

HOPKINTON PLANNING BOARD HYBRID MEETING

Minutes October 5th, 2022 Meeting at 7 PM

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

Roll Call: Chairman Prellwitz, Mr. DiOrio, Ms. Light, Ms. Shumchenia, Mr. Wayles and newly seated member Ms. Christina Bolek

Pre-Roll Call for November 2nd, 2022 Planning Board Meeting: Planning to attend the November 2nd, 2022 Planning Board Meeting, Chairman Prellwitz, Mr. DiOrio, Ms. Shumchenia, Ms. Light, Mr. Wayles and Ms. Bolek.

Recognition of special guest by Chairman Prellwitz

Planning Board Member Ms. Light recognized her sister, Kathleen Ricci for attending the meeting from her native Cambridge, England. All in attendance welcomed her with a round of applause and best wishes during her visit to our country, state, and town.

Approval of Minutes: September 7th, 2022 regular Meeting Minutes, Ms. Shumchenia made a motion to approve the minutes from the September 7th, 2022 meeting of the Hopkinton Planning Board. Her motion was seconded by Mr. DiOrio. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles and Mr. DiOrio all voted to approve. There were no opposing votes or abstentions.

Motion to amend the proposed agenda:

After discussion with Attorneys representing items on the Old Business portion of the agenda, which were far more time inclusive, the meeting order was changed. Mr. DiOrio made a motion to amend and revise the agenda to allow the New Business agenda items for its pre application phase, **Tanner Lane Subdivision**, and **Scalise 7-Lot Residential Compound** to appear before the Board first so as to utilize meeting time more efficiently. His motion was seconded by Ms. Shumchenia. Chairman Prellwitz, Mr. DiOrio, Ms. Light, and Mr. Wayles all voted to approve the motion with none in opposition and no abstentions.

NEW BUSINESS:

Pre- Application – Major Subdivision- **Scalise 7-Lot Residential Compound-** Plat 7, Lot 31, Plat 10, Lot 87, Plat 11, Lot 35, 0 Main Street Atlantic Solar, LLC., applicant

Attorney Scott Levesque of Bengston and Jennings Law Firm of Providence, RI appeared before the Planning Board and represented Philip and Laura Scalise in their pre-applicative phase. Attorney Levesque thanked the Planning Board for amending the schedule, and proceeded to introduce the

project to the Planning Board for review. He indicated that the packet with information provided before the meeting was reflective of good preparative quality. Attorney Levesque indicated the applicant seeks the input of the Town Planning Board and seeks no regulatory relief for the application. The proposal sits on 48 acres and is a 7 lot residential proposal. (With one lot existing and the other six part of a subdivision.) The other six proposed lots are currently undeveloped. Attorney Levesque indicated that all met the minimum standard of 80,000 square feet by municipal ordinance. The proposal includes on site wastewater capacity, and wells onsite. It draws power from the roadway to underground lines and exists on a private road with sufficient frontage to meet all appropriate regulations. The Project will be completed in two phases. Phase 1 is lots 1-4 and Phase 2 Lots 5-7. Attorney Levesque discussed a GZA report and permitting as in hand. He indicated a Homeowners association will be involved in project maintenance long term. As this project is so advanced in its design and in compliance with existing regulation the applicant will seek both preliminary and master plan review at the next phase and seek to gain Final approval to commence the project.

Chairman Prellwitz asked if the road in question would be private, and is there any consideration under which it could become a public road. Attorney Levesque indicated that course was a violation of existing Hopkinton regulations, that it was not possible, and indicated they would not be seeking at any point to become a public road. Chairman Prellwitz asked if this was a family development or would this land be up to general sale. Attorney Levesque indicated there was family interest and sale was possible in phasing processes of lots. Mr. DiOrio was curious as to permitting status and what was in hand. He enquired specifically as to OWTS status. Attorney Levesque had Mr. Philip Scalise answer this question specifically. Mr. Scalise stated that all pre perc holes had been performed. He indicated the site suitability work was being prepared and will be under state review shortly. It appeared all soil evaluations are done and the property is suitable. Ms. Shumchenia asked as to what the timetables will be for Phase 1 and Phase 2 to completion. Attorney Levesque indicated that it was undetermined and he would comply with all statutory guidelines for approval for this project.

Pre-Application- **Tanner Lane Subdivision**- Plat 5, Lot 57E, 0 Tanner Lane. Clarks Falls, LLC., applicant

Attorney Todd Romano appeared before the Hopkinton Planning Board and indicated that he was representing Clarks Falls LLC the applicant. Attorney Romano indicated that he was seeking a minor subdivision at 0 Tanner Lane. He sought to create a lot of record for a lot that is already existing. Attorney Romano indicated that he was aware that the Board had an opinion from its Solicitor, Attorney Hogan, that it did not have jurisdiction. Attorney Romano indicated that he did not agree. Attorney Romano believed that this Planning Board did have jurisdiction. Attorney Romano indicated that before the Planning Board tonight was Pre application, concept review, and that a preliminary plan application was being presented. Attorney Romano discussed OWTS, that the proposal complies with all setbacks, has sufficient frontage, and a recorded easement right of way on its road with the Town of Hopkinton, Rhode Island, recorded as Tanner Lane.

Mr. DiOrio confirmed the plan in front of him with Attorney Romano and asked him where the subdivision was on this plan. Attorney Romano indicated that because the lot was allegedly illegally created in 1985, the applicant was attempting to be "above board", and come now to do it "the right way". He was seeking for this Planning Board to recognize Lot 57E as a lot of record. That if it is an illegal subdivision currently it is only by deed. What he sought was for this Board to recognize and ratify that Lot 57E is a lot of record. Chairman Prellwitz indicated it appeared to him that a better venue was to approach as an Attorney, the Zoning Board. Attorney Romano indicated he had approached the Zoning Board and had been directed by them to approach the Planning Board. He indicated it was a minor subdivision and they are approaching the Planning Board in an attempt to correct an alleged prior wrong. He indicated that they were making every effort to be "above Board" and "not their intent to jam anything down anyone's throat". Mr. DiOrio indicated he applauded the applicant for trying to do the right thing. However he had a bit of a "conundrum" and was accustomed to viewing a subdivision plan with more than one lot on it. Attorney Romano indicated he wanted a focus on the demarcation between Lot 57D (Edwards Property) and 57E and its deeded status. No one has subdivided that parcel as stated by Attorney Romano and at one time they were combined. Mr. DiOrio indicated if memory serves him correctly the lot was eligible to do this in 1985 before enabling related legislation in 1991. Attorney Romano concurred and then indicated that he contended that in 1985 a proper division had taken place. That after 1985, with the then new regulatory emphasis on frontage, and it being insufficient, it became an illegal lot. What they seek is a lot of record so as to build upon. Mr. Romano felt this was as lawful action and freely acknowledged that Solicitor Hogan disagreed. He stated her opinion was consistent with court rulings of note, however what he sought from the Planning Board was to correct this, and create a lot of record to build upon. Mr. DiOrio indicated he understood his premise but wished for the Solicitor to weigh in.

