

HOPKINTON PLANNING BOARD HYBRID MEETING

MINUTES NOVEMBER 2nd, 2022 Meeting

Hybrid Meeting

Moment of Silent Meditation and Salute to the Flag

Call to Order: Meeting was called to order at approximately 7:00 PM

Roll Call: Chairman Prellwitz, Mr. DiOrio, Mr. Wayles, Ms. Shumchenia, Ms. Light and Ms. Bolek from Planning Board, Town Planner Jalette, Town Councilwoman Davis, Solicitor Hogan, and Senior Clerk Spellman

Pre Roll Call for November 2nd, 2022 Planning Board Meeting: Chairman Prellwitz, Ms. Shumchenia, Ms. Light, Mr. Wayles and Ms. Bolek all indicated they would be attending. Mr. DiOrio indicated that he would not be in attendance.

Approval of the Minutes: Ms. Shumchenia made a motion to approve the October meeting minutes, her motion was seconded by Mr. DiOrio. Chairman Prellwitz, Mr. DiOrio, Ms. Light, and Mr. Wayles all voted to approve the minutes, there were no votes in opposition nor abstentions.

A motion was made to amend the meeting order under Old Business to allow the Anderson Mixed Use Development Plan Review to go first to move the meeting agenda better. Mr. DiOrio made the motion, and his motion was seconded by Ms. Shumchenia. Chairman Prellwitz, Ms. Light, Mr. DiOrio, and Mr. Wayles all voted to approve the motion to amend the agenda. There were no dissenting votes or abstentions.

OLD BUSINESS

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

Mr. Jad Anderson of Hopkinton, RI spoke on behalf of his application. He initially queried the Board as to what specifically they sought from him. Mr. DiOrio indicated that he should commence and discuss with the Board his interaction with Crossman Engineering to remediate and address concerns with this application. Mr. Sam Hemenway arrived and is lead engineer on the project. He apologized for being late and indicated he was caught in traffic due to an accident on I-95. He discussed they had acquired required permitting and were prepared to proceed. Mr. DiOrio asked specifically what had changed and sought to be discussed. Mr. Hemenway stated that they had been in contact with Crossman Engineering and were addressing their concerns item by item on this application. The primary concern at this point being Landscaping and buffering for ancillary noise on the property. Mr. Hemenway stated that between existing and additional plantings made by the applicant they believe they had met the requirements of

the Hopkinton ordinances. Mr. Hemenway affirmed to the Planning Board that the majority of the mill operations would be inside, and the exterior plantings would aid and supplement existing buffering.

Mr. Steven Cabral of Crossman Engineering then addressed the Planning Board. Mr. Cabral indicated he had been in extensive conversation with Garafalo and Associates and all the engineering issues and concerns had been addressed. Mr. Cabral indicated that the only issue not addressed is the landscaping issues in the front of the property. Discussion has been made of increased buffering but Mr. Cabral is not privy to the updated Landscaping Plan. Mr. Cabral discussed the overall decrease to impervious surfaces on the property which always results in improved drainage.

Mr. Jad Anderson then continued and discussed with the Planning Board as to his hours of operation he was proposing. He also discussed noise, and advised his saw operated at approximately 89 decibels. A level of sound equivalent to a lawn mower. Mr. Anderson indicated that the earliest he would commence work, and specifically saw mill operations, is at 7 AM and the latest he would end is at 7 PM. Ms. Light asked him if he planned on working on weekends. Mr. Anderson indicated that he would. He also indicated it was not work done every day, and primarily manufacturing of furniture, specifically tables, etc. Mr. DiOrio asked what specifically the businesses hours of operation were. Mr. Anderson indicated he would work 7 AM to 7PM Monday through Friday specifically as to the saw operation, not the garden operation. Mr. Anderson said as to Saturday he did not see them working a twelve hour day. Mr. Zachary Deane, a business partner of Jad Anderson spoke. He stated what they should be discussing is decibels. He walked off microphone losing some of what was said, he did provide paperwork to the Planning Board. Planner Jalette asked him to return to capture his testimony for the record. Mr. DiOrio then spoke with Mr. Deane as to what the hours of operation were proposed to be so that he could understand the time engaged daily, and to ensure there was structure to appease abutting property owners concerns. Mr. Deane answered that they would propose working 7 AM to 7 PM on Monday through Friday, and 8 AM to 6 PM on Saturdays. They did not seek Sunday hours.

Ms. Light stated in paperwork she had received from Mr. Deane it did not appear that the saws utilized on site were not particularly large, and were consistent with the decibel levels being discussed. Solicitor Hogan asked if there was a specific piece of machinery being discussed by the paperwork forwarded by Mr. Deane and he indicated that there was. Discussion was made as to the design of the building it was enclosed in, and that it was insulated and the facility had the effect of it having encased the noise from the saw. Both Mr. Deane and Mr. Anderson reiterated that the saw had a maximal decibel rating of 89 decibels. They referred to a product manual as confirmation. Mr. Deane made the point that they were taking every possible precaution to minimize noise produced from sawing. Mr. Wayles asked in a typical 12 hour day exactly how often was the saw in question operational. Mr. Anderson answered that in a 12 hour day the saw is running approximately 6 of those hours. Mr. DiOrio followed up with what constituted milling in the production process, and asked Mr. Anderson to discuss and explain what the typical operation was. Mr. Anderson expounded on his previous answer and explained an onsite milling process.

Chairman Prellwitz then asked for the input from abutting property owners. Prior to taking public testimony, Solicitor Hogan indicated that she wanted to have the record reflect that testimony existed

from an abutter in a written format and wanted to ensure it was acknowledged and reviewed by the Board. At this point an abutting property owner voiced his objections. Mr. Bruce Remington of Hopkinton then approached the Board. He indicated that his major concern was the noise from this business. He stated he did not believe that the equipment was only 89 decibels. No one he stated would want a saw running literally 100' from their property line. He stated his out building is "literally 75 feet" from my property. Mr. Remington stated that he wanted to give push back to this initiative and make the Planning Board realize exactly what is being proposed. He indicated he was just a small town property owner and he felt like he was fighting city hall to protect his property rights. Mr. Remington was concerned that the impact from manufacturing on this property was significant and the facility was located on a small little lot. Mr. Remington discussed the implications of this manufacturing operation negatively impacting the residences within a 500' radius of this lot. Mr. Remington stated he had spoken with several neighbors who also shared his concerns. He also stated he was concerned with diesel fumes from the property. Chairman Prellwitz indicated that OSHA requires hearing protection at a decibel level just above the 89 decibels that this saw produces. Mr. Deane spoke with Mr. Remington and advised him that the noise generated by the previous Enchanted Forest operation was greater than what they proposed and the time of their operation was greater. Mr. Remington stated the Ferris wheel of Enchanted Forest was not as loud as this proposed saw mill operation. Mr. Remington stated that with all these planners and "legal mumbo jumbo" once this project was in place that it would be loud and unmanageable. That "it's done once it is there". The regulations were about containment to hold the noise. Chairman Prellwitz challenged Mr. Remington to stay on topic. He then concluded and wanted the Planning Board to look closely at this proposal.

Mr. Deane approached the Planning Board and showed on a set of plans he had that the distance between the Mill and the abutting property was approximately 420'. Mr. Deane stated that he wanted to discuss facts. Mr. Remington contested the testimony saying that it is in a small lot he did not believe it to be much more than 100'. He stated that is not from Lot 6A. Chairman Prellwitz asked for the input of the Designing Engineer, Mr. Hemenway. He indicated that utilizing tools at his disposal he estimated it to be at 375'. He said he did not measure to the small outbuilding, but he put it at more than 300'. Mr. Hemenway also believed the topography of the property will alleviate noise and buffering plantings and growths are in place. Evergreens will buffer the noise. Solicitor Hogan asked about the distance in question. Mr. Hemenway stated that from structure to structure it was approximately 375'. A second structure is also on the property and is described as closer. He did not measure it, but estimated it as greater than 300'. Mr. Remington stated he did not accept the distance given. Further he said that the testimony on noise buffering was wrong as well. He had spoken with an "audiologist" who stated that the trees and vegetative growth meant nothing. He stated that you needed solid acoustical barriers to contain noise from this operation. He stated vegetation does nothing and trees do nothing, "that is just a fact". Chairman Prellwitz advised he understood where Mr. Remington was coming from, and wanted to move on in testimony. Mr. Remington queried, "What are you going to do about it?" "What are you going to implement to try and protect us?" Chairman Prellwitz then asked if any other property owners wished to speak. Chip LeFazia of Hopkinton, RI then spoke and asked about exactly where the saw mill is going on the property. He then engaged the developer and the Engineer as to what was on the plans at the podium.

