mr. Thies. This Mr. Thies indicated was based on finding qualifying wells for RI DOH consideration, and indicated that there is a possibility of more than three as a result. Mr. DiOrio indicated that he wished the applicant “good hunting”, but wanted to discuss what would occur if the supply is less than anticipated and that storage which was discussed does not meet the demand in available capacity. Mr. Thies stated that storage can be factored, however RI DOH regulations are in place and they have minimal requirements the applicant has to meet. All approvals, Mr. Thies indicated, is predicated on what can be acquired from the existing wells. Ms. Light wanted to know which neighboring wells are chosen to be tested, and how they were chosen. Mr. Thies indicated he would prefer that answer be given by the hydrology expert employed by the applicant. Mr. Pennypacker asked to what the anticipated start date for the testing in question was, and Mr. Thies stated that was not set at this point. Mr. Pennypacker asked if residents creating personal wells to facilitate sprinkler systems for lawns could impact the wells being discussed for full water service. Mr. Thies indicated that potentially that could be an issue. This concern was being weighed seriously as the development moves forward. Mr. Wayles asked if the system had planned for the contingency of fire department use. Mr. Thies indicated that Fire Department use was not within the purview of the RI DOH for regulation. Their concern is safe potable water not fire protection. Planner Jalette asked how they would address not achieving the sufficient amount of water, would they lower the density proposed. Also, would they consider bringing water in from another source if the capacity is not met. Mr. Thies indicated that it was not under consideration to lower the density of the proposal at this point, and that they had no intention of bringing water to the development from an outside source at this point.

Attorney Landry then sought to bring Mr. Robert Ferrari of Northeast water Solutions of Exeter RI forward as an expert witness to discuss facets of the water system this proposed development. Mr. Ferrari is a Professional Engineer with 45 years total experience. He has owned and operated a business within the state of Rhode Island since 1983. His resume is on file and was provided to the Planning Board prior to his testimony. Mr. Ferrari has worked nationally on forensic and failure examinations and is registered water system operator in this state. He is responsible for the University of Rhode Island water system which is the largest in the State of Rhode Island. Mr. Ferrari is respected nationally and his input was sought on addressing the catastrophic water situation in Flint, Michigan. Mr. Ferrari in his professional experience is familiar with the aquifer in the Brushybrook area. As a course of professional procedure a structural geological survey and evaluation of the site is done examining exposed bedrock. This process seeks to evaluate existing bedrock at the site. They seek obviously not to drill dry wells but to seek to always obtain an optimal well yield. Mr. Ferrari has reviewed other analysis of this site

included was the LFR work in 2010. Mr. Ferrari validated early work by LFR as to the recharge rate of the well area (aquifer) in question. Mr. Ferrari then discussed his work to ensure an analysis was performed to crosscheck withdrawal rates, evaluate the well recharging, and analyze overall water availability. Mr. Ferrari discussed formulas he utilized to analyze maximal extraction and recharge. In this formula analysis, he found that the recharge rate appears sufficient for the project. He also did drought analysis and found the well to be able to support this development. His analysis did not see an onsite or a regional water budget issue. As a definitive step to confirm the analysis he discussed structural geological work, and identifying and drilling exploratory well locations. Typically and Mr. Ferrari indicated that he has done this a half dozen times in the past year, his firm will approach abutting property owners to do testing. This testing born by the applicant and at no cost to the property owner and a level transducer to monitor water levels in that individual well is utilized. Simultaneously this allows a survey to be conducted where on site and off site abutting wells are monitored and data logged so as to build an evaluative database. This indicates if the new and old wells have any impact on the effectiveness of one another. The test is to the hydraulic conductivity of the water source in that area. This is the basic protocol they follow and they document everything. Mr. Ferrari indicated ultimately his firm is in the business in maximizing confidence in the results that their testing indicated. The last thing Mr. Ferrari wants to happen is after the fact he has done a study and a project is built, that people abutting the development are having any issues with their well. Mr. Ferrari seeks to be as transparent as possible and as thorough as possible so as to work with all involved entities to allay concerns or worse, negative impacts.