Solicitor Hogan indicated that she wanted the Planning Board to refer to a memorandum she had given them with the "back story" on how this matter now appeared before them. She indicated that she was asked to provide an opinion by the Solicitor to the Hopkinton Zoning Board. Her opinion was to review based on all available laws and regulations at that time as to if this was a proper lot. In 1985 there was a mechanism to create lots of record by deed, and avoid having to come before the Planning Board. To achieve this one, the applicant had to meet four different areas or criteria. Upon her review there was one element that this lot in her opinion did not meet. Solicitor Hogan indicated that in her review of the matter she prefaced her opinion on the Supreme Court of Rhode Island decision that Attorney Romano had previously referenced. Solicitor Hogan stated she had concerns for the Planning Board as to jurisdiction and authority based upon what was before them. What is being presented is not a subdivision but a site plan. The Board is being asked to make a declaratory judgement.

Attorney Romano disagreed. He indicated that this placed a requirement where Mr. Scalise would have to have a relation with the abutting property owner that is positive, creating an undue burden, and beyond this Boards authority to request. He indicated that the Planning Board does not have these types of authority and jurisdiction, and he seeks for them to recognize 57E as a lot of record. He seeks a ruling after exercising all administrative remedies. Mr. DiOrio indicated he got his argument, but he still did not see a proper subdivision plan. Attorney Romano stated he understood that, but it was intention to still

submit a plan for review. Attorney Romano stated that if the Hopkinton Planning Board had comments on the merits, he was prepared to incorporate those comments into the plan proposed. Ms. Light stated she did not feel it was in the best interests of the Planning Board to rule on the merit, only of the proposal. Attorney Romano stated that she could vote against it when the proposal came before her. Ms. Light stated that she was inclined to side with her Solicitor who is advising the town. Attorney Romano stated he too represented towns, and hoped the Boards that employed him would give equivalent support. However he respectfully submitted that he does not think Solicitor Hogan is correct this time. Chairman Prellwitz felt he was being, "asked to step into a pond where he had no idea where it would go". Chairman Prellwitz was concerned that the Board is making a ruling on what happened 40 years ago and was concerned as to the authority of the Planning Board to do so. Attorney Romano stated it was not a legal action but a preliminary plan application for a minor subdivision submitted to this Planning Board. Attorney Romano reminding the Board that they can weigh it on its merits at that point. Ms. Light stated she felt this was better addressed at court than before the Planning Board. Attorney Romano stating that thought placed his applicant in a circle. He argued it is stated we have an illegal subdivision and a lot. "Well which is it?" Can you ask for a variance or is it simply an illegal lot. He asked for this Planning Board to determine if there is a lot of record here, and if so what conditions do you seek to put upon it. Chairman Prellwitz indicated he sided with Solicitor Hogan and felt this lot did not meet the standards set forth in 1985 at its inception. Attorney Romano stated he understood this, but what he was also hearing is that his effort at application would be "futile". "That the Board was going to deny it, without even looking at the merits." Chairman Prellwitz indicated there was no need for anger, and that he was acting under advisement of Solicitor Hogan. Ms. Light indicated, "Can we hear the merits?" Solicitor Hogan indicating it was preapplication phase, and discussed the definition of subdivision for the Planning Board. Mr. DiOrio asked Attorney Romano that if he sensed if he continued his subdivision application that it would be denied, did that give him an avenue of legal regress. Attorney Romano feeling he will be denied by answering "clearly". He reiterated that if not evaluated on the merits that this placed an undue burden on his client. He stated no court would require that. Ms. Shumchenia indicated that this is the reason we have subdivision regulations so the lots are not simply created, or done so by accident. She stated she found this matter interesting and unusual. Attorney Romano stated, it made the case why the Planning Board has the "authority" to fix this and the authority to right a prior wrong, "if there was one." Solicitor Hogan indicated that respectfully, she would appreciate if Attorney Hogan could state where in the state enabling act his path of jurisdiction was referenced, so she could review it. Attorney Romano stated that it was a lot of record. Solicitor Hogan the lot of record is already created and has been recognized and taxed by the Town of Hopkinton for nearly 40 years. It was created by deed. It also was Solicitor Hogan's recollection that the applicant had been told by a previous Building Official that in order to achieve this they would have to appear before the Zoning Board of review and seek relief there. Attorney Romano agreed and indicated that if it was "Attorney Stone's opinion" that they could appeal to the Zoning Board, then they would certainly do that. Solicitor Hogan indicated it was not her duty to opine to create appeal for this Attorney and his client. Chairman Prellwitz indicated that he sided with the opinion of Solicitor Hogan. Attorney Romano indicated that that logic would have all illegal lots in Hopkinton remain that status with no relief. Ms. Light indicated the next step would be the preliminary phase. Attorney Romano stated that was accurate and asked the Board if it had questions on the "merit" of this application.

The abutter Jamie Edwards 57D Tanner Lane spoke to the Planning Board. He was concerned with the design of the lot and egress to his property as a result. Attorney Romano indicated his driveway goes onto 57E. Chairman Prellwitz indicated the "water was getting muddier" and affirmed his previous opinion, and this matter needed to be resolved outside the Planning Board. Mr. Edwards advised as to right to property use due to years of use without challenge. Attorney Romano indicated he disagreed and saw no adverse possession argument here. Solicitor Hogan indicated it was not the purview of the Planning Board to mediate property disputes.

No further action was taken on this issue by the Hopkinton Planning Board.