Mr. Remington then spoke again and addressed the Planning Board and asked them specifically, "What is a variance?" Solicitor Hogan intervened and advised Mr. Remington that there were no variances associated with this application, and any variance application would go to the Zoning Board for review not the Planning Board. Mr. Remington then discussed the concept of concerns of abutting property owners living in a radius of this proposal. Chairman Prellwitz indicated he had made that point in his previous testimony. Mr. Remington indicated to him directly, "but the Planning Board has done nothing about it". Chairman Prellwitz indicated that they have not ruled on the matter and are weighing all input. He indicated to Mr. Remington that this was a very full agenda and he was repeating himself at this point. Mr. Remington asked if the other developers were more important than his concerns. Ms. Light indicated that all concerns are weighed. Solicitor Hogan again spoke with Mr. Remington trying to determine what he was seeking from the Planning Board reference his question on variances. She explained how zoning impacted this property and eliminated the ability to seek a variance to address. The location is the location as a result of the town zoning ordinance and she just wanted to make that clear. That this decision was not made by the Planning Board or the Zoning Board but is a use table voted upon by a previous Town Council. Mr. Remington said this was voted on by a Town Council over 100 years ago and why would it still be in effect. Chairman Prellwitz gave the example of I-95 and its noise. You can't go back and end a highway either. Mr. Wayles indicated that Mr. Remington's testimony gave him a question. What is the closest structure to this saw mill that wasn't on this property? He was advised by Mr. Hemenway that the structure on Mr. Remington's property was closest. He also enquired as to if the building housing the saw was it three walls or four. It was clear it was a four walled enclosed structure. Mr. Deane approached the microphone again and said he believed that they had "satiated" Mr. Remington's request. Mr. Deane asked that directly of Mr. Remington in the audience. Mr. Remington indicated at the microphone he wanted four walls and insulated and diesel pointing out to the Northeast, and not blowing back at him in a "freaking North wind." Chairman Prellwitz then queried Solicitor Hogan for opinion as to what steps to take. Ms. Shumchenia wanted to clarify some findings as to permits that she was considering. Mr. DiOrio suggested they carefully review wetlands and necessary permitting. Ms. Shumchenia wanted to ensure landscaping and buffering around the front of the property be addressed to the satisfaction of all parties. Mr. Hemenway believed that buffering had been addressed and they had improved the driveway in their phasing. The developer believed they had met the buffering intent and taken action to protect specimen trees on site. Planner Jalette suggested reviewing at Phase 2 to ensure that plantings are sufficient still to meet on site buffering needs. Mr. DiOrio concurred.

Mr. Chip LeFazia asked if the signage for the business on site would be a large one, and asked this directly to the developer. They indicated it would not be. Ms. Shumchenia then discussed impervious surface reduction site wide and its ability to assist and improve storm water drainage on site. She stated that that was discussed from Mr. Cabral's testimony. She then discussed hours of operation and its sound levels. She also discussed the operation be no less than 300' away from any currently existing structures. Mr. DiOrio wanted to ensure that 89 decibels is the real number to put the best information into the motion being discussed. Jad Anderson answered that the 89 decibels was at full RPM. Mr. Robert Taprow then approached the podium discussed the model of saw (radial not a ban saw) employed and indicated manufacturer specifications clearly indicated that at the maximum RPM, the

noise generated of the saw was 89 decibels. That this machine will be quieter when cutting wood products on site. Mr. DiOrio indicated he wanted this information so as to properly set the parameters. Solicitor Hogan wanted to ensure the distance of the business to the home by zoning designation was greater than 300' and was advised that it was 375' measured by Google review, and that buffering plantings existed at the property line. This was confirmed with Mr. Hemenway.

Ms. Shumchenia then made the following motion to approve the Development Plan for Anderson Mixed Use Plat 15 Lots 4,5,and 6A 916 Main Street Woodland Ridge LLC., applicant, based on findings of fact and law.

FINDINGS OF FACT

1. The subject site is comprised of three separate lots under common ownership along Main Street (RT 3) in Hopkinton. The lots are further identified as Assessors Plat 15 lots 4, 5 and 6A.
2. The subject site consists of a total of 31 Acres of land, formerly operated as the "Enchanted Forest" Amusement Park. Part of the site is already developed with a solar array.
3. The site includes both commercial and manufacturing zoning districts.
 - a) The proposed location of the business and saw mill is determined by existing zoning designations
4. There are wetlands located onsite and there is an unnamed stream running west to East in the central portion of the site.
5. The proposed development consists of a mixed use development of a landscape/timber business, a new retail garden center, storage buildings and a sawmill.
6. Pre application meetings were conducted on February 2, 2022 and May 4, 2022. Formal Plan review was conducted on July 6th, 2022, September 7th, 2022, and November 2, 2022.
7. A comprehensive storm water management report dated February 2022, revised August 31st, 2022 was prepared by Garafalo and Associates, Inc.
8. A detailed Storm water Management System and Operations and Maintenance Plan dated February 2022 revised October 25, 2022 was submitted by Garafalo and Associates Inc.
9. On August 30th, 2022, the town building and zoning official submitted correspondence indicating that the asphalt on the property was pre-existing and was therefore, not subject to Section 6, Dimensional Regulations footnote 2.
10. Crossman Engineering provided peer review of the plans and reports on behalf of the Town of Hopkinton, RI. On August 26th, 2022 Crossman issued a memorandum concerning 18 concerns, comments and or deficiencies.
11. On August 31, 2022, Garafalo Associates and Inc. submitted a series of documents for Crossman Engineering's review, including: The items referenced in Findings of Fact #7and #8, an emergency vehicle turning plan dated August 29th, 2022 and a letter responding to Crossman's August 26, 2022 memo.
12. On September 15th, 2022, Mr. Bruce Remington of 900 Main Street submitted a letter concern about the potential noise from the proposed sawmill. The letter was also signed by nine other residents. The letter requested the Planning Board to require a noise study prior to any action on the application.

13. On September 22, 2022 Mr. Remington submitted a second letter of concern and objection also signed by other residents which was accompanied by several excerpts of state statutes and local ordinances.
14. On October 21, 2022, Crossman Engineering issued a second memorandum finding that the bulk of the issues from the August 26, 2022 memo had been addressed by the Applicant satisfactorily with three items outstanding.
15. At the November 2nd, 2022 Hopkinton Planning Board Meeting both the applicant and Crossman Engineering discussed and agreed to address outstanding items 8, 13 and 14 regarding landscaping and buffering of noise on site.
16. The applicant testified to having an Insignificant Alterations Permit, OWTS Permit, and Aquifer protection permit from the local Zoning Board.
17. Crossman Engineering testified at the November 2nd, 2022 Planning Board Meeting to having an decrease in impervious surface site wide and that this was an overall Storm Water management benefit to the property.
18. The applicant's Engineer testified to the approximate distance of 375' from the sawmill to the nearest residence of an abutting property owner as measured by a google mapping app, and that a row of evergreen shrubs exist at the property line for buffering.

CONCLUSIONS OF LAW

1. The proposed development is consistent with the Town of Hopkinton Comprehensive Plan and or has satisfactorily addressed the items where there may be inconsistencies.
2. The granting of approval will not result in conditions inimical to the public health, safety and welfare.
3. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district.
4. There will be no significant environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval.
5. The proposed development has adequate and permanent access to a public street.

CONDITIONS OF APPROVAL

1. That the conditions set forth in any local state or federal permit are hereby incorporated into the referenced permit
2. Applicants stated sawmill hours of operation are Monday through Friday 7 AM to 7 PM and Saturdays from 8 AM to 6 PM
3. That the decibel levels of the saw mill operation will not exceed 89 decibels. That the saw mill equipment be enclosed by a four sided insulated structure and will remain at greater than 300' distance from any structure on the abutting property.
4. Revisit the landscaping plans in Phase 2

Ms. Shumchenia's motion was seconded by Mr. DiOrio. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. DiOrio and Mr. Wayles all voted to approve the motion there were no nay votes or abstentions.

Preliminary Plan- Public Hearing- **Brushy Brook** - 140-Unit Comprehensive Permit- Plat 32, Lots 1, 4, 6, 8, 10, 12, 14, 16, 17, 21, 23, 25, 27, 30, 32, 34, 36, 38, 40, 41, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 63, 65, 67, 68, 69, 70, and 71, located at 130 and 0 Dye Hill Road, 0 Brushy Brook Drive, 0 wedge Road, 0 Green Lane, LR6-A Owner, LLC and Realty Financial Partners, applicants

Attorney William Landry spoke on behalf of the applicants before the Planning Board. He stated the Master Plan was approved in 2010 and discussed the history of the project. Attorney Landry referenced that a 140 Unit project was proposed, and he discussed the needs of sewer and water and road and infrastructure needs. He discussed its phasing's and wished to discuss the main issues of concern that were on the table, so as to set the table to address the Planning Boards concerns. Attorney Landry was complementary of the peer review that has occurred and described as a professional process. He wished to first discuss the water issue, and have Mr. Ferrari discuss the findings which are as he described favorable. This based on geotechnical analysis and well yield and the draw down test has been conducted. This stress test results from the proposed wells were described as "astounding". There is an extraordinary aquifer under this property. Rather than seven wells on this property he stated, we may need only one. As to Community septic, communal was given as a directive but it was not defined. The plan seeks a communal approach but with individual denitrification systems. Pretreatment at the house and communal leeching can be viewed as a communal or community system. The Homeowners agreement will have to include an individual management plan. Disclosure and instructions will be availed and a solid approach has been laid out per Attorney Landry. He also discussed Storm Water concerns and the commitment to avoid clear cutting and sidewalks. Sidewalks were not in the original decision and the applicant has a commitment to ensure a more rural feel to the development.

Private water and sewer is being proposed on what will be a public roadway. He discussed the towns concerns should subpar repair and improvements be at some point made. He wanted to ensure the Homeowners Association will indemnify and hold the town harmless from damages. He also stated an appropriate standard of quality of repair will always be engaged. He referenced a 2010 DPW report that called for road widening as an applicant and as an abutters concern. After that memo was issued the Town of Hopkinton hired an Engineer to give an opinion on the matter. This report discussed culverts in the affected area. These recommendations were agreed to and included into the property design. This also included chip sealing all the way out to Rt. 138. Discussion was made over what was described as the "evolution" as to what the feasible and overall width of the roadway was due to all circumstances existing including wetlands. Extensive discussion was made as to road design for this project. Attorney Landry also stated a Clerk of the Works was discussed and was not a concern to provide by this applicant. They reiterated that they plan to meet all standards of noise and sought to have Mr. Ferrari discuss the water on the site.

Ms. Light wanted to know if Mr. Cabral from Crossman Engineering took part in the well testing program. Attorney Landry said he did not, but they had been availed the results of the tests. He described the current well as outside of where it had been discussed for placement previously. The report he was referencing was recent, and was on water testing and feasibility and quality of the water.

