

# Hopkinton Planning Board Hybrid Meeting

July 6<sup>th</sup>, 2022 at 7:00 PM

## Hybrid Meeting

**Call to Order:** Meeting was called to order at 7:01 PM by Chairman Prellwitz

Moment of Silent Meditation and salute to the Flag

**Roll Call:** Chairman Prellwitz, Mr. Lindelow, Ms. Light, Mr. DiOrio, Mr. Wayles and Mr. Pennypacker  
Planner Jalette and Senior Planning Clerk Spellman

**Pre Roll Call for August 3<sup>rd</sup>, 2022 Planning Board Meeting:** Chairman Prellwitz, Mr. Lindelow, Ms. Light, Mr. DiOrio, Mr. Wayles, all attending, with Mr. Pennypacker indicating that he would not

**Approval of Minutes:** June 1<sup>st</sup>, 2022 Regular Meeting Minutes, June 8<sup>th</sup>, 2022 Special Meeting Minutes

Ms. Light made a motion to approve both the June 1<sup>st</sup>, 2022 regular Meeting Minutes and June 8<sup>th</sup>, 2022 Special Meeting Minutes. Her motion was seconded by Mr. Lindelow. Chairman Prellwitz, Mr. Lindelow, Ms. Light, Mr. DiOrio and Mr. Wayles all voted to approve the minutes. There were neither dissenting votes nor abstentions.

### ADVISORY OPINION:

Advisory opinion to the Town Council- Amendments to the Zoning Ordinance District Use Table- Appendix A "Zoning", Chapter 134, Section 5 (filed on April 14<sup>th</sup>, 2022). The proposed amendments would establish and include subcategory 9, "Medical and Recreational Marijuana and Related Uses". Six Use Codes are proposed- Compassion Center (Proposed Use Code 900), Hybrid Cannabis Retailer (medical and recreational) (Proposed Use Code 901), Retailer (Recreational Only) (Proposed Use Code 902), Licensed Cultivator, (Proposed Use Code 903), Independent Testing Lab (Proposed Use Code 904) and Cannabis Product Manufacturer (Wholesale) (Proposed Use Code 905). Proposed and Sponsored by the Town Council President Steven Moffitt.

Chairman Prellwitz opened the matter listed above to discussion, and Planner Jalette delineated to the Town of Hopkinton Planning Board that they were tasked to review this matter, and report back to and make a recommendation to the Hopkinton Town Council. That they were tasked to collectively give an Advisory Opinion to the Town Council as to if these ordinance proposals, in relation to the recent State of Rhode Island law changes, are consistent with the Town of Hopkinton Plan of Comprehensive Development. Planner Jalette before the meeting, had given the Planning Board legal definitions reference these new proposed ordinances, ordinances drafted in reaction to the recently enacted new State of Rhode Island law reference the possession use and sales of cannabis in the state.

Planer Jalette recommended that this matter be reviewed within the context of how all advisory opinions are made, however she stated that was at the pleasure of the Planning Board. She

recommended looking at each code individually. Planner Jalette had acquired for the Planning Board, and gave them in their packets, definitions reference the law changes, and within the framework of the proposed ordinances drafted and under review. With these definitions given, the ordinance could be looked at to ensure that the proposed ordinances were in the spirit of and consistent with, the goals and policy delineated in the Town of Hopkinton Comprehensive Plan of Development. Ms. Light asked if the advisory had to be completed that evening. Planner Jalette indicated that this task needed to be completed that evening.

