

Hopkinton Rhode Island

Planning Board Meeting

August 3rd, 2022 at 7 P.M.

Hybrid Meeting

Moment of Silent Meditation and Salute to the Flag

Call to Order: Chairman Prellwitz called the meeting to order at approximately 7:00 PM. Chairman Prellwitz referenced the heavy agenda for the evening, and indicated before the meeting that he would strictly enforce a five minute time limit, and reminded those speaking to please stay on topic. He reminded the applicant and objector Attorneys that they will not be subject to this time limit.

ROLL CALL: Chairman Prellwitz, Ms. Light, Mr. Lindelow, Ms. Shumchenia, and Mr. Wayles all present. Mr. DiOrio, Planner Jalette, Solicitor Hogan and Senior Clerk Spellman all in attendance

PRE ROLL CALL FOR SEPTEMBER 7th, 2022 PLANNING BOARD MEETING: Mr. Prellwitz, Ms. Light, Mr. Lindelow, Ms. Shumchenia and Mr. Wayles all indicated they would be in attendance.

APPROVAL OF THE MINUTES: Ms. Light made a motion to approve the minutes from the July 6th, 2022 Meeting, her motion was seconded by Mr. Lindelow. Chairman Prellwitz, Ms. Light, Mr. Lindelow, and Mr. Wayles all voted to approve the minutes, with Ms. Shumchenia abstaining as she was not in attendance at the meeting in question.

OLD BUSINESS:

Continuance request- Development Plan Review- Hopkinton Industrial Park General Warehousing – PLAT 4, Lot 13B, 0 Wellstown Road, Hopkinton Industrial Park, LLC., applicant

Planner Jalette indicated to the Planning Board that she had received a continuance request on behalf of the applicant from Mr. Al DiOrio. The applicant needed more time to work with Rhode Island Department of Emergency Management on review and applicative needs.

Ms. Shumchenia made a motion that the Hopkinton Planning Board continues this matter to its September 7th, 2022 meeting. Ms. Light seconded the motion. Chairman Prellwitz, Mr. Lindelow, Ms. Shumchenia, Ms. Light and Mr. Wayles all voted to approve the motion. There were no votes in opposition and none abstained.

Master Plan- 7 Lot Major Subdivision/Land Development Project- **Preserve Business Park-** Plat 23, Lot 56A1, 50 Alton Bradford Road. S.M. Trombino Properties, LLC., applicant

Mr. Stano Trombino discussed the proposal initially with the Hopkinton Planning Board. Mr. Trombino thanked the Planning Board and concerned citizens for taking advantage of a site walk to review the proposal and what had already been done. Mr. Trombino thanked the Planning Board and Town Planning staff for their willingness to work with local residents and developers. Mr. Trombino indicated his engineer was also at the meeting and available to address any concerns. Mr. Trombino discussed meeting with Mr. Steve Cabral of Crossman Engineering so as to address any concerns that existed on the proposal. He discussed actions to meet concerns of peer review comments and concerns forwarded. Mr. Trombino indicated he has met the concerns of Crossman Engineering. Mr. Trombino discussed the overflow of the retention basin as a Crossman concern, and Mr. Trombino indicated he has addressed and met those concerns. Mr. Trombino also discussed a Crossman concern reference the thickness of asphalt on the roadway. Mr. Trombino discussed the concept and scope of a *collector road* and that the actuality of the proposal in Mr. Trombino's review is that it was a *town road*. Mr. Trombino discussed town definitions of roadways and related criteria. Mr. Trombino referenced regulations to support his point. He also indicated that he spoke with Mr. Peter Lynch of JH Lynch a preferred developer operating within Rhode Island, a local contractor who affirmed the opinion of Mr. Trombino. Mr. Trombino respectfully asked of the Planning Board that they allow him to utilize the required thickness of asphalt thickness of a local road and not the collector road utilized during peer review by Crossman. He reminded the Planning Board it was in their purview to address this requirement on a case by case basis.