They were very comfortable with the results they received per Attorney Landry. Ms. Light stated she was confused as to the well situation and locations and number of wells. She referenced a report she had seen, and its information on discussing well fields and its proposed location. She stated that DEM discussed volume drawn from a well and these well locations. She stated we have gone from 7 to 1 wells in this proposal and wanted to see what was in place per previous plans, and compare to what exists now. She stated she is not thrilled with what she is seeing at this point. She sought clarity from the applicant. Attorney Landry stated he would defer to the expertise of his experts who were prepared to testify. He hoped this would answer her questions. He stated the yield is greater in the well than anticipated and the setbacks still apply and will be complied with. They are meeting all guidelines and “the reason it is not 7 wells is there is 7 times more water than expected”. He stated they are not backing up an inch and they are actually ahead of schedule. This is very good news and makes the proposal in Mr. Landry’s opinion, even more viable. Mr. Landry stated the applicant had been very good at meeting abutters concerns and needs. He wanted to affirm that. Ms. Light was concerned over a previous discussed failure of one system. Although septic was described in this concern previously, it also applies to water. Redundant wells have been discussed but Attorney Landry will defer to the experts. Ms. Shumchenia interjected and affirmed this was a report not a full plan at this point, and Attorney Landry stated that was accurate. Attorney Landry then deferred to Mr. Ferrari to discuss.

Mr. DiOrio stated he was concerned that there are too many loose ends with this project. He wanted to pose that before anyone gives approval, who is going to go through the entire document and make sure all is in line and no loose ends exist. He asked if he was the only one who felt that way. Attorney Landry stated that they are working with Crossman Engineering and seek to be in a position to meet all community needs. The issue of the location of the well then became a point of discussion. Mr. Cabral then spoke and wanted to publicly point out information he was aware of, so as to meet the Planning Boards concerns. He stated it was unusual for him to weigh in at this point, but the Board had expressed concerns he could shed light on. He believed that much of the work was to address the capacity of the wells while protecting wetland. He acknowledged that the tests looked very promising. He believed in a project of this magnitude that likely two wells will be needed per DEM. He then discussed the location of the well now proposed, and his concerns with state DOH regulations and a protective 200’ radius. That drainage locations could present a “hurdle” to address for those designing water and septic. Unfortunately the well location is of concern to him at this point. It is his hope that Mr. Ferrari could address this. He currently works with RI DOH and is well aware of their regulations, and wanted to clarify he was not speaking in his state regulatory role. He did want to point this out for the Planning Boards reference. Planner Jalette then weighed in and said the well location also merits concerns for the OWTS storm water system, a concern she had discussed with Crossman Engineering this date. That it would be uphill from the water supply which was a troubling configuration of design.

Mr. Robert Ferrari then spoke and indicated he is the President of Northeast Water Solutions of Exeter RI; he spoke on behalf of the applicant. He is a certified Rhode Island public water system operator. His firms pumping test protocols are the basis of current Rhode Island ground water system withdrawal guidelines. He prefaced his discussion stating that Rhode Island would never approve a one well format for a development of this size. He hoped his presentation would allay concerns and he was happy to

answer questions. The well in question tonight is an exploratory well. He indicated a RIDEM approval was made conditionally, but the problem is if you propose a development of this size you have to find an appropriate water source. You have to show unequivocally that you have no negative impact on neighboring wells and water systems. Because this well will produce over 10,000 gallons a day, it will need the approval of both the RIDEM and The RIDOH regulatory wings. When he was first retained he did extensive geological research. He stated they were seeking geologic features consistent with increased water supply. He discussed at length what was observed geologically reflective of increased supply and how they were located on the Southeast area of the proposed site. This is where the water is available to supply volume to a site this size. It also does so without negatively impacting all wells proximal to this site. He referenced his report, at full build out this development would require approximately 32,200 gallons a day, and a maximum of over 48,000 a day; this sets basic parameters of what is required. Theoretically per his study, and consistent with other recharge studies performed, and with multiple variants of recharge calculated, this site has a recharge rate he estimated at minimal value of 149,000,000 gallons a year. This being also about 408,000 gallons a day. You have to have more recharge than water extracted to be viable. He also factored drought conditions in his calculations. This cut it to 132,000 gallons a day. You don't want recharge to be a close call, and always seek adequate recharge of water to use a well. He discussed how bedrock often weathers droughts in its volume. You have to go where the fractures are to find water. He then discussed bedrock storage and recharge values. He discussed also impact of septic systems and the need for protective setbacks. He discussed appropriate separation distances. He indicated the impact of water use from the proposed development, is just over 1% extracted from the recharge availability on site. Mr. Ferrari then discussed the bore hole tests done at 500' and that their findings were consistent with his geological survey. He found a good bore hole to utilize and to commence a pumping test. He sought to work with neighbors and access the impact on nearby wells and wetlands. That wetland being the Brushy Brook located nearby. They reached out to nearby neighbors and wells to check for any negative impacts. He discussed where their equipment went and the type of wells monitored with a transducer. The monitoring went on for a week prior to pretest and see if there was conductivity with the test or exploratory well and outside wells. The transducers are accurate to a 1000 of a foot and calibrated prior to use. Pretest monitoring is important as a comparison to the pumping of the exploratory well. The test was run at 35 gallons a minute so as stress the aquifer at the excess of maximal withdrawal rate of usage, which was found to be 33 gallons a minute. He discussed varying depths and including depths from "precipitation events", and their results from the pumping test. He advised you have to watch draw down on a well very carefully due to its effect on fractures. This is why they work very hard to camera inspect wells as they are drilled. There is no substitute for a good video inspection of a well. He indicated that the tests in question showed no negative impact on adjoining wells, and discussed pumping rates well above maximal anticipated usage. He indicated they hit a rate with the throttling well wide open of 40 gallons a minute. It hit a high of 46 gallons a minute. The state of Rhode Island requires a minimum 72 hour test and he utilized a 100 hour pump test. A quarter million gallons of water was pumped during this test. He stated that you should always maximize use during a stress test. When they shut down the pumping test they watched recovery very carefully to ensure there was not negative recovery. He stated they reached a 185% rate for maximal use from the exploratory well in question. Another positive result was