OLD BUSINESS:

Continuance Request- Development Plan Review- **Hopkinton Industrial Park General Warehousing**- Plat 4, Lot 13B, 0 Wellstown Road. Hopkinton Industrial Park LLC., applicant

Mr. DiOrio immediately gave his recusal as his firm has done and continues to do work on this project. Planner Jalette indicated the applicant sought a continuance to the January 2023 meeting due to delays with licensing with State of Rhode Island Department of Emergency Management. Ms. Shumchenia made a motion to continue Development Plan Review to the January 4th, 2023 Hopkinton Planning Board Meeting and extend the review to January 11th, 2023. Her motion was seconded by Ms. Light. Chairman Prellwitz, Ms. Light, Mr. Wayles, Ms. Shumchenia and Ms. Bolek all voted to approve, there were no dissenting votes nor abstentions.

Master Plan – Public Informational Meeting- Major Land Development Project- **Skunk Hill Rad 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 before the Planning Board on behalf of the applicant. Attorney Craven discussed an exchange of memoranda between his interests and the Hopkinton Town Planning Office. That this was as a result of a series of questions posed by Planner Jalette. Attorney Craven discussed a question as to specifically where exactly Goat Rock was on the property. Attorney Craven asked Hopkinton resident Jason Tefft to come forward and indicated he grew up on the property and knew where Goat Rock specifically was. He pointed it out on a photo of an exhibit held by Attorney Craven and made mention as to 90' high and 600 to 700' long as a point of reference. Mr. Craven then resubmitted Exhibit 2 as a delineation of where Goat Rock is located. Mr. DiOrio asked if it was on the exhibit shown or not, and Attorney Craven indicated that it was it just needed to be delineated better.

Attorney Craven then moved onto item 2 in concerns and discussed smudges in printouts within the submitted Storm water Management plan. He called forward Mr. John Schroeder of Energy Development Partners of Providence to discuss. Mr. Schroeder indicated that he would have his engineering team reprint and submit this plan as part of the Preliminary application. Planner Jalette had also articulated concern that fertilizers not be used. Mr. Schroeder referenced note 6 on the L-3 section. (This being applicable to the trees on property.) Planner Jalette indicating that this needed to be corrected as the previous approvals stipulated that no fertilizer be used on property. He indicated this

too would be addressed on the Preliminary submittal and updated Operation and Maintenance Plan. Mr. DiOrio echoed this point indicating that it clearly indicated that no fertilizer be used on property. Attorney Craven asked Mr. Schroeder to respond to the Planner's request that a 15 year obligation be met as to record keeping. Planner Jalette indicated that she had made no request as to a time line and sought record keeping reflective of the life of the project. She indicated the spirit of her comment was to ensure records are maintained for the lifetime of the project. Electrical equipment was discussed, the Planner had requested that inverter transformer stations be defined and specifications provided. A picture was provided of an anticipated use and model for the project. Ms. Light asked specifically as to how many, and Mr. Shroeder answered 8. Ms. Shumchenia was concerned as to the equipment's decibel levels. She was concerned as to it approaching the decibel limit. Discussion was made as to that, and sound dissipation referenced, as noise from it reached the property line. Ms. Light had concern that with 8 on site this may not be easy to achieve. Mr. Schroeder stated he would ensure that this decibel level of 40 be met. Mr. DiOrio made mention that he would like a contingency plan be made so that any concerns on property reference this issue be met. Mr. DiOrio stated it, (the plan) that he did not want to see it fully fleshed out, but something be available for future boards. Attorney Craven indicated that it would be completed, and discussed at length the advances in technology in the solar industry. Emergency shutdown was discussed in the proposal as to interconnection and shut down switches and location of same on grounds. Planner Jalette asked if a key to the site would be provided as she was concerned that if the Solar Array was sold, difficulty could exist in contacting its owner for unforeseen circumstances needing rapid resolution. Mr. Schroeder made mention of a "Knox Box" for rapid egress onto the property. Ms. Light asked that they define "local" in response to a local responder for any site issues. Mr. Schroeder indicated that it would be a party responding from within a 100 mile area. Mr. Schroeder was asked when he expected interconnection to occur by Attorney Craven. He indicated a completion date for the cluster study (Affected System Operator ASO#3) commissioned by Rhode Island Energy, is expected by the end of 2022, with a system impact study to follow shortly thereafter, and then an interconnection service agreement. Discussion was made by Ms. Light as to anticipated completion date,(twelve months) as well as timeline of construction and affirmation of regular construction work hours. Mr. DiOrio sought a definitive timeline from construction to completion not just parameters. Mr. Schroeder stated the results of the ASO study will be completed by the end of the year. He did not want to predict the study results. If positive in the ASO study, and he anticipated it to be so, they then receive the system impact study, acquire interconnection service agreement and commence construction, this project would then be completed in 2024. Solicitor Hogan asked how long an impact study would take. He anticipated within 55 days (business days) after the release of the effected system operators study . She then asked when an interconnection service agreement would be completed. Mr. Schroeder stated he believed that would be an additional 55 working days. Ms. Light sought clarification on the ASO study. She wanted to know if the study was specific to this project or was it an analysis with other projects looped in. Mr. Schroeder stated it was a group study. He clarified that it is a study of the interface with the greater distribution system. Mr. Schroeder clarified that while there are other projects in other municipalities, they are in close proximity. Ms. Bolek asked that he (Mr. Schroeder) had indicated he expects positive results. She wanted clarification on what would occur if they received negative test results. He indicated he could not think of any, but all indications had been positive to this point.

Planner Jalette asked a question through the Chair reference the Archeological study. She indicated that a letter existed from the Narragansett Indian Tribe reference same. Her question was did this letter stand as an archeological study, what qualifications does the author of this letter have, and define what work was done on site and the dates. Planner Jalette sought more specifics of analysis undertaken. Attorney Craven indicated that in accordance with existing law, any analysis of Native American sites done in New England, they (Narragansett Indian Tribe) are the final word with the Bureau of Indian Affairs. John Brown the Narragansett Tribal Medicine Man is certified nearly throughout all of New England, and acknowledged to be the preeminent expert. The author of the report issued to the Planning Board was working directly for Medicine Man Brown of the Narragansett Tribe. No evidence of Indian artifacts were found on this site, and the tribe had no interests. Planner Jalette qualified she was discussing the letter that came in from the State of Rhode Island Historic Commission discussing a Phase 1 Archeological study. She sought more information on where she reviewed or dug test pits on the property. Attorney Craven stated nothing was found on the property. Solicitor Hogan asked Attorney Craven as to if cultural or archeological items on site other than Native American were looked for. He stated all items were searched for. Solicitor Hogan asked if that witness would testify and Attorney Craven indicated she would not. Solicitor Hogan indicated the Planner was seeking documentation of a Phase 1c Archeological study being performed on the property. Attorney Craven advised he would seek that whatever she sought be documented for her.