Mr. Lindelow asked if there was an optimal time to do testing, or a worst time to do testing for a well. Mr. Ferrari advised that typically dry season is from July to Early Fall; however that is changing as we encounter climate change. As a result they utilize 20 to 40 years of climate data in their predictive analysis. When you test Mr. Ferrari indicated you want to test in late Summer to Fall so as to analyze maximal aquifer stress. Ms. Shumchenia asked will the well testing program validate your recharge assumptions. Mr. Ferrari stated yes and that they were looking at recovery and stabilization to avoid a negative recovery status. Mr. Ferrari seeks to identify and avoid negative recovery, and look for and identify strong aquifer yield and capacity. Ms. Shumchenia followed up to clarify, and asked is his analysis more detailed than the LFR work was reference the hydrology for this project. Mr. Ferrari indicated that the LFR analysis was good work and that he had the benefit of 12 years nearly of additional data. He reiterated that his analysis traces the well recharge closely and he uses climatology data some long term to draw data conclusions. Mr. Ferrari stated that they should be commencing analysis on site in the next week or two. Mr. Ferrari's expectations are to identify target locations to get a pump test done this Summer and Fall. There were no further questions from the Planning Board for Mr. Ferrari. Attorney Landry then indicated that was the extent of the presentation for the Planning Board and that they were prepared for any public inquiry at this point. Ms. Light complemented the applicant on the sophistication and the detail they had gone into in its presentation to the Planning Board.

Mr. John Orlandi of 122 Dye Hill Road in Hopkinton, RI spoke during public comment."Mr. Landry and Eric" spoke previously about water and he indicated that he had a 28' well and he was very concerned

about it. Mr. Orlandi indicated the area is prone to flooding and in 2010 he had 10" of water in his basement for over a month. As for septic concerns, Mr. Orlandi asked what would happen if the neighborhood endured a power failure. Mr. Orlandi indicated that he" emailed Mr. Russo and that Mr. Russo was very concerned" for the town. Mr. Orlandi stated that a fully occupied Brushy Brook development will lead to a 3.5 million dollar operational deficit for the Town of Hopkinton. Mr. Orlandi stated that he emailed David Caswell the Director of Public Works and asked if he believed that Dye Hill Road can handle an additional 270+ vehicles travelling on it daily. Mr. Orlandi believed this proposal would negatively impact Police, Fire and EMS services in Hopkinton. Mr. Orlandi believed the roads need to be fixed prior to this project going in. Mr. Orlandi believes the town should seek other collaborative entities and seek to buy the 3.5 million dollar parcel and maintain it as open space. Mr. Orlandi publicly stated he would acquiesce to his well being studied.

Mr. Joseph Capalbo of 45 Woody Hill road spoke and indicated although not an abutter he did live close to the proposal. Mr. Capalbo indicated that what Mr. Orlandi said was reflective of Hopkinton residents' concerns that live nearby to this proposal. Specifically his question and concern was to the phasing of this project and to this projects timeline. Specifically what was the timeline for when and how long the 140 houses would be built? Mr. Landry said it was "inconceivable" they would all go in at once. Mr. Capalbo asked how many building permits go in to Hopkinton for review every year. Mr. Landry stated that Hopkinton absorbs less new housing every year as an East Greenwich does. Mr. Capalbo said he felt better after hearing the presentation of Mr. Ferrari. Mr. Ferrari stated the goal of his work was to ensure that there was no negative impact on preexisting wells from the development of this project. Mr. Landry then asked if there was a definitive cost break down for this project. Mr. Landry indicated that a financial pro forma was in place for the proposal. That the information was available but could not be produced this evening, and was unavailable, Mr. Landry assured Mr. Capalbo that experts were handling the financial end of this project as good as the experts who had provided previous testimony.

Mr. Conrad Cardano of 110 Dye Hill Road spoke and indicated he was an abutter to the development in question. Mr. Cardano indicated that he was concerned as to the width of Dye Hill Road and its capability to handle increased traffic. Mr. Landry indicated that this was a very valid concern and will be addressed at a later meeting; it was item #28 on the continued peer review between Crossman Engineering representing the Town of Hopkinton, RI and the applicant. It was an issue of importance but not one that could be discussed this evening.

As the time was 10:15 PM and the Planning Board does not take on new business beyond 10:30 PM, and with people still wishing to address information presented at the meeting, Planner Jalette reminded the Board that the time was 10:15 PM. A motion was sought to continue the meeting past 10:30 PM. Mr. DiOrio made a motion to continue the meeting past the 10:30 deadline with a time not to exceed 11PM. His motion was seconded by Ms. Shumchenia. Chairman Prellwitz, Mr. DiOrio, Mr. Lindelow, Ms. Shumchenia and Ms. Light all voted to approve the motion; there were no dissenting votes and no abstentions.

Public comment was then added with people watching the meeting remotely adding in questions. Ms. Carole Desrosiers of 16 Pleasant View Drive called in and sought to make the following points to the

Planning Board. She indicated that all expert witnesses testifying were employed by the applicant in the presentation made that evening. In her review of previous minutes, all experts the town had utilized and referred to had last done work on this particular application in 2010. She called on the Board to pay close attention to the Master Plan approval from 2010. She prefaced her comments that although she appreciates the applicants work, she put Hopkinton residents first. As to the community septic portion of this project's approval she discussed what she saw as a disconnect by Attorney Landry from his previous testimony on this project. She referenced the minutes from a May 6th, 2020 Planning Board meeting where community septic was a condition of approval. Ms. Desrosiers indicated that the minutes of previous meetings as to common septic, common wells were what was called for, and thought the Planning Board would not deviate from this. She indicated that they had deviated from common septic system to individual ones. Mr. DiOrio interjected and asked Ms. Desrosiers if she had reviewed the most recent plan set. Ms. Desrosiers indicated that she had not, and Mr. DiOrio indicated it was a "massive plan set". He thought that bore her review to temper her opinion. Ms. Desrosiers made clear she had concerns about individual homeowner's maintenance and operations of septic systems, and wanted this looked at closely. As to her assertion, Mr. DiOrio indicated he may have a difference of opinion with Ms. Desrosiers. Attorney Landry then indicated that a Homeowners Association would be involved and meeting these expectations, all in relation to a plan approved by the Town of Hopkinton. Attorney Landry then discussed at length what could and would be handled by the Homeowners Association as well as a vendor retained at address this task. This could be addressed by adding an advisory document into the deed of sale to the property if that is desired. It is really a "benign" threat of pollution from leeching fields on the premises of this proposal. Ms. Desrosiers after hearing Attorney Landry's response stated that he was addressing the needs of his client, while she was discussing the needs of Hopkinton residents. Ms. Desrosiers then sought to discuss road improvements from the traffic study provided from 2010. Mr. Prellwitz indicated that will be discussed at a future meeting. Ms. Desrosiers then indicated the width of the road was a concern and needs to be looked at closely per the traffic impact study of 2010, and wanted to give the Planning Board a "heads up" this is an item of concern and contention and the RAB study calls for improvements and action.

Town Councilwoman Sharon Davis of 100 Cedarwood Lane Hope Valley called in and wanted for all in attendances edification, reference the peer review on the Brushybrook project Memo #3 of Crossman engineering on behalf of the town of Hopkinton, to see specifically what was still under review. Councilwoman Davis believed that there were nine items outstanding having been not resolved, not four. She further discussed them individually for the record. Item #1 which was the overall water system, Item #2 which was water system impacts, Item #3 the community septic system, Item #4 private water and sewer lines, Item #7 the typical road section, Item #19 which related to peak flow, Item #22 which was groundwater mounding, which she knew to be minor in nature as Crossman had predominantly concurred but had some minor concerns, Item #27 was still open and reply missed their previous comment, and lastly Item #28 was not addressed. Councilwoman Davis wanted to point out to the Planning Board for the record that nine not four items were still not addressed.