that the well had effected a 90% recovery in 60 minutes, and 98% in 17 hours, and 99% recovery rate in 24 hours in this hi stress recharge test conducted. All this was very encouraging data for this project.

Mr. Ferrari discussed his data findings from the wells proximal to the test by transducer findings. They were ensuring that they had no adverse impact on nearby wells. His findings were per Mr. Ferrari's analysis that they did not. There was analysis of declination and he described the data as good. Water quality tests were also conducted for analysis in his testing. He found the overall quality good and may recommend some ph level adjustment through treatment. He discussed minerals he found in the water. This well demonstrated it can meet the needs of this project at 100% buildout per his analysis. He then sought a second well and described where in the fracture he was proceeding to ensure the same level of recharge. To facilitate this, he believed for the project to move forward from a water system standpoint, he would have to seek repermitting and factor in separation from wetlands and septic on site. He stated you will need two wells on site and it will also have to go through this same pumping test and it is mandatory. All the same requirements he delineated above will need to be applied to a second well in the target area where he found water. He believed this would also be done with no adverse impacts, and the tests would confirm his findings.

Chairman Prellwitz indicated that as it approached 10:00 PM, he wanted a motion to extend the meeting past 10:30 PM. Ms. Light indicated she wanted to ensure the public could weigh in on what has been discussed. Mr. DiOrio seconded the motion, and it was unanimous to continue. Chairman Prellwitz, Ms. Light, Mr. DiOrio, Mr. Wayles and Ms. Shumchenia all voted to continue and to seek public input at this point. Mr. Ferrari indicated he would yield the podium to facilitate public comment and did so.

Ms. Sherry Aharonian of Dye Hill Road in Hope Valley then came to the podium to discuss her concerns. She advised that she was an abutter to the property. She was concerned as to the movement of the well in question and stated that the well as it is currently configured is now 500' approximately from her property. She advised she had questions to ask of Mr. Ferrari. She wanted to ensure she was clear on some items, she stated that she had a memo from Crossman Engineering to DiPrete Engineering from February of this year. She saw that the volume of water discussed seems to have changed and she did not understand why. That it had gone from a discussion of 64,000 gallons a day and now appears to be at 32,000 gallons. It also stated no well would pump more than 10,000 gallons a day. This has a need for approximately seven wells in her estimation at 64,000 gallons. The discussion and testimony tonight is now at 32,000 gallons and focused on two wells. This was confusing to her. She wanted to hear from Mr. Ferrari directly how his testimony moved to a live buildout. She wanted to hear directly the flow, volume and recharge data reflected on the development plans. She wanted to know how this translates to a live build out. Mr. Ferrari focused first on recharge. Some of the concerns were transposed and he sought to clarify. Mr. Ferrari stated the question had transposed data to a degree, and that the information provided were estimates of site wide recharge, and not what an individual well can extract from a certain location. The figures he gave were what the well tested at . It is not correlated to the sites theoretical recharge rate. The figures he gave were from a State of Rhode Island approved storm water analysis and flow estimates from RIDEM OWTS flow estimates so as to meet policies and recommendations. The maximum day is 150% of the average day usage. This is the pool from which the data numbers he discussed had come from.

Ms. Aharonian stated that Crossman Engineering has worked in developments in other locations in Rhode Island. She was concerned for long term stress in neighboring wells, and wanted the Hopkinton Planning Board to task Mr. Cabral of Crossman Engineering to review this project through that type of analysis. In the preliminary checklist the certification complete was made in April of 2021. Some town officials' comments are not included and she sought for the Planning Board to request those comments. As to Phasing she was confused as to what Phase they were seeking to approve. Solicitor Hogan answered the approval would be for the entire plan and coming in at 20 at a time. Ms. Aharonian then was concerned as to who was going to be responsible for road improvements on site. Discussion was made with Mr. DiOrio and Solicitor Hogan on who would be responsible for roadway improvements. Discussion was made as to potential bonding for that contingency. Lastly she wanted the town officials' comments documented and be available to the public. Planner Jalette stated she would review. Attorney Landry then spoke and stated that multiple copies were provided and that they were vested under the 2010 regulations not the 2020 regulations. He said he would cooperate, but wanted to ensure that it was on the record they had complied with appropriate regulation. Solicitor Hogan clarified that you cannot compel some authorities to respond to be being given the plans, their duty during this process is to inform. She indicated full sets of plans are available at the Planners Office. Discussion was made as to how the information could be provided to Ms. Aharonian. Ms. Light believed impact statements upon varying entities within the Town of Hopkinton should be made to the Planning Board in real time or in 2022 data or for appropriate recommendations.