Solicitor Hogan asked regarding the cluster study for the ASO she wanted to know if other developers were involved in those projects. Mr. Schroeder indicated there were. She asked specifically if cost sharing was part of that analysis. Mr. Schroeder stated it was too early to provide that type of analysis. Discussion was then made as to if corridors were provided to allow egress of native wildlife through this site. Mr. Schroeder indicated that yes in fact there was. Mr. Schroeder also referenced a wildlife habitat management plan has been made for the site. Mr. DiOrio wanted to know if corridors were provided on the site to allow animals to have egress through the site. Mr. Schroeder indicated that was the case. Attorney Craven indicated the properties nearby also provide these corridors. Corridors are a "yes" through the site but not through the fenced in areas protecting the panels and equipment. Ms. Shumchenia asked if the wildlife action plan was provided in August of this year. She wanted to know if sustaining native species was part of the plan forwarded. She felt there was a discussion but she did not see a specific plan delineated or was this going to updated to meet Board and Town Council concerns. Mr. Schroeder indicated that they can and they will update the plan as requested. He also indicated they will update the species list.

Attorney Craven then called forward Sergio Cherenzia to testify. Mr. Cherenzia indicating he was from Cherenzia and Associates of 99 Mechanic Street in Pawcatuck, CT. He indicated that in the plans before the Board that he was the Landscaping Surveyor of record, he was also consulting to, but not the Engineer of record. He wished to discuss the depth of the clean washed stone of the access road. As a point of clarification, he stated that 6" is a depth that is acceptable for RIDEM standards specific to solar facilities. Planner Jalette indicated she asked that question as the plan set submitted indicated only 3". Mr. Cherenzia than indicated that would be updated to reflect the 6" requirement. He stated that it would be modified at preliminary plan and was a minor detail that can be fixed. Mr. Cherenzia also

indicated that fertilizers would be removed from discussion in the Storm water Management Plan. In discussion on sustaining Native species around the site, he anticipated it would be identified both flora and fauna to ensure their protection. He would also seek to not significantly impact habitat. Ms. Shumchenia indicated and stated, not to belabor the native species point, but looking at the conditions imposed by the Town Council, she believed it was #5, that there was a plan for sustaining native species, that they (the applicant) should have an accompanying document. She believed a plan of some sort should be attached. She believed just attaching to the Landscaping Plan could sew later confusion in review. She wanted to be clear the Planning Board would be looking for a document with that title. Attorney Craven stated to Ms. Shumchenia, that the Board wanted a plan for that plan. Ms. Shumchenia indicated that the plan does not exist, and regardless of your answer now, she wanted to ensure a document would be forthcoming. Attorney Craven indicated that they would provide one.

Attorney Craven then called Jason Tefft of Hopkinton forward to testify. Attorney Craven brought him forward to discuss a request to provide updated data on the bat habitat. Mr. Tefft brought forth the rules and regulations of the NRCS (National Resource and Conservation Service) he provided six copies for perusal. The Planner asked for a Digital copy and Mr. Tefft indicated he would provide one. Attorney Craven asked Mr. Tefft if the document he provided discussed the cutting of trees and the existence of Northern Longhaired Bats. Mr. Tefft indicated that was correct. Attorney Craven asked if these were the rules. Mr. Tefft replied that they were. Attorney Craven asked if Mr. Tefft had experience cutting trees, he indicated that he did, and he discussed the role of the NRCS. Ms. Shumchenia indicated she was confused as the paperwork provided discussed New Hampshire not Rhode Island. Ms. Light stated this was a print out and not a letter. Ms. Light asked if the rules were the same from New Hampshire to Rhode Island. Mr. Tefft indicated that what was provided were US Governmental rules. Ms. Light stated she would like clarification that the rules were the same for Rhode Island. Attorney Craven indicated that that could be done. Mr. Tefft stated that this species of bat exists only in New England in Jamestown, Rhode Island. As a point of clarification Ms. Light indicated that the paperwork issued was for the state of New Hampshire. Planner Jalette indicated that New Hampshire was part of New England. Ms. Light stated with the confusion she wanted more clarification. Mr. Tefft stated he would get a letter confirming his information for the Planning Board.

The Planning Board then discussed how to proceed to ensure public input online and in person was met and abutters had the ability to have their concerns forwarded publicly.

Attorney Craven closed by discussing a "housekeeping issue" reference an email he received from the Planner to the involved parties the day previous. If the Planner had not provided same he had copies and was prepared to do so. The content consistent with Appraisal issues near solar arrays done by Ms. Light. Attorney Craven indicated he had spoken to the author, and it was illuminating. It discussed issues brought forth by Mr. Houle during testimony and a topic discussed at previous Planning Board Meetings. He asked that it be made an exhibit and record of the meeting this evening.

Attorney Ryan spoke on behalf of the abutters who were objecting to this application. Under 3.3 of Hopkinton Regulations, Attorney Ryan stated that you have to find and show that there are no negative impacts to the environment as shown in the proposed final development plan. A significant negative environmental impact was discussed during the expert testimony of the abutters, specifically witness Linda Steere of Applied Biosystems. She testified that clear cutting the local forests and the resulting deforestation would cause significant negative environmental impacts to the residents abutting and in the town overall. Attorney Ryan indicated that the expert witness of the applicant testified that if the trees that existed today were cut down, it would take 100 years from the date of their replanting to reach the current state that they exist in today. Attorney Ryan drew the analogy that putting in place a Solar array for thirty years and then seeking to plant and replace what was in existence would take 130 years to do. He referenced an old Chinese proverb that the best time to plant a tree "was 20 years ago". He then stated it was not to wait 130 years to do so. He then discussed what the trees do now. He stated that Hopkinton is blessed to have a lot of older trees in their community. The blessing of a forested area is it currently removes carbon from the environment. Hopkinton is blessed with cleaner air than the cities of the state of Rhode Island like Providence, Pawtucket or Central Falls. He reiterated that no negative significant environmental impacts is the burden the applicant has to meet. Not some, or a little, or not so much. As for the bat habitat, Attorney Ryan indicated that they were vital to the eco system overall. He indicated that science is showing that bats are nearly as vital as bees to our eco systems overall health. Linda Steere testified that the impact on the bats would be adverse. Attorney Ryan stated with all due respect to Mr. Tefft he was not an expert on bats in the eco system. As for the letter submitted from the NRCS, submitted today, Attorney Ryan would argue as to its applicability to the matters at hand. Attorney Ryan stated that after months of peer review the applicant's engineers testified last month that this plan was as good as it was going to get. This statement given after thorough review of, and for, the issues discussed from the plan. Simply stated this was as good as it was going to get given the technology or "Best Available Technology" in place. Attorney Ryan indicated that the testimony of both the applicants engineer and the towns engineer was that the BAT could not eliminate all significant environmental impacts. To reiterate it was as good as it was going to get, but did not eliminate all environmental impacts. Attorney Ryan then discussed the appraisals testimony. Studies presented today and previously, do not show what the impact is for your specific community, but is a generalized analysis. With the testimony from Mr. Poole directly it has clearly shown there are significant impacts to the value of property in Hopkinton specifically. Data driven by specific analysis of neighboring communities in Rhode Island like Hopkinton.