Mr. DiOrio queried Solicitor Hogan for her input. Mr. DiOrio indicated that he was aware of and sensitive to that the Planning Board had been tasked to give an advisory opinion to the Hopkinton Town Council, but he asked Solicitor Hogan if the town and the Board were obligated to say “yes”. Solicitor Hogan indicated that per her review of the proposals and the state Cannabis Act, a municipality can put a question on the November 2022 ballot to “opt out”, and as a municipality not participate in the now legalized cannabis industry in Rhode Island. Solicitor Hogan warned that if the Town of Hopkinton chose that path, they would not be able to participate or acquire the revenue from taxes generated by the newly legalized cannabis industry and its associated sales. She indicated that the Town Council had until August 10<sup>th</sup>, 2022 to put it on the ballot for residents to decide by majority vote in November. Mr. DiOrio asked further that reference an opt out by ballot vote, “my question is” can the Planning Board simply say no? As a course of that action, put this matter to the voters in November. Solicitor Hogan did express concern with the Use Table, which is the starting point for a new ordinance, and indicated that there were very few true definitions of what the legislative act mentions and authorizes. Solicitor Hogan stated that many of the parameters were not clear and described the state guidance to municipalities as “bare bones”. The Compassion Centers were defined as Commercial and manufacturing in scope, and did not address many elements such as security and size of operation, many of the other definitions had none. Planner Jalette interjected that two of the use codes in the new legislative act, she could find no definitions for. These being the proposed Licensed Cultivator and Retail Recreational Only, these have no definitions. Planner Jalette indicated that she was reticent to include some guidance as it was so difficult to truly define what some of the terminology in the legislative act was as legal definitions often have precise connotations attached to them and are not to be attached haphazardly. She did not want to give the Planning Board inaccurate information as it made its decision. Town Council Moffitt who was the sponsor of the ordinances under review this meeting, believed that the information availed at the state level was sufficient to make determinations at the local level.

Chairman Prellwitz asked Solicitor Hogan that if we approve this, does the Planning Board get an opportunity to come back and “fine tune” the ordinance. Attorney Hogan reminded him that the Ordinance is the purview of the Town Council, and the Planning Board vote and recommendation is advisory only. In this “bare bones” format laid out for the ordinance, you can indicate it makes it difficult for us to “opine” on the topic at hand. She then compared it to recent developments in Hopkinton reference revised solar ordinances in 2021 where there were several meetings and numerous language changes meet reference that topic. Mr. Lindelow asked if this advisory irrespective of their opinion likely still the Town Council would be a pathway to a ballot vote to let citizens decide. Solicitor Hogan indicated that if the Town Council takes no action to put these proposed ordinances on the ballot in

November, it would go into effect automatically. The Planning Board advisory could give an element of oversight and a chance to have regulations in place, to act if the proposals come in immediately so the Planning Board could continue its role. Mr. Lindelow indicated he was concerned he did not have enough information to give an informed opinion. Ms. Light then indicated that she believed a decision may already have been made. She saw it from two points of perspective. That the Town Council can take their (Planning Board) advice, and we are being asked to approve something, but it may not be forwarded to the ballot in November. She indicated that she believed cannabis is coming to Hopkinton. She referenced businesses locally that may have been flying under the radar may relocate out of Hopkinton. Mr. DiOrio stated he had reservations, and this is something he does not want in this community. Mr. DiOrio stated that the community had been dealing with many solar initiatives from ordinance changes in recent years, and this (cannabis) was now “a second rabbit hole the community was about to go down.” Mr. Wayles stated that he had reviewed the use tables, and had concerns. Mr. Wayles stated that he was looking for points of reference and comparisons. He saw medical and recreational use of marijuana could be comparable to a liquor store. Ms. Light agreed stating this was the point of comparison she utilized as well. He also looked at tobacco regulations as a point of reference as well. Ms. Light discussed a grow operation that exists on RTE 138 locally. Mr. Wayles discussed the location restrictions for this type of business, and permitting requirements and guidelines. Chairman Prellwitz expressed a concern as to what the ability of the Planning Board will be to regulate. Mr. Wayles indicated he would like to see a community vote on the cannabis issue. Mr. Pennypacker indicated he had concerns as to a course of action if no vote was taken, and he discussed past consequences for the Town of Hopkinton. Solicitor Hogan indicated to his point that, the role of the Planning Board is to recommend whether to adopt this ordinance or not, and to do so as to if it is consistent with the Plan of Conservation and Development. Another course of action is to indicate that there is insufficient information and do not adopt the ordinances until more definitive information is availed from stakeholders state and local. Mr. DiOrio indicated that if a positive finding was made, he would like to qualify it that with approval the Planning Board, he would like to see more “meat on the bone” so to allow smooth implementation. That the Town Council could remand the ordinance back to the Planning Board for that assignment, so as to meet those goals.