Ms. Light stated she was disappointed that Mr. Cabral of Crossman was not involved in the full test process. Mr. Cabral advised that he did not need to be present but would be able to access and evaluate the data provided from the test. Ms. Aharonian wanted to know what was disclosed to potential home buyers as to their duties and responsibilities as they join a Homeowners Association. Attorney Landry stated that it was not a Condominium, but the Homeowners Association agreement will likely mimic that in its scope and drafting. That was the standard and it was not required by state law, but this was the likely path they would take here. He reminded they have already filed several declarations and a HOA document the developer would not be adverse to provide. She stated she was really concerned about the size of this project and the proximity to her property.

Mr. John Orlandi of Dye Hill Road then spoke. He discussed the transducer showed a three foot loss of water from his well after they had finished pumping. He wanted that to be put on the record. Mr. Ferrari stated the party assisting Mr. Orlandi was Mr. Michael Stewart, a certified Water System Operator, who is employed by Mr. Ferrari as a Senior Technician.

Mr. Conrad Cardano of 110 Dye Hill Road Hope Valley spoke. He stated he is concerned with Dye Hill Road itself as it is not wide and full of obstructed views. He stated that road has been heavily used in his experience, daily. Cars speed and the road is not designed to handle the heavier traffic on it. He wanted the Planning Board to not lose sight of the need to improve Dye Hill Road in the face of this development.

Kyle Lupinski of 123 Dye Hill Road Hope Valley spoke. He moved in to the home in September and he has been monitoring the project. He wanted to affirm the concerns of his neighbors. He was very worried he

was going to see the tranquility of this neighborhood and its rural character destroyed. He wanted to say John and Sherry are great neighbors and he wanted to support their testimony. Planner Jalette advised they will continue the taping to YouTube and the virtual meetings so access to the public is continual and available.

Ms. Sharon Davis of 100 Cedarwood Lane spoke. She stated she believed there was a difference of opinion as to who was responsible for off-site roadway improvements referenced in this plan. She believed this had been defined clearly in the previous master plan approvals, as being done by the applicant. They she believed needed to be completed. Ms. Davis, a Town Councilwoman, referenced Town Ordinance 8.6.4 and stated improvements needed to be undertaken per this town subdivision ordinance prior to any start of development at this Brushy brook site. She did not want to see it done piecemeal, she wanted to see it all completed. She also referenced another difference of opinion. She was concerned as to what was being discussed as a communal septic system, and The Planning Board had had several conversations in the past and she believed the Planning Board wanted full community septic and not individual leach fields. Ms. Davis asked did the Planning Board really still want a full Communal Septic? Does the Planning Board still want full communal septic systems or this leach field system? "This has gone back and forth and back and forth and has just been smoothed over" at this point and she believed confusing. She wanted to know what exactly was being requested of the developer. What were discussed by the Planning Board previously were not individual leach fields. This was part of the Master Plan when it first came through. She stated that communal septic system was defined previously by the Planning Board. I don't want it to just "slide off into a corner". There should be no confusion and this was not approved previously as a leach field system. "The third thing based on the well situation, the Planning Board in the past wanted all wells dug and certified". Are you happy now that the results are showing two or three wells and are you confident that there is adequate water supply for a development of this size of 147 houses? Mr. DiOrio responded and indicated as to point three, he believed there would be at least two wells, and sought clarifications reference this from Mr. Ferrari. He continued that there would be at least two wells, and per the methodology it would be required to undergo a pumping test at this point and follow everything undertaken by the first exploratory well. Ms. Shumchenia wanted to know the status of the wells and would there be a chance the first exploratory well become a functional well or could it be abandoned. Mr. Ferrari stated that he would answer Mr. DiOrio's question and statement first. Mr. Ferrari stated that Mr. DiOrio was correct, and any well is required to undergo pumping and quality tests per Rhode Island Department of Health guidelines. If the wells 10,000 gallons day or more they have to go through RIDEM protocols as well. As to the second question right now it is an exploratory well. His intent was to get this regulated as a well. The key finding is that they extracted significantly more water on a day to day basis then projected maximal use for the project. Ms. Light asked there were as many as three wells; she wanted to know did he have to get them permitted through DEM all at once. Do they, three wells, have to be operational and permitted to support 140 houses before all the seven Phases begin. Mr. Ferrari stated because they appear to have the ability to extract the sufficient water to support this project, he would recommend to seek a permitted water system as expediently as possible. To do it in one shot as it is more time and cost effective. However that discussion has not been had at this point with the developer who he is advising. At the minimum they will have to have two wells for a community system, you have to have a

