

# Hopkinton Planning Board Hybrid Meeting

## Notice of Special Meeting

June 8<sup>th</sup>, 2022 at 7:00 PM

### Hybrid Meeting

#### Moment of Silent Meditation and Salute to the Flag

**CALL TO ORDER:** 6:59 PM

**ROLL CALL:** Chairman Prellwitz, Mr. DiOrio, Ms. Shumchenia, Ms. Light, Town Planner Jalette, Senior Planning Clerk Spellman

**OLD BUSINESS:** None

#### **NEW BUSINESS:**

Growth management Ordinance, Article IV, Section 13.5-97 of the Hopkinton Code of Ordinances

*The Planning Board will review and discuss the existing Growth Management Ordinance for continued applicability and may possibly vote to make a recommendation to the Hopkinton Town Council.*

Solicitor Attorney Hogan indicated that the purpose of this Special Meeting was to review, discuss and possibly act on an existing Growth Management Ordinance in the Town of Hopkinton. This ordinance is Article IV, Section 13.5-97 of the Hopkinton Code of Ordinances. This matter has appeared before the Planning Board in a sudden manner after a member of the public approached the Town Clerk after a meeting on the potential build out on an application by an applicant before the Planning Board, asking about the existence of the Growth Management Ordinance we are discussing this evening. The Town Clerk provided it to the citizen asking about it as well as the Town Planner. The Ordinance was also brought to the attention of Solicitor Hogan by Planner Jalette who both were unaware of its existence. They acquired a copy of it and reviewed it. Upon review it was also apparent that this ordinance would require a review and or recommendation by the Planning Board to the Town Council by 6/30/2022. The original ordinance was drafted in 2000. In order to comply with the functionality of the ordinance, or the ordinance extended, the Planning Board may want to consider making a motion to the Town Council to hire a consultant to review and make an appropriate recommendation to the Town Council.

Ms. Shumchenia indicated that it sounded perfectly reasonable to her as upon her review of the ordinance in question, that the manner in which the formula was drafted in it was significantly outdated. It was appropriate it be reviewed and made current. Chairman Prellwitz agreed. Planner Jalette advised that with the volume of work taken on by the Planning Department that a professional consultant be brought in to achieve this task. Chairman Prellwitz, Ms. Light and Mr. DiOrio all concurred with the

evaluation of Ms. Shumchenia. Chairman Prellwitz indicated that they had less than no information on this ordinance and its existence was literally dropped in the Planning Boards lap. Planner Jalette indicated that she concurred with the Planning Board's concept to hire a consultant and modernize the ordinance. She advised with all the current workload of the Planning Department she did not believe she could complete this task. She also indicated that although the matter was brought before the Planning Board, the enforcement capability of this ordinance fell within the Building and Zoning Department. She indicated her knowledge of that service was somewhat limited and best a consultant be selected to address the current ordinance.

Chairman Prellwitz then asked Solicitor Hogan with assisting him in drafting a motion to achieve this aim and she agreed to do so. Mr. DiOrio strongly encouraged allowing public comment before entertaining any ordinance as it was apparent to him that there was concern among members of the public in attendance at the meeting. Chairman Prellwitz agreed and allowed public comment to occur prior to any drafting of a motion. Mr. Joseph Capalbo of 37 Diamond Hill Road Hopkinton, RI spoke and asked the Planning Board as to what the status was of and applicability of this ordinance. Planner Jalette indicated this ordinance is in effect until December of 2022, and she indicated that the Council could acquire more modern data to redraft potentially. Conrad Cardano of 110 Dye Hill Road spoke and discussed specifics of this ordinance being discussed at the Special Meeting. Mr. Cardano referenced 13.5.91 stated that his understanding of the ordinance was the Building Official needed to report this number to the Town Council, the Planning Board, and posted in the Office of the Town Clerk. Mr. DiOrio, who has served as long time chair in previous years of the Planning Board, stated he wished to publicly apologize for any misstatements he had made. Mr. DiOrio did not believe this Ordinance was still in effect, and thought that this ordinance had long ago expired. He acknowledged that this belief was incorrect. Mr. Cardano stated it was obvious the intent of this ordinance was to temper impact of school costs from development on the property taxpayer in Hopkinton. He referenced the Brushy Brook project and how much of the focus was on wells and drainage and very little on the impact on the taxpayer of school taxes. Mr. Cardano indicated it was not desired by Hopkinton residents to endure another tax increase.