Planner Jalette indicated that at the last meeting no advisory vote was taken. That the discussion was part of the Planners Report where she gave a “heads up to the Planning Board that this was coming down the pike.” Your action could be advisory but it does not preclude a Planning Board member from speaking as an individual at a Town Council meeting to air concerns. Mr. DiOrio stated he understood, but believed that it would carry “more weight” if the Planning Board spoke as a whole. Chairman Prellwitz agreed. Mr. Prellwitz stated there were parts of the ordinance he liked and others he had concerns with. He agreed with Mr. DiOrio and his analogy of a “rabbit hole”. Mr. Wayles indicated it was his opinion that it was inconsistent with the district use code. He did not believe it matched up with “comparable” uses per his review. He had serious concerns over sale, when, where and how. Chairman Prellwitz discussed Mr. Wayles concerns, and utilized a liquor store analogy as to the sale of cannabis. Mr. Prellwitz concurred with Mr. Wayles and stated that they need regulation. Ms. Light stated that it would be a “tremendous source of revenue”. She also wanted to see what the impact was to the surrounding communities, some in other states, where sales were approved. She saw it as a positive and

that Hopkinton was a prime location, and a chance for additional municipal revenue. She stated that bringing an ordinance rapidly out of this bill was like asking a “kindergartner to take an SAT test”. Mr. Wayles agreed as to the revenue potential but the District Use table was problematic. Mr. Pennypacker agreed with Mr. Wayles and said the lack of standards was an issue. Mr. DiOrio said respectfully we are going to have to craft some verbiage to address the Boards concerns as the advisory was forwarded. He asked what Item 2 specifically was. Planner Jalette indicated it was a basis of Rhode Island State law and was a definition of the 16 points of local zoning. Information from the Rhode Island General Statutes 45-25-30 was discussed as a point of reference to address applicable purposes of local zoning. Mr. DiOrio was concerned after his review specifically what the Planning Board could forward to the Town Council. Planner Jalette indicated that it was the role of the Planning Board to ensure the state statute comports to the ordinances and needs of the Town of Hopkinton. She referenced school zones as a point of concern. Ms. Light asked if the Zoning Board had rendered an opinion on this topic. Planner Jalette stated not to her knowledge. Chairman Prellwitz indicated that it seemed to be the consensus of the Planning Board that they needed more information. Chairman Prellwitz stated that if you drafted a column ledger that the negatives outweigh the positives. Mr. Wayles also reiterated that he needed more information to make a decision as to if it was consistent with the Comprehensive Plan. He discussed specifically the concept of a “Compassion Center”. Mr. DiOrio stated that one cannot make a finding in consistency with the Comprehensive Plan. This because of the “ambiguous nature” of the use table that was provided. Ms. Light interjected that the plan does fit with the Economic Development concept. She indicated that the “other stuff she could not find.” Mr. Wayles agreed on that point and reiterated the vague nature of definitions that were given and he needed more “clarity”. Mr. DiOrio felt that this could be part of the economic development goals of the comprehensive plan. Mr. DiOrio stated that “if you wanted to jump on the economic development bandwagon” you could that was in meeting with a goal of the Plan of Development. Mr. Wayles felt cannabis could be for the “general welfare” but he was not prepared to state that based on the use table provided. Mr. DiOrio equated the cannabis use and sale as similar to a “strip club”. Not a good fit for the Town of Hopkinton. Planner Jalette indicated that there was an adult entertainment provision in local ordinances. Mr. Wayles felt that the discussion of cannabis as a similar use as an adult entertainment was not a good one. Chairman Prellwitz indicated that his belief was the Planning Board needed more information to give an informed opinion. Ms. Light indicated she believed the only consistency was with the economic development portion of the comprehensive plan. Solicitor Hogan enquired if that was a motion, and Mr. DiOrio stated the Board was working to craft one. A motion was made by Ms. Light and seconded by Mr. DiOrio for the Town of Hopkinton Planning Board to give the following recommendation to the Town of Hopkinton Town Council in three parts.