Ms. Light asked a question of Mr. Ryan. She wanted to know if his testimony was specific to the long haired bat. Attorney Ryan indicated it was specific to the long haired bat.

Chairman Prellwitz set a five minute limit for public comment and started with abutters to the property first. A direct abutter was identified, but a five minute break was taken from 8:40-8:45 PM to allow the transcriptionist to take a brief break. The break commenced at approximately 8:40 PM. The meeting resumed at approximately 8:44 PM.

Upon return, Colleen Stephan who self-described as a close abutter with her home at 22 Lisa Lane in Hope Valley, RI. Ms. Stephan indicated that she appreciated the opportunity to address her concerns

and felt she had a lot to say. She had called in via ZOOM. Ms. Stephan said no matter where you reside today in Hopkinton, you had to acknowledge that you were on indigenous land. It is her personal honor to acknowledge the land she loves so much, stands on the land of the Narragansett Indian Tribe. Real land, "not pots and pans", and collectively we express our profound respect and gratitude to the tribe for their collective stewardship and care of the land we reside on today. Ms. Stephen is here tonight to call on the Hopkinton Planning Board to shut down and stop this irredeemable expensive and destructive plan before the Planning Board tonight. That her understanding was the Planning Board must make a positive finding that this project creates no negative environmental impact to reject this proposal. That the abutters have provided unbiased testimony and evidence from experts to point out issues the abutters have with the proposed plan. That Ms. Linda Steere had clearly stated this project would cause real environmental harm. That her testimony demonstrated this solar project would also leave a long term negative, and a significant negative environmental impact. That the Planning Board has the ability to steer the size, the scope and the very existence of this proposed project. We collectively ask the Planning Board to protect the abutter's homes, their investments, the environment, the biology, the human element as well, in the face of this project. The Planning Board can protect the rural way of life in the small piece of Hope Valley they live in. She reminded the Planning Board the decision they make reflects on them and reflects on their duties as guardians of this small town. Simply because a developer says a project will not cause a negative environmental impact, does not make it true. I know that, we know that, but developers will continue to say that, because they have to. That a negative environmental impact is not simply something to "shrug off" and destroying bats habitat, wildlife, animal corridors, deer, waterways and groundwater, destroying forests by clear cutting forest, destroying local abutters home values and enjoyment, is an obscene treatment of our land. The Planning Board needs to consider the expansive scope and impact of this project. It is a devastating plan. Developers have no power here, the Planning Board does, they do not live here. We do. I implore this Planning Board please consider the neighbors and a long near four year process to protect our neighbors. The developer counts on me to simply go away, and I am not going anywhere. Where do our concerns to protect those pastoral views factor in. Anecdotally she discussed that she took a drive through Eastern Connecticut and arrived somewhere around Webster, Massachusetts. There was not one solar array during the ride, and it was a beautiful one. She referenced that the study at URI clearly shows a solar array devalues the property of the homes that abut it. Five percent within one mile, the URI study was expansive and studied within one mile of an array. The average loss is five percent. How much worse will her loss be? The impact of this array on her property could be a loss as great as \$75,000. This will impact over 60 other Hopkinton homeowners and will result in millions of lost property values. Loss of property values, loss of biodiversity, loss of wetlands, this will impact Hopkinton. You will get solar, but you also will get affordable housing at these property owners expense. This project makes no sense and not in keeping with our POCD. It hurts her and another 64 residents. The town gets a paltry return and it impacts negatively the existing property owner. Is this green housing? The developers of course win. My investment in my home is completely compromised by a developer that gets energy bonuses and my community gets a paltry return. Factor the losses I know I will face by at least 64. This project will negatively impact the environment for years to come. She thanked all for time in courtesy in listening to her.

Janice Tapley of 20 Lisa Lane then spoke in person. She stated she agreed with all the points made by Colleen Stephen. She is my neighbor and I am in total agreement. She wanted to make two points; first the site line which she believed was never properly discussed. Ms. Tapley was also concerned as to the traffic from construction being accommodated by the small country roads in Hopkinton. A twelve month period of time will do damage to neighborhood roads and wanted to know who was going to pay for that. She asked the Planning Board to not pass this project.

Carol Desrosiers of Pleasant View Drive then spoke from Zoom. She indicated that she just wanted to comment how eloquently Ms. Stefan discussed this impact. This goes back to 2018 and it has been an exhausting process. It has taken far too long for residents to be heard. When you work and have a family it is difficult to continually participate in this process. She believed Jason Tefft as a bat expert, 'doesn't really fly', and she hoped the Board takes the experts hired by the abutters as credible. They speak on behalf of the residents not paid for by a developer.

Frank Landolfi of Hope Valley, RI then spoke via ZOOM. He stated he was very upset with a recent Rhode Island legislative initiative HB8220. That reflected on the revenue that a municipality would acquire from an approved and assessed solar array in their municipality. Mr. Landolfi stated he was a former Hopkinton Town Council member that voted to approve solar initiatives in this community through zone changes. The Bill which was recently passed, which Mr. Landolfi indicated the applicant's Attorney, who is also a Rhode Island State Legislator, voted to approve was damaging to Hopkinton. Mr. Landolfi stated the impact of this bill eliminated 40% of municipal revenue from solar arrays being hosted in a Rhode Island community. In 2020, Mr. Landolfi indicated that he was given a list of all solar projects in Hopkinton and their impact on the Grand list. Mr. Landolfi indicated that this information weighed heavy in his approval for these solar projects in Hopkinton. Mr. Landolfi based his approvals on tangible taxes and real property tax value increase as being beneficial to this community. At what was once \$45,000.00 that he estimated an acre, Mr. Landolfi indicated that HB8220 eliminated that anticipated property tax revenue stream to Hopkinton. "So 40% of what I was basing my approval on, was wiped away." "To say I'm mad" as a result of the impact of this bill, "is an understatement". Mr. Landolfi felt that this action by the legislature was wrong and had him "incensed". Mr. Landolfi stated he felt he wasted years of his life and his time in service on the Hopkinton Town Council as a result. He stated he wanted to, "apologize to the residents, Planning Board, and prior Councils that dealt with this issue. If I had any indication, and I mean a whisper, that any of this revenue was going to be taken away, I would not have voted for these projects at all. I want to go on the record and say that. I am (expletive deleted)." Mr. Landolfi stated he inquired of the tax assessor to find out what the effect of this bill is. He referenced experience with loans in his business life. He learned that right after appraisal post approval, the solar initiatives immediately appealed their assessments. The solar companies rather than go to court, appealed to the State House for legislative relief. He stated they hid their intentions during the applicative phase and then "sneakingly" sought tax relief from the state house. Chairman Prellwitz interjected and gave a four minute warning to Mr. Landolfi as he completed his thoughts. Mr. Landolfi stated that at "the end of the day" he would not have supported the assessments going through knowing that 40% of the revenue they promised the municipalities would never happen. He felt it was

“appalling and disgusting” that his vote was taken away by an action of the legislature. He concluded by thanking the Planning Board for its time.

Luanne MacCormick of 9 Lisa Lane called in. She indicated she was very proximal to the project but was not a direct abutter. She advised the Planning Board that it was her understanding, that unless they can have complete confidence that this project would have no significant negative impact on the environment, it would have to be denied. It was her opinion that this developer cannot be trusted to do what they say they are going to do. At preapplication they advised they would conform with the PSCS and they did not. She referenced that the project was pitched with the positive tax implications for Hopkinton, a huge windfall, in her opinion, knowing they were going to renege on what they were going to do. It was her opinion the developer had brought a significantly flawed project to the Planning Board for review. She indicated that the developer has engineers just like Crossman does. She was concerned that the developers had not engineered a project reflective of good environmental safeguarding standards. This developer she felt is bringing in a project, and putting it on the town and the residents to ensure it meets standards. She referenced the testimony of Mr. Cherenzia that 6” is the standard when they only indicated they were going to design three inches, as an example. Stating if you knew that, why not put the 6” in to start with? This is the type of thing neighbors have consistently looked at, and it was her opinion the developer has no intention of being good neighbors. They have no intention of paying their taxes at the rate discussed, and no intention of sticking to the PSCS. What they say and what they do are two completely different things. If we are counting on this developer to keep our community, our forests, and our wetlands safe, they will not. She stated she did not see it. She was glad the Planning Board was there to protect us, and she seconded what Carol Desrosiers had stated, that citizens have been beaten down over these long four years. She advised that they (Planning Board) should not think for a minute that citizens were still not up in arms over this project. It’s just that the length of the process makes it impossible to continue opposition, due to jobs, family, and lives. As a result citizens are counting on you.

Mr. David Gever spoke and it indicated he too was a neighbor of this project. He indicated he has been a witness of this process for the past three and a half years. He advised the Planning Board that if they were worried as to a proper argument to oppose this project, that they have it. You just have to have the courage and oppose it. There is going to be significant environmental damage. For that reason alone, it should be significant enough that you can stand tall, and simply deny this project. In the big scheme of things, there is a benefit, you could garner a significant amount of electricity from this thing. The negatives however fully outweigh the benefits. It’s been pointed out by many many people that when it comes down to it there is going to be environmental damage, property value loss, and as Mr. Landolfi stated not the amount of revenue to the town promised. For all those reasons, the Planning Board has good standing to defend a denial of this project. It is the wrong location to put such a massive installation. There are more appropriate locations, and simply this area is not appropriate. The Planning Board made this decision originally to deny this, but were overruled by a previous town council. But things have changed based on the information available today, they no doubt would not have granted the zone change. Mr. Gever stated he would be very happy if the Planning Board denied this project.

Mr. Stephen Moffitt of Diamond Hill Road then addressed the Planning Board. He stated that he agreed with the previous speakers. He did state he had one question though in regard to the ASO study. The answer that they (representatives for the developer) do not know what they will do if it is not approved, does not sit well with him. Mr. Moffitt indicated that he had done on line research and found an ASO2 study and this gave an interconnection date of June 30th, 2025. This is six years almost to the date that the zone was changed. It will be seven years for those abutting this proposal who have had to live with this. In terms of children it is literally Kindergarten to Middle School. Mr. Moffitt agreed with the testimony of Ms. Steere and this project will have a definite environmental impact. He felt the experts from the applicant had been rude in their presentation that night. He took umbrage to the "plan of the plan" statement, and felt the question asked by the Planning Board member was very appropriate. As there literally was no written plan. He did direct a question through the Chair as to exactly what Attorney Craven meant by increased tax revenue to Hopkinton. He then indicated to the Chair that he felt his five minute rule with regard to this matter was low, and he felt more time should have been allowed.