With a heavy calendar for the Planning Board in place for the Summer, discussion was made as to when this proposal could be continued to. Planner Jalette indicated that that was a discussion that needed to

be had between the Planning Board and this applicant. She indicated that September looked like an opportune time. The Planning Board had two commercial projects to review in July, and a very heavy Solar review agenda for its August meeting. Planner Jalette also sought the Planning Board to issue an advisory opinion in July. Ultimately she deferred to the Planning Boards wishes as she set its agendas moving forward. Solicitor Hogan indicated that she would appreciate a timetable from Mr. Cabral of Crossman Engineering as to when he believed that outstanding matters would be addressed between Crossman and the applicant. Mr. Cabral of Crossman engineering indicated that he could meet with the applicant for a site review in the next two to three weeks. This would have to be coordinated by the availability of the Public Works Director, and any Planning Board Member who sought to attend. Mr. Cabral felt that drainage concerns could be reviewed and addressed, and he felt the applicant did a “good job” testifying on technical aspects presented tonight. Planner Jalette than sought to confirm the availability of the applicant for future meetings. Attorney Landry stated he believed the concerns had been narrowed and he wished to appear before the Board if possible in August not September. Attorney Landry did not believe he had heard a good reason for them to wait until September. Discussion of July as a continuance date was made, and Solicitor Hogan interjected and did have concern as to a quorum existing for that meeting. Discussion was made to continue the public hearing phase to the September meeting.

At this point Ms. Shumchenia made a motion to continue the hearing on the Brushy Brook 140 Unit plan to the September 7th, 2022 meeting with a decision date of September 14th. Her motion was seconded by Mr. DiOrio. Mr. Prellwitz, Mr. Lindelow, Ms. Shumchenia, Mr. DiOrio, and Ms. Light all voted to approve the motion, with no one in opposition and no abstentions.

SOLICITORS REPORT:

Solicitor Hogan indicated that the appeal decision on the Stone Ridge project was postponed due to a lack of quorum at the meeting scheduled. The matter was continued for a meeting scheduled on June 16th, 2022.

PLANNERS REPORT:

Planner Jalette indicated that recently there was a legalization of the recreational use of marijuana in the State of Rhode Island. She advised that it is her recommendation that the Planning Board begin research on to draft an Advisory opinion to the Hopkinton Town Council on how the Town of Hopkinton should proceed in relation to this latest legislative act. Planner Jalette stated she wanted to give advance notice as this is an intricate and complex issue. She indicated it is likely that a hearing date will be needed on this issue. If any technical assistance is needed she encouraged the Planning Board to reach out to her Office. Mr. DiOrio asked specifically what the opinion of the Planning Board was going to consist of and be. Planner Jalette indicated that there was a ‘district use table’ in relation to this legislative act, but no model or suggested ordinance for a municipality to follow nor adopt. Mr. DiOrio indicated his reading of the act was that a municipality can opt out of hosting a distribution center. Mr. DiOrio believed it was best to hold a workshop in conjunction with the Town Council to draft policy and an effective ordinance. Chairman Prellwitz was concerned that the Town Council was throwing up their

collective hands and passing the issue onto the Planning Board. The matter will be discussed more and avenues of action discussed at the July Planning Board meeting.

CORRESPONDANCE AND UPDATES:

None.

PUBLIC COMMENT:

None

A motion to adjourn was made by Ms. Shumchenia with Ms. Light seconding the motion. Mr. Prellwitz, Mr. DiOrio, Mr. Lindelow, Ms. Light and Ms. Shumchenia all voted to adjourn with no one in opposition and no abstentions.

The meeting adjourned at 11:00 PM

Michael J. Spellman

Senior Planning Clerk

Town of Hopkinton, Rhode Island