The Town of Hopkinton Planning Board is giving an advisory opinion to the Hopkinton Town Council reference- Amendments to the Zoning Ordinance District Use Table- Appendix A “Zoning” Chapter 134, Section 5 (filed on April 14<sup>th</sup>, 2022). The proposed amendments would establish and include Subcategory 9, “Medical and Recreational Marijuana and related uses” Six use codes are proposed- Compassion Center (Proposed Use Code 900) Hybrid Cannabis Retailer (Medical and Recreational) (Proposed Use Code 901) (Retailer and Recreational Only) (Proposed Use Code 902) Licensed Cultivator (Proposed Use

Code 903) Independent Testing Lab (proposed Use Code 904) and Cannabis Product Manufacturer (Proposed Use Code 905) Proposed and Sponsored by Hopkinton Town Council President Steve Moffitt

(Item #1) That with the limited information forwarded by the Hopkinton Town Council in the attached Use tables provided, The Planning Board does believe that the proposed amendments do comply with the Economic Development portions of the Town of Hopkinton Comprehensive Plan of Development. Motion was made by Ms. Light and was seconded by Mr. DiOrio. Motion passed four to one with Chairman Prellwitz, Ms. Light, Mr. Lindelow and Mr. Wayles voting in favor and Mr. DiOrio opposed.

(Item #2) That portions of this amendment to the Zoning Ordinance District Use Table comply with Chapter 24 Zoning Ordinances Rhode Island General Laws 45-24-30 General Purposes of Zoning Ordinances, specifically Item A-6 "Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources and open space". Motion was made by Mr. DiOrio and was seconded by Ms. Light. Chairman Prellwitz, Ms. Light, and Mr. Lindelow voted to approve with Mr. DiOrio and Mr. Wayles voting in opposition.

(item #3) That to further advise and assist the Hopkinton Town Council, that should they pursue this proposed ordinance, that the Planning Board be utilized to assist with its drafting and workshops prior to its implementation phase. Motion was made by Mr. DiOrio and was seconded by Mr. Lindelow. Chairman Prellwitz, Ms. Light, Mr. Lindelow and Mr. Wayles all voted in favor with Mr. DiOrio opposed.

**OLD BUSINESS:**

None.

**NEW BUSINESS**

Planning Board Recommendations to Town Planner- Amendment to an Approved Plan- Comprehensive Permit- Major Land Development- **CARDINAL LANE CONDOMINIUMS** – AP14 Lot 46B34, 0 Cardinal Lane, South County Habitat for Humanity, Applicant.

Planner Jalette stated that she is seeking a recommendation from the Planning Board as to if this is going to be considered by the Planning Board as a major or minor change to an approved plan. She wanted to get an advisory from the Planning Board before acting unilaterally. Mr. DiOrio interjected and stated this was a discussion between the Planning Board and the Planner. This as they are not acting on the proposal as is, and that is not the issue at hand but whether they can remand the matter to the Planner as a minor change in scope. Mr. DiOrio believed that this was a minor not a major development proposal and he felt it was best handled by the Planner. Mr. DiOrio asked of the Planner, "What do you think?" Planner Jalette stated that with the change she sought an opinion from the Planning Board. Solicitor Hogan cautioned the Planning Board as she observed a "slippery slope" occurring as to the agenda drafted. She felt that should the Board seek testimony or public comment they are acting outside the agenda. Mr. Wayles indicated that he saw it as a Minor change to the approved plan. Mr. DiOrio concurred as it was a reduction in the scale of the project. Mr. Lindelow said he can be sympathetic and appreciate that there is some funding available now as to affordable housing, but this

is a minor change. Chairman Prellwitz saw this as a minor change. Mr. Wayles said he trusted the Town Planner to seek the appropriate path.

Mr. DiOrio made the following motion, That reference Planning Boards recommendation to the Town Planner and an amendment to an approved plan- Comprehensive Permit- Major Land Development- **CARDINAL LANE CONDOMINIUMS**- AP14 Lot46B34, 0 Cardinal Lane, South County Habitat for Humanity, Applicant. That this be remanded to the Town Planner as a Minor change. His motion was seconded by Mr. Wayles. Mr. Wayles, Mr. DiOrio, Mr. Lindelow, Ms. Light and Chairman Prellwitz all voted to approve the motion. There were no votes against or abstentions.

Development Plan Review- **Anderson Mixed Use** - Plat 15, Lots 4, 5, and 6A, 916 Main Street, Woodland LLC., applicant.

Mr. Sam Hemenway appeared for the applicant, Anderson Mixed Use. "I am not exactly sure how this picks up from where we last left off", he indicated that there were little to no changes from the last time they appeared. Applicant has had refinements to their plan, including storage of some chemicals or materials, location of common bathrooms, and advanced a design for septic on site. All needed has been filed with DEM inclusive of Wetlands considerations. They have put in evergreen screening to address DEM concerns. They have filed with Department of Transportation for the entrances and exits onto RTE 3. Although they have great input from oversight stakeholders they do not have permits which are pending. Mr. Hemenway does not see any substantive changes.

Chairman Prellwitz stated that as he understood it the applicant was awaiting the appropriate permitting. He asked about the aquifer protection permit. Mr. DiOrio asked Town Planner Jalette for her input and where she thought the plan stood. She believed peer review with Crossman would be able to address storm water calculations and move this proposal to a date certain. Mr. Hemenway stated that he was working closely with DEM on Storm water concerns. Mr. DiOrio said first he wanted to apologize as he has been on a bit of a "hiatus" from Planning Board meetings. He indicated he wanted to applaud the applicant as he saw this as a great use of the existing property. He did want to indicate that he had a couple of concerns. Mr. DiOrio mentioned that the parking area is lined up with the right of way line. He felt it could have been moved back. Mr. Hemenway stated this was done to ensure existing drainage on site, and is willing to address landscaping as they felt the aesthetics would be good. Mr. DiOrio indicated he wanted to see additional screening with plants on site. Mr. DiOrio was also concerned with the chemicals on site seeking to protect existing aquifers on site. Mr. Jad Anderson spoke and said the wood working was small and scope. Addressing his proposal Mr. Anderson indicated he would have no drains in building floors and would have some diesel on site. Mr. DiOrio asked what chemicals were on site and asked to delineate what was stored on site and what would be there that Hopkinton did not want to see in the ground in the town. Mr. Anderson was unsure as to how to answer and Mr. DiOrio stated this was to "flesh out" the proposal so more detail was available to the Planning Board. Planner Jalette asked specifically as to when did the applicant feel the Brewery portion could be under consideration. Mr. Anderson stated he felt it would be at least three years down the road. Discussion among the Board

ensued as to setting the date certain by availability. Ms. Light also enquired as to when a Site walk could occur. Solicitor Hogan warned to avoid a meeting quorum the Planning Board could do a site walk in numbers no greater than two. Mr. DiOrio asked the applicant when he believed he would have all necessary permits in hand. Mr. Hemenway indicated he anticipated in about 6 weeks. Discussion was made of the date certain and it was discussed that this application come forward in September under old business.

A motion was made to continue to Planning Board review to the September 7<sup>th</sup>, 2022 Planning Board Meeting. Ms. Light made the motion, which was seconded by Mr. Wayles. Chairman Prellwitz, Mr. DiOrio, Ms. Light, Mr. Lindelow, and Mr. Wayles all voted to approve the motion there were no opposing votes.

Master Plan- 7 Lot Major Subdivision/ Land Development Project- **Preserve Business Park** – Plat 23, Lot56A1, 50 Alton Bradford Road. SM Trombino Properties, LLC., applicant.

Before the applicant began, Mr. DiOrio gave a notice of recusal as his firm has worked with the applicant in the past.

Mr. Stano Trombino spoke for the applicant. Mr. Trombino introduced himself as the owner of 50 Alton Bradford Road. He stated he was appearing before the Planning Board this evening seeking the approval of a 7 Lot Major Subdivision/Land Development Project. He reiterated that the proposal before the Planning Board that evening conformed to all applicable dimensional Hopkinton regulations and he had had to make no requests for any waivers for this project. Mr. Trombino indicated he had diligently worked with Town Staff and with the Crossman Engineering Company on Peer Review. This project Mr. Trombino stated was last before the Planning Board in 2018, and he had to back away for a time period to allow a medical issue to be resolved. Mr. Trombino stated that he had all the appropriate licenses and permits to move this proposal forward. He indicated he would leave all specific details to Mr. Tony Nenna his Engineer, but sought this evening to give a bit of an overview. He advised that when he purchased the property he could have sought a solar array, but believed the plan before the Planning Board currently, is a better use of the property and an benefit to the community overall. He has met with neighbors and abutters to discuss the property development in question and in “full transparency” he is available to them at any time. The access to the property is off of RTE 91 and the project has been fully vetted by RIDOT. He has worked with the Local Land Trust to allay concerns, and sought to put property aside with them, but was unsuccessful. Mr. Trombino stated that he has, in just in Hopkinton alone, developed 40 rentals for commercial businesses in town that he is responsible for. These are small businesses that he believes drive the local economy. He has a tenant of 21 years as a tenant, with this being the longest tenure in a property he owned, and a tenant of 3 years in the shortest tenure in Hopkinton of a property he owned. He delineated a very diverse listing of business interests occupying commercial properties that he owned. Many of these properties are in residential areas, and he indicated that there have been no issues or complaints about businesses he owned. Mr. Trombino

stated he would rather have a property be vacant than to have issues with his neighbors. He stated he was back before the Planning Board, and his goal was to finish the project proposed.

Mr. Tony Nenna then appeared before the Planning Board, introduced himself, and advised he appeared before them to reiterate and clarify the proposal. Mr. Nenna indicated that he was a professional Engineer licensed in the State of Rhode Island. This proposal was for six lots as manufacturing space which included a solar array. Mr. Nenna stated he was currently working with Crossman Engineering, Crossman acting on behalf of the Town of Hopkinton, in peer review. Mr. Nenna indicated that Storm water drains were being constructed and that detention areas were approximately 90% constructed. Mr. Nenna gave an overview as to the parking area, and the wells and septic systems constructed and existing on site. The lots on site are 80,000 square feet in size not the 60,000 of most projects of this scope. Mr. Nenna indicated that he was currently working with Rhode Island DEM on permitting, and assured the Planning Board that runoff has been managed well. Mr. Nenna indicated that there was limited erosion on site. Ms. Light indicated that she had concern that the data presented was from 2018. She believed that the appropriate route was to continue to engage Crossman engineering in this process. Discussion was made by the applicant with the Planning Board to ensure any chemicals stored on site were stored properly, this reiterated as a concern to ensure that the aquifer was protected. Mr. Trombino indicated to the Planning Board that he would not use the site for any businesses connected to Cannabis or Marijuana. Mr. Trombino further assured the Planning Board that he would not put a business in place at this location that the neighbors clearly did not want. Mr. Lindelow indicated to the applicant that he likes the concept of bringing new business into town. He advised Mr. Trombino that he respected what he has done in the past and liked what he had heard from the applicant this evening. Mr. Wayles stated that everything looks and sounds good. Mr. Wayles indicated he would like to conduct a site visit. Mr. Trombino discussed his tenants and their longevity on his properties and the success and growth of the tenants in their respective business interests. He reiterated that his tenants were successful businesses employing local people. Chairman Prellwitz indicated that there was upon his review an issue with a telephone pole that needed to be moved and a discussion reference it with RIDOT. Ms. Light followed up with a question as to what was the project timeline. Mr. Trombino indicated that he could not get a definitive on a timeline and was working through the process to get the project completed.

In Public Comment, Ms. Andrea Panciera of 45 Panciera Lane appeared before the Planning Board as a neighbor living close by with a historic family farm property. She indicated that she had some concerns and was appearing to protect her family interests. Her initial concern was to "What is not being shown here as to what is being shown?" She prefaced this with she did not observe anything that immediately disturbs her, but queried as to How (the Planning Board) could approve this without more definitive information. She sought to verify that all on site were tenants and that no units are being sold. Mr. Trombino indicated that that was accurate information. Ms. Panciera was concerned as to if these proposed facilities were warehouses. She expressed concern as to what the scope of mixed usage would be, and she reiterated concerns as to traffic flow and speed of traffic proximal to the proposal. She was concerned as to how many people would be employed there, and as to if shift work would be a factor in regards to the proposal. She sought through the review of this project to get a better sense of the

safety, the traffic and the location. Ms. Panciera discussed at length her concern for traffic to and from the site impacting negatively on the nearby long term residents. She discussed her belief that there should be a reduction in the speed limit and an increased use of speed limit and warning signs. Ms. Panciera also discussed noise and quality of life issues. She discussed the peace and quiet and tranquility of the family farm being negatively impacted by this proposal. She had relocated here to ensure a rural and quiet lifestyle. She was very concerned as to wells located nearby, and believed that building this type of facility directly on top of an existing aquifer was problematic. Ms. Panciera in discussing the concern for the aquifer indicated her family had ensured the Farm would become state protected land to ensure it is a family farm in perpetuity. Ms. Panciera concluded she was protecting her family's interests and her concern was to quality of life for neighbors and abutting property owners as this project moves forward. She was concerned as to how long the construction was to go on disturbing their family farm.