Mr. Steven Cabral of Crossman Engineering than spoke. He indicated that Crossman has been working with the applicant since 2019. Mr. Cabral described the applicant as very receptive to peer review concerns. Mr. Cabral advised the Planning Board that although Crossman had submitted six pages of concerns, that this did not reflect a lack of receptiveness on the part of the applicant that he described as good to work with. Mr. Cabral stated that with regard to the drainage concerns, which was the majority of the memorandum drafted the applicant was eager to address and meet the peer review concerns. As for the other concerns indicated during peer review, Mr. Cabral indicated the plan showed a 1% slope, where the town standard was a 2%. Mr. Cabral indicated the Planning Board could waive the requirement but he was addressing the standard in place. Mr. Cabral discussed the requirement related to a vertical curve, and length requirements. He discussed horizontal curves and town requirement for radiuses as to this mandate. To address this Mr. Cabral suggested an access easement could be pursued to meet these regulations. Mr. Cabral discussed the need for a thicker asphalt due to the potential of Tractor Trailer traffic on the road way. Mr. Trombino indicated he would meet the concerns as to the radius and slope, but reiterated the concerns he had as to the thickness of the asphalt required. Ms. Light suggested that the Public Works Director review the roadway area and report back to the Planning Board. Ms. Shumchenia asked Crossman Engineering through Mr. Cabral as to if the 4 inch asphalt was sufficient. Mr. Cabral indicated his duty was to protect the town's interests. The additional asphalt was necessary to ensure the roadway lasted longer. Chairman Prellwitz asked about drainage issues and received a clarification on the discussion with the applicant by Mr. Cabral. This to address an abutters concerns.

Solicitor Hogan interjected and wanted to affirm that all items were being met to address the concerns of Crossman Engineering and ultimately the town. Solicitor Hogan wanted to make sure the concerns and resolutions that were unresolved were being met by the applicant, so the Board could take appropriate action. She cautioned a waiver being sought tonight that it could and likely will require a zoning board action. Ms. Shumchenia stated that she believed a one month continuance was sufficient to meet with the Town Public Works Director to determine whether the asphalt depth is sufficient. Ms. Light sought to confirm if the four inch depth was sufficient to the Public Works director a waiver could be in order. Mr. Trombino indicated that he would be happy to meet with the Public Works Director to discuss. Solicitor Hogan indicated that the testimony presented from Mr. Lynch was here say in nature and she needed it in a more substantive format. Mr. Trombino indicated that he would have Mr. Lynch available to meet with the Public Works Director in person. Solicitor Hogan indicated that she was aware of a letter of concern from a local resident or abutter, and did not know if that person was at the meeting and wished to be heard. Planner Jalette indicated that letter was submitted the day of the last meeting and she attended and spoke at that last meeting. A new letter has not been provided but the old letter was forwarded to the Planning Board. The abutter was not in attendance at this meeting nor on line to address her concerns. Solicitor Hogan indicated to the Planning Board that they ensure they review that abutter's concerns. Ms. Shumchenia stated she was aware of Ms. Panceira's concerns and shared them as she lived nearby. She was familiar with the road. Although unsure how much was the burden of the applicant, she needed to reiterate safety concerns. She did not comment on volume she wanted to clarify, but she indicated it was a concern she acknowledged. Mr. Lindelow believed that the road conditions were a town concern for signage. Ms. Light agreed. Planner Jalette reminded the Planning Board the roadway was a state regulated roadway as regard to any new signage. Solicitor Hogan also stated the Board considered the noise and quality of life issues raised by Ms. Panceira into question as they moved forward. Planner Jalette has indicated that business hours of operation was a condition placed on developers in the past. Ms. Shumchenia indicated she was receptive to that here. Ms. Light indicated the noise levels could be met at the Master Plan level. Mr. Lindelow stated he cautioned the overall impact may be minimal due to roadway noise existing. Discussion was made by Ms. Shumchenia as to whether a special use permit could come into play to address the needs of the applicant and meet the abutters concerns. Planner Jalette indicated to the Board they were discussing conceptual concerns as specific uses had yet to be forwarded. You cannot predict uses at this time. Mr. Lindelow stated he was comfortable the applicant would meet the needs of the town and abutters. Mr. Trombino said that no special needs permits were ever required by any of his properties or complaints against his tenants. He has been in Hopkinton since 1999. Ms. Light said his record has been a good one in the Town of Hopkinton.

Ms. Shumchenia made a motion to extend the Master Plan Public Informational Hearing to September 7th, 2022 meeting of the Hopkinton Planning Board, with a decision date of September 14th, 2022. Also the Planning Board recommended that the Applicant and the Town of Hopkinton continue to discuss asphalt thickness for the proposal's roads. Ms. Light seconded her motion. Chairman Prellwitz, Mr. Lindelow, Ms. Light, Ms. Shumchenia, and Mr. Wayles all voted yes, with no one in opposition nor abstaining.