redundant capacity. Mr. DiOrio stated with regard to the water and septic system discussed, he was happy with the sewage treatment system pursued, and the communal denitrification system discussed. Ms. Davis disagreed and stated this was not consistent with the Master Plan language discussed previously. Mr. DiOrio indicated he believed that they had been consistent. The third question being the off-site improvements, and he stated if you did the roadways, had them done before construction commenced, they would be utilized heavily during construction and likely be have to be redone. Mr. Cabral from Crossman came forward and affirmed that the culverts would be affected, and wanted to see the roadway done after the construction, due to roadway degradation during construction. Solicitor Hogan stated the well goes where tested would likely cause the septic proposal to be moved. She believed that it would be impacted, and wanted to see movement on this in the next meeting. Planner Jalette requested an updated map to define clearly the new well locations.

A motion was made to extend the meeting to 10:45 PM by Ms. Shumchenia to allow all public comment to be made and was seconded by Mr. DiOrio, Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles and Mr. DiOrio all voting to approve the meeting time extension.

Mr. Joseph Moreau of Old Depot Road spoke. He stated that he was very concerned about meeting formats. He wanted to hear changes from time to time not a rehash of previous testimony. He is very concerned about the wells and had personally seen the impact when local residents lose their water source. He did not believe that Ms. Aharonian had her question truly answered and he wanted to see detail on changes in the plan. He felt too much time was devoted to addressing changes to a well. He believed too much time was devoted to the science at too high a level on that topic.

Mr. Joseph Capalbo of Hope Valley then spoke. He wanted to define exactly where the wells in question were on the map and its distance to the abutting property. He wanted also to know why the wells were drilled in the location they were in the exploratory phase. The original well locations were a perception, and the exploratory wells were drilled due to the analysis of Mr. Ferrari, per the comments of multiple Board members. Solicitor Hogan stated previous testimony in September available on YouTube would likely answer his questions. It would help him understand the rational.

Ms. DiOrio made a motion to continue the public hearing to the January 4th, 2023 meeting at 7 PM at the Hopkinton Town Hall, with a decision date of January 11th, 2023. The motion was seconded by Ms. Light. Ms. Light, Ms. Shumchenia, Mr. DiOrio, Chairman Prellwitz, and Mr. Wayles all voted to approve, with none in opposition and no one abstaining.

NEW BUSINESS:

Administrative Request to Conditionally Combine Stages of Review- Major Subdivision- **Scalise 7-Lot Residential Compound** – Plat 5, Lot 105D, 16 Esta's Way. Phillip and Laura Scalise, applicants.

Note: The Applicants seek administrative direction and conditional approval to combine the master and preliminary stages of review, subject to the future issuance of a certificate of completeness by the Town

Planner, pursuant to Rhode Island General Laws 45-23-39(c) and Hopkinton Subdivision Regulations, Section 8.1. (4)

If the applicant does not identify any requested waivers at this stage, this will have to be approved prior to any subsequent public hearing.

The applicant was not in attendance and no testimony was heard on this matter. Discussion was made with how the Planning Board would act in this situation.

No further action was taken by the Board at this time.

PRESENTATION: Low Impact Development (LID) Site Planning and Design Techniques: A Municipal Self-Assessment Presentation

The Planning Board will hear a presentation by Lorraine Joubert (URI Cooperative Extension Nonpoint Education for Municipal Officials (NEMO) Director Joubert and Hayden McDermott (Graduate Student with URI's environmental Science and Management Program in relation to the Municipal LID Assessment developed by NEMO and the Department of Environmental Management (DEM)

Hayden McDermott a URI Graduate Student did speak to the Planning Board by Zoom. They described themselves as a Graduate Assistant and will graduate from URI in December and end their employment. McDermott stated that they would speak to their supervisor and ensure this presentation is given to the Planning Board at a later date. Planner Jalette indicated that the information was not time sensitive but necessary for the Board to have as it addresses its duties to the Town of Hopkinton moving forward. She indicated she would reschedule to another meeting to ensure this information is given to the Hopkinton Planning Board.

SOLICITOR'S REPORT:

None

PLANNER'S REPORT:

None

CORRESPONDANCE AND UPDATES:

- 1) Letter from Eric Bibler- Bait & Switch Tactics of Solar Developers Cost Hopkinton Millions of Dollars in Tax Revenue- 10-17-2022
- 2) Letter from Eric Bibler – Projected Solar Property Tax Revenues- As of November 2020- 10-5-2022

PUBLIC FORUM:

There was no public comment.

DATE OF NEXT REGULAR MEETING:

December 7th, 2022 at 7 PM

ADJOURNMENT:

Ms.Shumchenia made the motion to adjourn seconded by Mr. DiOrio. Chairman Prellwitz, Ms. Light, Mr. DiOrio, Ms. Shumchenia and Mr. Wayles all voted to approve, there were no votes in opposition or abstentions.

Meeting was adjourned at approximately 11:04 PM

Michael Spellman

Senior Planning Clerk