Mr. Trombino rose in response to her concerns and prefaced it as he had great respect for the Panciera family. He said 100% would be use in a manufacturing zone, and he assured her that he "plays by the rules." As to traffic he indicated he shared her concerns but was not in a position to make an impact on it completely. As for noise, most of the major "big ticket" items are in place already in relation to the construction, and he assured all his tenants will comply with any existing town noise ordinances. He indicated that as to water use, that he was advised any of his tenants would use less water than a single family home. That Engineering work had indicated a 3' water table and that water was very plentiful. Ms. Light advised Ms. Panciera that Crossman Engineering will engage developers and ensure that the town and its resident's interests were addressed and protected. Mr. Trombino indicated that his goal was to meet all of Crossman Engineering's concerns and they were working closely with Crossman. His goal was to meet or exceed the recommendations. Mr. Andrew McDade of 60 Alton Bradford Road spoke and indicated that he was concerned as to if Mr. Trombino was going to cut down all or a majority of the trees on the property in question. Mr. Trombino indicated in 2018 he could have put up a solar farm. He stated he did not. He assured Mr. McDade that the setback is a good one. He assured him that operations would not be within 100' of his property.

Ms. Light stated that she was not prepared to make a finding at his meeting, and indicated that she would like to undertake a site visit to the property in question. She said after completing that she would be in favor of bringing the proposal back the following month. Planner Jalette indicated that the applicant was still in peer review, and would ensure a site walk for the Planning Board to view. She stated she believed this could be put on the August agenda. Mr. Trombino also invited neighbors to the property if they wanted to observe his proposals as well. Ms. Light made a motion that reference, Master Plan-7 Lot Major Subdivision Land Use development Project- Preserve Business Park – PLAT 23, Lot 56A1, 50 Alton Bradford Road, SM Trombino Properties, LLC applicant. That the Hopkinton Town Planning Board vote to continue to review this Master Plan at its August 3<sup>rd</sup>, 2022 meeting with a decision date of August 10<sup>th</sup>, 2022. Her motion was seconded by Mr. Lindelow. Chairman Prellwitz, Mr. Lindelow, Ms. Light, Mr. Wayles and Mr. Pennypacker all voted in favor and there were none in opposition.

**SOLICITOR’S REPORT**

1. Review of Court Case: *Freeport Solar LLC v Richmond Zoning Board of Review et al* No. 2020-207-M.P.

Solicitor Hogan advised the Planning Board that this case impacted a neighboring community and was a matter the Board members should peruse for their own edification moving forward.

2. Stone Ridge at Hopkinton: The Zoning Board of Appeals unanimously upheld the Planning Boards Decision at their June 16, 2022 meeting.

Solicitor Hogan indicated that this too was a matter she wanted to bring to the Board’s attention. Notice was made that abutters will be appealing to the Superior Court.

3. Scheduling site walks for projects as necessary

Solicitor Hogan advised the Board to avoid setting an unintentional quorum when undertaking site visits.

**PLANNER’S REPORT:**

Town Planner Jalette indicated that Planning Board member John Pennypacker was resigning and moving out of state. She wanted the minutes to reflect her appreciation for his service to Hopkinton and wished him well in his future endeavors.

**CORRESPONDANCE AND UPDATES:**

None.

**PUBLIC FORUM:** None

**DATE OF NEXT REGULAR MEETING:** August 3<sup>rd</sup>, 2022

**ADJOURNMENT:** Mr. Lidelow made a motion to adjourn which was seconded by Ms. Light. Chairman Prellwitz, Mr. Lindelow, Ms. Light, Mr. Pennypacker and Mr. Wayles were all in approval there were none in opposition. Meeting was adjourned on July 6, 2022 at 9:46 PM