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

Attorney Craven appeared on behalf of the applicant before the Town of Hopkinton Planning Board. Attorney Craven sought to clear up some procedural issues. He indicated that items were sent to the Planning Department and he knew them to be distributed to the Board. He requested that they be accepted as exhibits toward his applicant's presentation. Attorney Hogan indicated they would be referenced as received and reviewed. Attorney Craven reviewed previous meetings and indicated that they are engaged in peer review with Crossman Engineering. He stated they were working to address the concerns of Steven Cabral of Crossman Engineering. He introduced staff from the applicant prepared to testify on behalf of the applicant's proposal.

Engineer Denise Cameron a Professional engineer of Woodward and Curran spoke on behalf of the applicant. She spoke of Storm water issues and modifications to the plan directed under peer review. Ms. Cameron thanked Crossman Engineering for their input and described the peer review as a "good exercise". Ms. Cameron indicated that storm water controls have been added to in the proposal and sought to explain the details to the Planning Board. Eight basins have been expanded from the original three, and stone trenches have been added so as to meet Crossman Engineering's input. It is added to improve drainage flow, and model assumptions have been changed in the proposal to a more conservative model and approach for grass growth. She indicated she was in receipt of the latest list of recommendations by Crossman Engineering. Ms. Cameron advised she was available to answer the Planning Board's questions. Planner Jalette indicated that she had several questions, but would defer to the Planning Board going first. Ms. Light stated she was concerned as to the Solar Tiles proximity to each other on the ground and overall impact on grass growth on site. Ms. Cameron discussed a site walk taken recently and grass growth on site and that they have added drip edge matting to the paneling on site. She discussed that topsoil depth has been increased on site. Even with the changes the sizes of the panels have remained consistent with the original planning. Ms. Light asked for Crossman Engineering's Steve Cabral to discuss her concerns as well.

Mr. Cabral indicated the biggest concern Crossman had during peer review was as to the Solar Panel array size of the individual panel, and the panel's spacing. That the panels lie perpendicular to the topography, and heavy rainfall will cascade off the 21' sized panel's and have a drainage issue on site. Mr. Cabral indicated that during peer review a site walk with the applicant at a similar site had indicated that the concerns Crossman had were not overstated but were valid. Mr. Cabral through associated photographs provided to the Planning Board indicated his biggest concern was in the open areas of the Solar Array that the grass in the open areas that had been planted had died off. That the loam under this grant supporting its growth has eroded away, and it all led to runoff issues. That cascading and driplines led to soil compaction and ultimately further grass death. Mr. Cabral did see a positive as grass was growing beneath the Solar panels which had been a concern of the Planning Board. Mr. Cabral hoped that the design would be continued to be fine-tuned so that problems with a West Greenwich site would not occur in Hopkinton. Chairman Prellwitz asked Mr. Cabral as to if the applicant had met the expectations of the Town of Hopkinton during the peer review process. Mr. Cabral indicated that they

had, however he caveated his response, that there were still details they were working out together under peer review as they worked through the process. Mr. Cabral discussed at length the conditions of grass and runoff on site that he had observed, and actions taken as a result to protect the Hopkinton site. Chairman Prellwitz asked Attorney Craven if he wished to have any of the Engineers representing the applicant respond or further discuss the testimony of Mr. Cabral. Attorney Craven stated that they did not.

Attorney Craven indicated that the applicant had been in communication with the Narragansett Indian Tribe and its Supreme Medicine Man John Brown reference artifacts on site. That in a letter they indicated that there was nothing of concern as what had been located had already been donated and they were comfortable with the applicant's actions. Attorney Craven also stated the applicant had addressed "goat rock" on site with the assistance of local resident Jason Tefft and preservation groups in the area specifically the Hopkinton Land Trust. Planner Jalette indicated she had a series of questions for the applicant. Her first question was reference to Goat Rock. She enquired as to what specifically was the protected radius of the "goat rock" on site, and what efforts were being made to protect and preserve "goat rock" in that area. The applicant working with the Land Trust indicated they would seek to develop a definitive location and use guidelines and that was not something Attorney Craven chose to speak to. Planner Jalette discussed the use of fertilizers and requested that language to be removed. Planner Jalette also enquired as to what the "game plan" was to address the protection of groundwater recharge in the area? Ms. Cameron spoke to that question. She spoke of her experience with Solar arrays and described this proposal as good. Planner Jalette than spoke as to the interruption of habitat of the Northern Long Hair bat known in that area, specifically as to the cutting of woods which is its habitat. Attorney Craven discussed that absent data proving otherwise, he did not have any information that showed that the work of the developer did not impact this species of bat. Planner Jalette indicated that the Storm water Management Plan she was given was illegible. Ms. Cameron said she would ensure clear not smudged copies would be provided. She apologized for the item submitted. Planner Jalette asked where the three inches of crushed stone was going to be placed over the crushed stone driveway. She was concerned that RIDEM would not approve as it was less than 6" which is the standard for impervious surface. Ms. Cameron explained that this is confusing. However she indicated she would ensure that their actions would be acceptable to and approved by RIDEM upon review.

Planner Jalette asked Mr. Craven if the value of 47 acres was still accurate as relative to this project. Attorney Craven indicated that it was. Planner Jalette asked if ATV trails would be continued and Attorney Craven indicated that they would not. Planner Jalette asked about sound, and if the project would comply with the 40 decibel rule. Attorney Craven indicated it was impossible for anything they were responsible for to get to that level absent a malfunction they would be advised of and repair. Planner Jalette than asked as to what was the threshold of ledge and rock removal for this project. Mr. John Schroeder responded that ahead of construction they make and qualify by the installation company exactly what that percentage is that can penetrate the ledge on site. He indicated steel was in use on the site to penetrate the ledge. He stated that was a preferred situation (use of steel). Planner Jalette asked when the construction of the berms would occur. Ms. Cameron answered that she was not

in the constructive phase and that was a means and methods inquiry. She stated that it would be so at the completion of the project, and site work done to bring to completion.

Planner Jalette then asked how burrowing animals on site would be addressed, and would it impact swales and fill depths as the project moves forward. Ms. Cameron indicated that they would monitor the burrowing animals so as to protect the berm and the vegetative cover on site. Planner Jalette asked if the report record keeping on site component of five years would be sufficient. She indicated that she believed a longer reporting period would be optimal. Planner Jalette then asked if the applicant could define what was "typical" in reference to electrical equipment on site. Ms. Cameron indicated that often the equipment used was utility driven so as to maintain connectivity.

Solicitor Hogan had several questions upon her review of the proposal. Solicitor Hogan was concerned that there was a requirement for reforestation and a required report not attached for Planning Board review. Attorney Craven indicated it was prepared and he believed submitted and acknowledged that there was a bonding requirement to be determined. Solicitor Hogan was also concerned with the perimeter fencing for the project. She also was concerned as to if there was a plan to sustain native species both flora and fauna. Attorney Craven had local resident Jason Tefft speak to these issues. Mr. Tefft a resident of 33 Fenner Hill stated that Goat Rock was located on the whole of the Skunk Hill Road side of the property. Mr. Tefft indicated as a resident and professional he was very concerned for town liability on this property from its use. Mr. Tefft also spoke to the bat situation on the property and his knowledge of state law. He based it on his experience professionally. That this is under NRCS jurisdiction. That only the NRCS can shut down a project over bats or turtles on property. He also indicated that it is very difficult for any entity to define what a long haired bat truly is. Attorney Craven then expanded on liability concerns. He stated he had been somewhat vague on discussing who is to control Goat Rock. He believed least likely was the town of Hopkinton. In the 90' ledge area liability exists. Land Trust has access and if an accident happens at that location liability will be defined. Attorney Craven referenced a liability case involving Newport Rhode Island that is in court currently. All parties are being sued and the court has yet to give a definitive direction to guide. Attorney Craven discussed with Ms. Light limiting RV Traffic to this site and the current state of trails and fact access exists off of Arcadia Road that may need to be addressed. An easement to address hiking was discussed and limiting RV traffic into the property a consideration. Chairman Prellwitz indicated those that entered onto this property currently are on ATV and similar vehicles and do so without permission but because they are not blocked from doing so. Chairman Prellwitz discussed that these parties are trespassing now and the concept of signage in that location. Discussion was then held on liability enforcement and approaches to block access. Attorney Craven indicating ATV users are often aggressive and enter onto property to get to somewhere "cool" to be. Discussion was made of ATV issues occurring currently in urban sections of Rhode Island.

Attorney Paul Ryan then spoke on behalf of opposing abutting property owners. His concern first brought forward was as to what rain event would overpower the applicants system to address and clear the rainfall. Ms. Cameron indicated the design was for a 100 year storm event. She indicated that the applicant was working actively with Crossman Engineering to address this contingency. Mr. Ryan then introduced a NOAH report for review and consideration by the Planning Board on this concern. Mr.

Cabral of Crossman Engineering then answered the question posed. Discussion was had on what constitutes a 100 year event. Discussion was made of historic storms, the 1938 Hurricane, the 1954 Hurricane and the 2010 rainstorm as storms that exceeded the 100 year consideration. Mr. Cabral indicated the 2010 event was over days, and encountered a saturated ground that could not absorb additional storm flow. Discussion was then made over how this storm water flow can impact a solar array and whether the site can handle this type event. Mr. Cabral indicated that the design was to accommodate a 100 year event.

Attorney Ryan then called a Mr. Jim Houle to testify as to his professional opinion. Prior to this testimony Mr. Wayles had a question he wanted to ask of the applicant. Mr. Wayles echoed Planner Jalette's concerns as to operational maintenance schedules for this project. Mr. Wayles also asked about his concerns as to decibels and level of noise on site. Attorney Craven spoke and said these concerns would be discussed more in detail as the applicant moves through the approval process. He indicated that in order to obtain a Certificate of Occupancy the tested standard would have to go under 40 decibels. Attorney Craven indicated that the applicant was prepared to meet all standards. Chairman Prellwitz stated that the State of Rhode Island has stringent standards and will step in and shut a project down if they are not met. Attorney Craven concurred.

At approximately 9:02:45 PM Chairman Prellwitz called for a Bathroom Break for those in attendance. The break ended at approximately 9:14:00 PM.

Attorney Ryan when the meeting came back from break introduced a Mr. Jim Houle who was still sworn and had testified before the Planning Board previously. Mr. Houle an Appraiser, had testified previously on solar arrays and their impact on property values. Mr. Houle had testified previously that property located near a solar array have a net loss of 1-7% of its resale value. He sought to testify this evening after reaffirm his testimony after doing further statistical analysis locally. Mr. Houle did this analysis and comparison by drawing a one mile radius from around the mls listing of a constructed solar array. Mr. Houle then identified and located properties in that radius for sale. And or had been sold recently. After comparing sales of that property so identified with or to similar sales of like property within the same municipality during the same period of time, he looked for differences in value. Mr. Houle indicated that he has acquired data from five separate arrays in the greater Hopkinton and South County area. One from Maxson Hill for which he could find only two sales having transpired; and one being commercial, not residential. His analysis also identified one from Alton Bradford Road where he found nine sales within a two year period. Using his analysis model above of like properties, and utilizing overall town value as a baseline, he found within a one mile radius of the array, that the array impacted property value at sale. Mr. Houle found the impacted property to have sold at an 8.8% premium lower than sales of comparable property not affected by a nearby Solar Array. Mr. Houle indicated that he reviewed four associated solar arrays in East and West Greenwich Rhode Island. He used a similar comparative analysis with some areas having 12 or more closed sales to draw evaluative data from. He found consistently a 4.64% greater value at sale for properties not located near solar arrays. This data consistent with his previous estimate of 1-7% that he presented to the Planning Board. Of the four searches he did he found a consistent diminution of property value with a range of 4.64% to 8.8%. He stated that the Maxson Hill data was a statistical anomaly due to a commercial listing and only two properties for

consideration. He indicated that the Planning Board needs to look at the implications of a compounding impact to the value of place. The more Solar arrays that are allowed the greater the negative impact. He described it as the ripples in a pond should a stone strike it. He equated the Solar array as an unsightly commercial development that impacts property values. People move to Hopkinton for the wooded areas and the rural quality of life. He indicated it is not consistent with why someone would seek to move to Hopkinton and indicated it was a negative in buyer's perceptions for quality of life issues. It creates a negative image of the town arrival.

Chairman Prellwitz asked when does the negative valuation of property take effect. Than why (what is being testified to by Mr. Houle) it is not reflective in property values, in his personal experience, in Hopkinton. Chairman Prellwitz indicated from personal experience that he lived proximal to the Maxson Hill array and his property value recently increased \$75,000. Mr. Houle stated he should discuss that with his local tax Assessor and he indicated that he had. Discussion was then made as to if the property value would have gone up more than the \$75,000.00 should a solar array not been in place proximal to his property. This exchange with Chairman Prellwitz, Mr. Houle stated, affirmed his analysis. Chairman Prellwitz stated he was comfortable with what was presented by Mr. Houle. He asked for any other feedback by Board Members. Mr. Lindelow asked if all the properties analyzed were similar and did any analyzed sell above the mean value that Mr. Houle sited. Mr. Houle indicated a pattern exists and it is of property selling below the average in the community.

Ms. Light stated that she has read analysis from Berkeley that clearly indicated Solar projects created issues with loss of open space and property value. She stated although she agreed with Mr. Houle's analysis that affirmed research she had read previously (although Ms. Light thought his numbers were inflated); she sought to make two points. That at this point there was very little can be done to eliminate abutter's loss of property value due to a Solar Array, and concern that Hopkinton is losing open forested space in their community. Ms. Light indicated that you cannot stop change. Planner Jalette asked Mr. Houle to give the difference between appraisals for taxes as opposed to assessment for property value. Mr. Houle indicated that the concepts were dramatically different. He gave extensive detailed testimony to market values and municipal attempts to apply valuation models to an individual property in question. Planner Jalette asked Mr. Houle specifically what was it about a Solar array that lowers a property value. Mr. Houle said it was a loss of homogeneity where a large industrial complex is interjected into a community. In summary it is based on the look of the array. Planner Jalette asked Mr. Houle if he was testifying for the applicant, that how differently he would advise this Board. He stated that he would ensure that the Board considered topography and presentation of the array. Mr. Houle would seek to ensure that it is focused in its presentation (the array) to benefit the appearance of a community. Planner Jalette followed up with did Mr. Houle acquire the size of the array into his data analysis. He stated he did not, and that he focused on the valuation of the property and the data pattern he encountered.

Mr. Ryan spoke to the Planning Board that it was his experience that the University of Rhode Island Engineering Program was superior to the one at Brown University. He discussed his experience as a former student and athlete at Brown as a football player. Mr. Ryan then introduced Mr. Peter Fredrichs (the City Planner for the City of Newport Rhode Island). Mr. Ryan indicated that Mr. Fredrichs had

testified previously in July of 2021 on this project. He introduced him also as a second year Law Student at NYU. Mr. Fredrichs indicated that he had prepared a report for the Town of Hopkinton, Rhode Island Planning Board after his review of the revised plan of the applicant. Mr. Fredrichs recounted previous testimony inclusive of the testimony of Mr. Houle who had spoken again this evening, and of a Ms. Steere, who had focused previously on environmental concerns. He indicated in his opinion it enhanced the standing of the concerns of the objecting parties. He indicated that there were “serious issues” with this project. He indicated that the Solar Array was not consistent with the rural character of Hopkinton, and gave points of emphasis from the Hopkinton Comprehensive Plan of Development that he did not believe that this project was consistent with the stated goals of. He stated that the detailed expert testimony of Ms. Steer and Mr. Houle must be evaluated closely. He stated in his review and professional opinion that he too did not believe that the environmental impacts of this project had been significantly mitigated. He believed that after reviewing Ms. Steere’s testimony that the “flora and fauna” will be substantially impacted by this project. He believed Ms. Steere’s testimony was accurate and had not been rebutted by applicant’s testimony. He described Ms. Steere’s extensive experience in the field and described it as compelling testimony. He reiterated that he had concerns for these environmental impacts discussed, and was cautioning the Board that they could be significant. He reminded the Planning Board that it had latitude in their required findings, that they had discretion to reduce the size of the array to limit negative impacts. There are key points he has focused on in the Hopkinton comprehensive plan to be considered. He suggested that it must be weighed closely, and the Planning Board not just view solar as the future. He stated that this Solar Array was the antitheses of Hopkinton’s wooded and rural character. Attorney Craven then questioned Mr. Fredrichs.

Attorney Craven asked Mr. Fredrichs as to if it was his place to give his opinion based on the opinion of another (Ms. Steer) party’s testimony. He asked wasn’t that the purview of the Board and its Solicitor to evaluate the testimony given to it. Mr. Fredrichs stated no that he was seeking to properly guide the Board with his testimony. Attorney Craven stating in effect he was “commenting on an expertise that he had no expertise in”. Attorney Ryan asked Mr. Fredrichs if he was testifying as an expert with a focus on the Town of Hopkinton Comprehensive Plan, and drawing from his experience as Central Falls Planner and the City of Newport’s Planner, and he affirmed that he was. Planner Jalette asked Mr. Fredrichs on information he had put in his written presentation. She stated that Mr. Fredrichs had indicated in his written piece that Hopkinton through its solar arrays had met all its energy needs. Planner Jalette asked where was the evidence he had to substantiate that claim. Mr. Fredrichs stated he would have to go back and pull up the previous analysis that he had done. Ms. Light stated that Councilor Davis had done research on that topic and had all the data in that inquiry. She referenced Coop projects and their impacts previously. Mr. Fredrich stated he had compared the Block Island Wind Turbines versus the RI95 projects. Planner Jalette said it would be difficult to quantify the data as the RI95 project has not been completed. Mr. Fredrich stated that was the points of his analysis. Ms. Light discussed the power not going into Hopkinton but it all being exported elsewhere.

Ms. Linda Steere was then called to testify. Planner Jalette then warned the Planning Board that it was approaching a time limitation. That the Board could extend the meeting to 10:15 PM. Ms. Shumchenia made a motion to move the meeting to 10:15 PM conclusion. Ms. Light seconded her motion. Ms.

Shumchenia, Mr. Lindelow, Chairman Prellwitz, Mr. DiOrio and Ms. Light all voted in favor. There were none opposed or abstaining. The Atlantic Solar proposal was tabled for that evening as well to be discussed at a later scheduled date. Attorney Craven stated it appeared legal not substantive issues be heard on the Atlantic proposal. He indicated he would object but understood it was within the Boards purview.

Ms. Steere then testified for the Planning Board. She had been sworn previously and was considered still under oath. Ms. Steere is a certified Environmental Biologist. It was confirmed she was previously sworn and her testimony commenced. Attorney Ryan asked her specifically what the environmental impacts would be and specifically referenced the new plan. He asked her where she acquired the information referenced in her report. Ms. Steere referenced a report drafted July 22, 2022, a report she had provided previously to the Planning Board, and referenced its drawing from eight documents of reference. From these documents she drew items for discussion regarding issues with clear cutting forests, particularly of greater than 250 acres. She cited specifically three parts of this report in presentation to the Planning Board. First was the RI DEM Guidelines for Ground mounted Solar Arrays. It recommended avoiding forested areas and to avoid municipalities existing protected open space. It wanted to balance and conserve the states resources overall as it pursued alternative energy possibilities and opportunities. The second was the Rhode Island Forest Conservation Act passed by the legislature in 2021. It sought to address climate change mitigation and its threat to our environment. It discussed climate change and mitigative strategies for all state entities to undertake. As to forests it sought to conserve core forests and avoid fragmentation of existing state forested areas. The third document that she referenced was an RFP by the State of Rhode Island for renewable energy procurement of virtual net metering credits that dictated its renewable energy procurement. This document indicated that the state would not seek to locate in residential locations, existing agricultural locations, farmland, or unfragmented forests parcels greater than 250 acres. The Fourth was a state Energy Resource Directive to promote policies on ecological services. Goals among others, was to protect habitats and the environment as a whole overall. The Fifth Document presented was The Value of Rhode Island Forests produced in 2019, and entered to discuss the strategic value of forests, and an institutional emphasis to ensure the protection of core forests particularly those of over 250 acres, and this to be of a high priority and conservation value. Chairman Prellwitz then asked a question of Attorney Craven as to the repeated reference of 250 acres in the testimony provided. Legislative acts passed to address unfragmented forest area. How big a parcel of land was targeted for this solar array was what he specifically wanted to know. Attorney Craven stated the land parcel in question was approximately 180 acres. Attorney Craven stated he served in the legislature when one of these acts passed and they did not apply to the project before the Board currently. Ms. Shumchenia stated that Ms. Steere was referencing the goals to preserve and protect the states core forests from unnecessary fragmentation. Ms. Steere indicated that was accurate, and could include a dozen landowners at once. Ms. Light stated she would like to see it on a map. Ms. Shumchenia advised her that that was available online. Ms. Steere stated from her original testimony she had provided a GIS map for the Planning Board with the very information that was being asked for. In reference to the 2019 act she stated that fragmentation was the greatest risk and had a direct impact on species habitat. She indicated she wanted to expound on the habitat concept more later in her presentation. Sixth was Solar siting

opportunities for Rhode Island, published in August of 2020 presented by Synapse from the Rhode Island Office for Energy. It focused on brownfields and like locations was most valuable categories, and referenced conservation of land. Seventh was DEM Wildlife Action Plan which was revised in 2015, described forests as replenishing oxygen and effecting air quality. It discussed wild birds acting in pest mitigation and ecological balance quality of life focusing on stewardship and conservation. Eighth was a webinar of April of 2022 from multiple entities that discussed programs to incentivize alternative energy developments. In summary they oppose clearcutting of existing forest area to construct solar arrays for alternative energy construction. Attorney Ryan asked her if it was her conclusion that this proposal was the type of a project that would create significant negative environmental impact and that she believed that in her expertise. Ms. Steere indicated that was the case. She also discussed two roadways being proposed that would impact existing wetlands. She referenced erosion control as an issue. She reminded the Planning Board that it is the applicant's burden of proof to prove the negative impacts are not the case. She discussed the long eared bat. The bats are here between April and September and need tree cover for their breeding season. No tree cutting can occur between April 1st and October 1st as the bat is an endangered species. The bat species is very sensitive to climate change and needs tree cover. Federal funding is seeking to protect the habitat of this bat. She said there is a chance this bat is in this area. Ms. Light applauded her testimony and said it was needed to protect existing forest as damage has already been done. Discussion was made of legislative proposals reference these issues discussed.

Planner Jalette advised the Planning Board that they would need a motion to continue on to a 10:30 PM closing. Ms. Shumchenia made a motion to continue the meeting to 10:30 PM, and was seconded by Ms. Light. Chairman Prellwitz, Mr. DiOrio, Mr. Lindelow, Ms. Light and Ms. Shumchenia all voted in favor, there were no opposing votes nor abstentions.

Ms. Shumchenia made a motion to continue the Master Plan Public Informational Hearing for **Skunk Hill Solar** to October 5th, 2022 with a decision date of October 12th, 2022. Her motion was seconded by Ms. Light. Chairman Prellwitz, Mr. DiOrio, Mr. Lindelow, Ms. Light and Ms. Shumchenia all voted to approve. There were no dissenting votes or abstentions.

Ms. Shumchenia made a motion to continue the Master Plan Public Informational Meeting Major Land Development Project- **Atlantic Solar**- Plat 7, Lot 31, Plat 10, Lot 87, Plat 11, Lot 35 0 Main Street, Atlantic Solar, LLC., applicant, as well as **Objector's request** to continue to October 5th, 2022 with a decision date of October 12th, 2022. Her motion was seconded by Ms. Light. Chairman Prellwitz, Mr. DiOrio, Mr. Lindelow, Ms. Light and Ms. Shumchenia all voted to approve the motion. There were no opposing votes or abstentions.

NEW BUSINESS: None

SOLICITOR'S REPORT: None

PLANNER’S REPORT: None

CORRESPONDANCE AND REPORTS: None

PUBLIC FORUM:

Town Councilwoman Sharon Davis of 100 Cedarwood Lane the liaison from the Town Council to the Hopkinton Planning Board spoke, she was watching the meeting from a Zoom format. In November of 2019 the Town Council had approved “the equivalent of solar to usage”. In proposals the Town Council had approved 94.18 megawatts in a year of production from solar arrays, and the town had 94% of usage. Ms. Davis wanted to bring this to the attention of the aboard as it had been a point a previous expert witness had touched on. (Mr. Fredrichs) Ms. Light asked if this project was included in that projection, and it was per Ms. Davis.

Next Luanne McCormick of Lisa Lane in Hope Valley spoke. She indicated she was aware of time concerns and was sympathetic that it had been a long night for the Planning Board. She stated at the forefront were increased efforts for storm water runoff. She referenced that in the past 10 years we have had impactful rain storms. She stated that in two of the past five years, we have had a 15” rain storm and a 16” rain storm. This has to have the Planning Board concerned with that amount of rain impacting wetlands proximal to this array. They will be inundated with water and unable to handle the drainage. There needs to be an understanding that those nearby wetlands are safe. On behalf of a neighbor she was forwarding their concern that Skunk Hill Road will not be able to accommodate the heavy equipment needed to construct this project. She did not believe the road would accommodate it. She described it as a huge safety factor impacting residents and even children living nearby going to their bus stop.

Town Council President Stephen Moffitt of 131 Diamond Hill Road spoke. He suggested that interconnection be discussed and defined. If we are not going to be interconnecting in three years or 2025, specifically is the technology current to do so, as Attorney Craven has said technology is rapidly changing in the Solar industry. Interconnection should be first and forefront in discussion. Chairman Prellwitz concurred and stated that it would be asked. Ms. Light reiterated that interconnection is the Grid’s problem. Mr. Craven said there is no more Grid. He said the new company’s attitude and leadership is now far more receptive to Green initiatives. Moving forward Mr. Craven did not believe this was going to be an issue and new management will be far more cooperative than Grid had been.

David Geer of Anna Drive in Hope Valley spoke and wanted to ensure the Public Hearing is continuing. Chairman Prellwitz advised there would be greater public input at the next meeting, “it’s just that we ran out of time”. He thanked Mr. Geer for his input.

Planner Jalette stated to all in attendance that if anyone had concerns they wanted to forward to the Planning Board on any proposal, to forward to the Planning office and her office would ensure it was brought to the attention of the Planning Board.

DATE OF NEXT REGULAR MEETING: September 7th, 2022 at 7 PM

Ms. Shumchenia made a motion to adjourn, it was seconded by Ms. Light. Chairman Prellwitz, Mr. DiOrio, Mr. Lindelow, Ms. Light and Ms. Shumchenia all voted to adjourn. There was no dissenting vote or abstentions. Meeting did adjourn at 10:30 PM.

Michael J. Spellman

Senior Planning Clerk