After input to the Planning Board by Solicitor Hogan, Ms. Shumchenia made the following motion, that the Hopkinton Planning Board make recommendation to the Hopkinton Town Council that the Hopkinton Town Council obtain the services of an outside Planning consultant who would update the background information and the formula in the current growth management ordinance, in order to ascertain whether or not the ordinance should be continued by the Hopkinton Town Council. Based on the following facts that we believe the prior to study and its resulting formula was done by an outside consultant. Due to its complexity and existing workload it is outside the band width of the current Planning Department to perform. Also requesting that the Town Council fund the Consultant position so as to meet the time frame of this ordinance discussed. This motion was seconded by Chairman Prellwitz. Chairman Prellwitz, Mr. DiOrio, Ms. Light and Ms. Shumchenia all voted to approve. There were no votes in opposition and no abstentions.

**PUBLIC COMMENT:** Mr. Joe Moreau of Old Depot Road spoke to the Planning Board. Mr. Moreau wanted to thank those responsible for adding a moment of silence, and the Pledge of Allegiance to the opening of all Planning Board meetings. He praised local residents who worked to acquire new flags throughout varied locations in town. Mr. Moreau indicated he was working with Town manger Rosso, and Town Council President Stephen Moffitt to address getting a new flag pole flags and a lighting at night capacity at Hopkinton Town Hall. Mr. Moreau reiterated his thanks to all above on addressing these issues of his concern. Mr. Moreau indicated that since 2018 he has been heavily involved in Hopkinton governance. He thanked the Planning Board for its attendance and always insuring it has a quorum to address its business. He spoke of another Board in town which failed to have a quorum recently after a procedural challenge. Mr. Moreau thanked Planner Jalette for taking the plunge as he said into “the deep end of the pool” as she ascended to the Town Planners role.

Mr. Conrad Cardano of 110 Dye Hill Road spoke again and asked to have the motion made that was just passed is there a timeline on the recommendations made to the Town Council. He further inquired of the Planning Board what the timeline of the ordinances status would become as he was concerned as to its expiration. Mr. DiOrio addressed him directly and indicated that the Planning Board had met its burden and was requesting a consultant be hired to review and possibly rework the ordinance for its continuance. That this was the Planning Boards recommendation in its motion passed tonight, to advise the Hopkinton Town Council for its review, and further potential action. The decision to pay for the consultant and or to take additional action, if any, lies strictly with the Town Council. The question being asked is more appropriate to be asked of the Town Council.

Mr. Joseph Capalbo asked the Planning Board as to if an affordable housing component exists in a proposal it can override local zoning regulations. He asked this directly of the Chair. The Chair was warned by Solicitor Hogan that his comments could potentially be inferred as relative to proposals currently under review by the Planning Board. As this type discussion was not noticed in this meeting, she warned to refrain from further advisory comment. Solicitor Hogan offered to speak to Mr. Capalbo after the meeting and answer any procedural questions he may have, and he agreed.

Town Council President Stephen Moffitt called into the meeting. President Moffitt asked a question specifically of Solicitor Hogan. He asked if it was her opinion that the Planning Board’s actions satisfied the June 30th deadline of the ordinance. Solicitor Hogan advised it was in her opinion that it does. President Moffitt indicated it was his concern that the Town Council not have its collective, “back against the wall.” President Moffitt indicated that like other governmental entities the Town Council as well just found out about this ordinance. President Moffitt wanted to assure the Planning Board that the matter was not just being placed in their avenue of responsibility to address only. He indicated he would review closely what a consultant would do to clarify or address this ordinance and its potential retention. Solicitor Hogan indicated to President Moffitt she sought to go “on the record” that it was her opinion this is the proper course of action to take and that the ordinance was drafted to be evaluated in this manner. It gave a six month window for an expert to craft an analysis so as to properly advise the Town Council. With this data the Town Council could make an informed and accurate decision.

President Moffitt thanked Mr. Capalbo for his due diligence and research and finding the ordinance in question being discussed at this meeting. With no further public comment Chairman Prellwitz entertained a motion to adjourn. Mr. DiOrio made the motion which was seconded by Ms. Shumchenia. Chairman Prellwitz, Ms. Light, Mr. DiOrio and Ms. Shumchenia all voted to approve the motion with none in opposition and none abstaining in.

The meeting concluded at approximately 7:27 PM.