Mr. Eric Bibler of Woodville Road then spoke. He asked if he could take up a matter with the Chair looking for "direction", as he had some "housekeeping issues". Mr. Bibler wished to give a written document to them, before his prepared comments. It was information in an email, information that he did not have until yesterday. Mr. Bibler sought for it to be put into the record. Mr. Bibler felt that the information was of use to the Planning Board, as to the comprehensive estimate of the estimated solar revenues, with estimate as to the incremental revenue overall for Hopkinton. Mr. Bibler pointed out that there are 28 of these proposed solar arrays in this community overall. He referenced the impact of recent state of Rhode Island legislation, as its real impact would be to eliminate property being revalued to a higher level, and he sought to give this board some exact values for which to formulate opinion. Mr. Bibler believed this information would give the data needed, to give increased context to the point made previously by Mr. Landolfi. Mr. Bibler pointed out that the new legislation passed recently eliminated this anticipated increased tax revenue stream for Hopkinton. Mr. Bibler advised the Planning Board that his sheet showed a \$13 million dollar impact overall initially. For the Skunk Hill and Atlantic Solar on Main Street proposals, the numbers forwarded by this developer were approximately 2.1 Million. The loss of revenue to Hopkinton was substantial and cannot be considered "peanuts". He also provided a document prepared by the Hopkinton Tax Assessor for the Town Council showing projected revenue that they based their collective decision making on when the zone change was approved. Commenting on this document in the face of the legislative changes, Bibler commented, "With 28 projects with 13 million dollars in revenue, ... that just went out the window". It was his belief that the Planning Board needed to understand the context in which a huge proponent, Mr. Landolfi, a former President of the Town Council, had changed his decision making. Mr. Bibler also pointed out that the developers immediately upon getting their zoning approvals, and then collectively went immediately to the tax boards of review to contest the value their property was assessed at. This collective action goes to an issue of trust. They were sold as beneficial due to increased tax revenues, but 40% has "just gone out the window" due to the new legislation.

Chairman Prellwitz indicated that he wanted Mr. Bibler to respect the five minute time limit. He entertained the housekeeping issue as the information was new and relevant, but others may seek to speak. Mr. Bibler than asked to another housekeeping issue, and asked through the Chair that a question be asked of Mr. Cabral of Crossman Engineering on the storm water management portion of the proposal. He wanted it clarified and he wanted the interconnection timetable to be clarified. He wanted to pose these very specific questions. He stated he would now begin his public commentary. He reflected on what a long road it has been and that he was in the room when this project was initially broached with the Planning Board and town officials. The Planning Board initially rejected the applicants request unanimously. It was seen as an adverse impact on the environment and neighborhood, and seen as spot zoning. It was not in character with the rural and scenic community it was sought to be developed in. As of today, four years later, this Planning Board has received competent testimony as to significant environmental impact, impact in a negative way by experts of note. This is compelling evidence and should be a deciding factor for the Planning Board's ruling. Unfragmented forest is not a subjective term, it is an official designation, with definitive Rhode Island state policy designed to protect it. This location in question is prime habitat for the Northern Longhaired Bat, and Mr. Bibler disputed the testimony of Mr. Tefft, as to that it is not. He also indicated that the Northern Long Haired Bat is under review to be upgraded from a threatened species to an endangered species. This site also is surrounded by wetlands; the impact from this project on the wetlands should be taken into consideration. The slopes are also extremely steep making this a very difficult site to develop. All this expert testimony goes un rebutted by the applicant. Mr. Bibler discussed the testimony of Mr. Houle as to impact on property values proximal to the site as well.

Chairman Prellwitz indicated they had entertained Mr. Bibler's comments far beyond five minutes and it was at this point a rehash of previously given testimony. Chairman Prellwitz asked him to give his questions. Mr. Bibler stated he had one last statement. He does not recall a resident speaking in favor of these projects who did not have a commercial interest in it. Mr. Bibler then referenced the testimony of Mr. Landolfi a former Town Councilor once in favor of solar and now opposed and the impact of recent legislation. Mr. Bibler wanted the questions he sought to be asked, asked now as the experts were in the room to answer them. Chairman Prellwitz then entertained the questions of Mr. Bibler at that point. Mr. Bibler asked Mr. Cabral a question relative to Storm Water management. Would this design being proposed by this applicant, stand up to a rain event like the one we encountered in 2010 in Hopkinton? Mr. Cabral of Crossman Engineering then spoke. He stated as the Town engineering expert his job is not to oppose or to support a project but to just state the facts. He indicated what the State regulations are and discussed the 2010 storm and its metrics and its impacts. The storms impact was on the biggest of watersheds in the state. It did so because of the heavy rain occurred over a month and the ground was thoroughly saturated. It was Mr. Cabral's opinion that the storm water detention ponds on site would address the storm. Mr. Bibler then indicated he would ask his next question in a different format and query the Board at a later date. He concluded at that point.

Attorney Craven then addressed the Planning Board to discuss and rebut the previous testimony. He indicated that he was completely aware after doing this for 39 years for a living, that there are two parts to a presentation, one involves just the straight law, and the rest involves reality. There are reality

questions that this Board has been confronted with. This as to what happened during the course of these hearings, and to if any misrepresentations had been made. Attorney Craven stated he expected the Board to weigh his own credibility and truthfulness, and do so for those that previously testified. Attorney Craven then stated that he first wanted to address the question as to tax revenue derived specifically from this project. He reiterated that the Zone change was a decision made by the Town Council and a decision beyond their (The Planning Board) ability to use as a basis now for application denial. Attorney Craven discussed, "First the numbers", currently the property in its current state produces approximately \$12,000 a year in revenue for the town. Ms. Light asked specifically as to the Tefft property, and if the family still owned it. Attorney Craven indicated that the Tefft property had been sold to his client. He also indicated because his client was not going to be a farmer, he abandoned the tax credit he could have otherwise sought. The other owner, Gordon, still owns the property involved, and takes the tax credit he previously discussed. Under the new scheme, even considering the reduction the General Assembly recently gave, and Attorney Craven indicated he was being conservative in his estimates, about \$25,000 in Real estate taxes were being paid, despite the restrictions. Discussion was then made about tangible taxes and a recent impactful Supreme Court decision. After consideration and negotiation by the involved parties (Developers and RI Department of Energy Resources) they all had come to a solution, and they now are taxed at about \$5,000 per megawatt. There will be about 20,000 megawatts produced for taxation at this proposed Solar Field. In today's value, Attorney Craven stated, that would bring the total tax recognized by Hopkinton to approximately \$125,000 per annum as opposed to the current \$12,000. Multiplying by 30 to 35 years that this array is expected to be in existence, that would translate into \$ 4 million overall during the life of the project. Compared to a residential development, a circumstance where you are seeing a resulting cost to educate schoolchildren of up to \$18,000 annually per student. No residential home taxation generates this type of revenue. Attorney Craven described this increased revenue stream as a "windfall" for the town. Attorney Craven stated he did not want to comment on the document provided by Mr. Bibler as he had not seen it. Discussion was made as to the methodology of how anticipated tax revenue to the Town of Hopkinton was made in 2019. This is a document that Attorney Craven was familiar with. Discussion was also made as to the Zoning change in question that was passed by the Town Council that allows commercial use exclusive to solar in this zone. That exclusive use, to reiterate, is only solar. If the development before the Planning Board this evening is not approved it reverts back to RF80 use. Attorney Craven advised as a Lawyer who has done hundreds of tax appeals in Rhode Island Municipal Court, he knows that, the income basis in an appeal is only used when there is no other comparable properties. As it relates to Mr. Houle's testimony, he is a gentleman who goes and does commercial appraisals for banks. He wants to ensure that the collateral is worth the loan. But in this process the town methodologies was and are income based, not value based. Attorney Craven indicated that during reevaluation the property value increased and the property in question was not going to be in a commercial status forever. Due to the properties specific use, solar, and increased assessment by the town, and inability to really specifically define the methodology, appeals to the courts were filed. Ultimately Judges will decide this matter.

Attorney Craven discussed Mr. Houle's testimony describing it as having limitations. He then referenced a University of Texas report on Utility Scale Solar Projects, that he had filed for review by the Planning

Board reference this point. Attorney Craven indicated that Mr. Bibler often has testimony. Further that when Mr. Bibler had communicated by email and a study was available for review by all, he had stated, "don't tell anybody about that". That it was "not from a reliable source". "Says who?" was Attorney Craven's contention, "Mr. Bibler?" Specifically stating that Mr. Bibler, "changes his story from time to time." Attorney Craven stated there is always a change in a community when a property is developed. Attorney Craven wanted to speak specifically to the Tefft property. If you cut a tree, yes it takes 100 years to grow back. The Tefft property is located on a hayfield. Trees are not impacted. It is irrefutable to say that the Green Technology of a solar array is very environmentally friendly and eliminates carbon emissions so damaging to our environment. It is a tremendous net gain to the environment. There will be trees cut down on the Gordon property but expert witnesses have testified the impact is minimal. Jason Tefft who does lumbering for a living is well versed in discussing these issues. "We are not going to cut anything from the outside." We are only going to cut from inside the Gordon property. In projects he is familiar with as an Attorney during his time representing developers, including solar developers, very few trees are being cut down comparatively. This project will produce Green energy that the Governor of this state has prioritized as needed. That the Governor of the state challenged us two years ago in her state of the state address to make Rhode Island a Green only energy state, and be off the "juice" as she stated, or oil. Attorney Craven believed that they (the applicant) had met their burden. He challenged the Planning Board to read the law, the Green energy Bill, and sees for themselves as to what it says. Attorney Craven indicated that yes as a State Legislator he voted for it, and that no, it was not a conflict of interest. The sponsor was the most environmentally in tune legislator that he knows. He stated at the passing of this bill, that gentlemen reflected on what was passed and stated, "This is good".

Chairman Prellwitz with both parties rested, sought input from Solicitor Hogan on options to proceed. It would be appropriate to seek a motion to close the public hearing, she advised. Options continue as to a workshop to weigh public opinion, and have opportunity for continued public comment and review. This will allow Board members time to review the matter, and gain remaining items requested. She stated this is a large application with significant documentation. A decision can be crafted after review and input from the public in the form of a workshop. An option Solicitor Hogan recommended. Ms. Light indicated that Ms. Shumchenia had requested a report. In her mind she stated that left possibility for additional public comment. Solicitor Hogan advised as to the steps of a public hearing and notice. Only close a public hearing when you believe you have all the information necessary. Ms. Shumchenia stated she is comfortable in leaving the public hearing open so information and documents could be acquired. As they are required components, compelling evidence would then be necessary to change opinion. The Planning Board seeks compliance by the applicant. Attorney Craven indicated he would provide all information requested before the November packet. Discussion was made as to when they could meet again.

Ms. Shumchenia made a motion to continue the Public Informational meeting to December 7th, 2022 at 7 PM at the Hopkinton Town Hall. The decision deadline is extended to December 14th, 2022. Ms. Light seconded the motion. Chairman Prellwitz, Mr. DiOrio, Ms. Light, Ms. Shumchenia, and Mr. Wayles all voted to approve the motion. There were no votes in opposition to the motion and no abstentions.

Ms. Shumchenia made a motion to extend the meeting length to 10:30 PM. Her motion was seconded by Ms. Light. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. DiOrio, and Mr. Wayles all voted to approve. There were no votes in opposition nor abstentions matter passed unanimously.

Objector Request- 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.

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

Ms. Shumchenia made a motion to extend both the Objector request- 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 and 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, to the December 7th, 2022 Hopkinton Planning Board Meeting at 7 PM at Hopkinton Town Hall. Also to extend the decision date from the Planning Board to December 14th, 2022. Ms. Light seconded the motion. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles, and Ms. Bolek all voted to approve. Mr. DiOrio abstained from voting, and no one voted in opposition.

SOLICITOR'S REPORT:

Attorney Hogan had nothing to share with the Planning Board.

PLANNER'S REPORT:

Planner Jalette advised that she had addressed an Administrative subdivision, there was a piece of property, and the lot in question itself was divided and split by past legal action. This action having the effect of creating two lots. A small adjoining abutting lot was now merged into one of the discussed properties. It was addressed by the Planner, and a boundary line was transferred between properties. One of the parcels is now 28.85 acres and the other is 26.772 acres.

CORRESPONDENCE AND UPDATES:

The Chairman indicated a letter has been received and read by the Planning Board and will be entered into the record.

PUBLIC FORUM:

Mr. Joseph Moreau of Old Depot Road addressed the Planning Board. He asked if any members of the Planning Board had opportunity to watch the video of the most recent Town Council meeting. He knew that Chairman Prellwitz had been in attendance. The matter in question was the Commercial water Distribution. He felt the Planning Board were unjustly criticized by an Attorney and party from the public. They stated they were not listened to by the Planning Board and this was not accurate. He has been attending meetings for nearly four years and knows this not to be the case. Mr. Moreau stated you can agree with solar and you can disagree with solar but there is so much a citizen can do to help out the town. He sincerely wished residents would get more involved and act positively.

DATE OF NEXT REGULAR MEETING: November 2nd, 2022 at 7 PM

ADJOURNMENT: Ms. Shumchenia made a motion to adjourn. It was seconded by Ms. Light. Chairman Prellwitz, Ms. Light, Ms. Shumchenia, Mr. Wayles and Ms. Bolek all voted to adjourn. None in opposition no abstentions.

The meeting was adjourned at approximately 10:39 PM.

Michael J. Spellman

Senior Planning Clerk

Hopkinton, Rhode Island