

State of Rhode Island

County of Washington

In Hopkinton on the fifteenth day of August 2022 A.D. the said meeting was called to order by Town Council Vice President Sharon Davis at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Sharon Davis, Scott Bill Hirst, Michael Geary; Town Clerk Elizabeth Cook-Martin. Attending remotely: Town Solicitor Stephen Sypole; Town Manager Brian Rosso. Absent: Stephen Moffitt, Jr., Robert Marvel.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO RECESS TO EXECUTIVE SESSION UNDER: RIGL SEC. 42-46-5(A)(1) - INTERVIEWS: BOARDS & COMMISSIONS: PLANNING BOARD ALTERNATE.

POLL VOTE:

IN FAVOR: Davis, Hirst, Geary

OPPOSED: None

SO VOTED

The Town Council reconvened in open session. Council Vice President Davis reported that no votes were taken in Executive Session.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Davis, Hirst, Geary

OPPOSED: None

SO VOTED

CALL TO ORDER AND ROLL CALL

The meeting was called to order with a moment of silent meditation and a salute to the Flag.

ROLL CALL

Councilors Davis, Hirst and Geary announced they were present.

PUBLIC COMMENT

Ken Perreault of 10 Chase Hill Road, Ashaway expressed concern due to the extra traffic on Chase Hill Road caused by the closing of the Cottrell Bridge in Westerly. He noted that previously he had requested there be a single or double line painted down the middle of Chase Hill Road as people drive very fast down the middle of the road. He believed that Chase Hill Road was slated to be repaved at some point; however, in the meantime he felt that a line would be helpful. Councilor Geary agreed that there has been more traffic lately due to the closing of the Cottrell Bridge and suggested having the police put the speed detector sign at that location. Mr. Perreault felt a painted line would work better, noting that during the week there was a minimum of thirty trailer trucks going to 50 Chase Hill Road, which is the manufacturing property, with a very hazardous corner just up the road. Councilor Davis indicated that they would discuss this matter with the Town Manager. Mr. Perreault also indicated that the State should be made aware that there is a need for a speed limit sign when you get off of Route 78 onto Route 3, heading towards Ashaway. Lastly, he advised that he put a call into the State Public Works Department requesting the brush on the side of the road at the intersection of Route 3 and Chase Hill Road be cut back because it was hard to see and they came out the next day. Town Manager Brian Rosso advised that he would speak to Chief Palmer about placing the speed detector sign in that area and increasing patrols.

APPROVAL OF AGENDA ORDER

There were no concerns voiced over the agenda order.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO APPROVE THE AGENDA ORDER.

IN FAVOR: Davis, Hirst, Geary

OPPOSED: None

SO VOTED

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO Approve Town Council Meeting Minutes of August

1, 2022; Town Council Meeting Minutes of July 18, 2022; Approve abatements resulting from 2022 RP-tangible tax adjustments submitted by the Tax Assessor; Accept the following monthly financial/activity report: Town Clerk.

IN FAVOR: Davis, Hirst, Geary

OPPOSED: None

SO VOTED

NEW BUSINESS

SET HEARING DATE RE: PROPOSED ZONING ORDINANCE DISTRICT USE TABLE AMENDMENT - USE CATEGORY 07 ACCESSORY FAMILY DWELLING UNIT

This matter had been scheduled to discuss and consider setting a hearing date for an amendment to the Zoning Ordinance District Use Table Use Category 07 Accessory Family Dwelling Unit and to consider repealing Chapter 151 Accessory Family Dwelling Unit Ordinance introduced and sponsored by Councilor Moffitt and to send it to the Planning Board for an advisory opinion.

Councilor Davis questioned the changes that were before them and Solicitor Sypole noted that he had worked on the draft ordinance with Sherri Desjardins of the Building & Zoning Department. Solicitor Sypole noted that the amendments that the State had made to the Zoning Enabling Act having to do with accessory dwelling units were very confusing; they tried to draft the best ordinance for the town based on the amendments that the State enacted. Councilor Davis had believed that they were not going to allow any future accessory dwellings. Solicitor Sypole suggested that when working on this ordinance with Ms. Desjardins they realized that there were sections of the State law passed this year that conflict with other sections. There is a section of the State's Zoning Enabling Act, Section 45-24-37 which states that accessory dwelling units to accommodate family members must be permitted; then they added new sections to the end of the Zoning Enabling Act, one of which states that towns can prohibit accessory dwelling units. There is also another section which states that accessory dwelling units cannot be restricted to just family members. He did not believe they could totally eliminate accessory dwelling units from the ordinance due to Section 45-24-37(e). This section read that an accessory dwelling unit in an owner occupied

residence shall be permitted as a reasonable accommodation for family members with disabilities or who are 62 years of age or older or to accommodate other family members. In his reading of the new sections it expands the definition of accessory dwelling units. Solicitor Sypole recommended they obtain a Planning Board advisory opinion.

The Council set September 19, 2022 as a hearing date. The Town Clerk will send it on to the Planning Board to request the advisory opinion.

PUBLIC COMMENT

Joseph Moreau of Old Depot Road indicated that at the July 5, 2022 Council meeting there was a discussion about House Bill 2022 H6676 relating to taxation levy assessment of local taxes. He acknowledged that Tax Assessor Tiana Zartman gave a very good explanation of the impact this would have on the town. The up-and-running solar projects that were in an RFR80 zone but rezoned to Commercial Special were originally to be taxed at a much higher tax rate; however, with this new legislation it will be taxed at the RFR80 rate which will cause a shortfall each year of \$203,830 to the town. He felt this would have a detrimental impact on future tax rates and requested this matter be placed on a future agenda for discussion. Mr. Moreau indicated that he had spoken with Mr. Landolfi and two other former Town Councilors about this matter and Mr. Landolfi indicated that he would never have voted to approve these projects. Mr. Moreau believed that someone from the town should contact the League of Cities and Towns to get their opinion in writing. Councilor Davis noted that she had contacted them this afternoon and read the following statement:

“Today I had a discussion with Jordan Day, the Policy Director of the RI League of Cities and Towns regarding the effects of the recently passed State solar taxation legislation on RI towns. She has discussed the financial impact with an association that is willing to work together with the League and actually some developers to draft legislation for the next legislative session that would make the towns more whole. I asked if the draft legislation will also address the tangible tax, and which state legislators did she think would sponsor her potential legislation. She said that the League is in the early stages of proposing a solution

to this situation. When they determine the solution, it will also point to which legislators to approach for sponsorship. She will be sending a legislative priority survey to the Leagues members soon and suggested that she will have more information to share after mid-September.”

Mr. Moreau wished to find out if they could do something about this bill. He indicated that he had sent out thirteen emails, spoken with two former Council members, and several residents and you never know until you try. Solicitor Sypole noted that there was currently ongoing litigation in the Superior Court concerning the taxation of solar projects.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO ADJOURN IN MEMORY OF MARTHA RIDER TURCO.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk