

## **HOPKINTON PLANNING BOARD HYBRID MEETING**

**December 7<sup>th</sup>, 2022 at 7:00 PM**

### **Moment of Silent Meditation and salute to the flag:**

Remembrance was made by the Chairman of the significance of December 7<sup>th</sup>, and the attack on Pearl Harbor prior to the Pledge of Allegiance.

### **Call to Order:**

Meeting commenced at approximately 7:00 PM on December 7<sup>th</sup>, 2022, Chairman Prellwitz called the meeting to order.

### **Roll Call:**

Chairman Prellwitz, Mr. Lindelow, Ms. Light, Ms. Shumchenia, Mr. Wayles, and Alternate Ms. Bolek were all in attendance. Town Planner Talia Jalette, Solicitor Hogan and Mr. Spellman as well.

### **Pre-Roll For January 4<sup>th</sup>, 2023 Planning Board Meeting:**

Chairman Prellwitz, Mr. Lindelow, Ms. Light, Mr. Wayles all indicated they will be in attendance. Ms. Shumchenia indicated she would be unable to attend the January meeting.

### **Approval of the Minutes:**

Ms. Shumchenia made a motion to approve the minutes that was seconded by Ms. Light. Chairman Prellwitz, Ms. Shumchenia, Ms. Light, Mr. Wayles and Mr. Lindelow all voted to approve the minutes. There were no votes in opposition and no abstentions.

### **NEW BUSINESS:**

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

With the agreement of all parties that were presenting under old business, the agenda was modified through the Chair to present the New Business first. Attorney Scott Levesque spoke on behalf of the applicants, Phillip and Laura Scalise. He addressed the Board thanking the Old Business applicants for allowing his issue to move forward first. He also apologized to the Board for confusion from the prior meeting which led to them not being able to present. He stated that the applicants sought the following, a waiver of the traffic study for this project, and to combine Master and Preliminary review for Phase 1 and Phase 2 of this project. Attorney Levesque gave a brief overview of the project. It is a 7 lot residential compound conforming to 9.1 of the Hopkinton regulations. The property has approximately

48 acres and this did not factor in what property was usable and not usable, it is zoned RFR 80. Of the seven lots, Lot 7 has a house and the next 6 lots are off to create the new existing properties off of Esther's Way. The applicant seeks to put in a private road approximately 20' overall in width. He indicated that the proposed private right of way has the 50' of frontage necessary from the existing town road (Tomaquag Road) that it would intersect. That is a small private road in a residential compound intersecting a very quiet road with very limited traffic. Plans exist for water and sewer and meets OWTS guidelines, and wells are on site. A homeowners association is proposed to ensure needs of the development are met. As for culverts and dry basins on site proper RIPDES permitting was sought and acquired. All lots proposed meet all the minimum Hopkinton guidelines. All setback and size requirements are met as well as an insignificant alteration permit in hand with regard to an existing buffer area of a proximal wetland. What specifically was sought was due to all requirements of Hopkinton regulations being met, combining the preliminary and final review processes to facilitate project completion. The only permit outstanding is on site suitability. The applicant states they have met all necessary guidelines on the checklist. They also sought to waive a traffic study because what is proposed is suitable and consistent with the guidelines sought and would place an unreasonable and undue burden on the applicant. It is a residential compound and would not add significant traffic to existing roadways by its completion. The waiver they noted is not to seek anything less than existing Hopkinton guidelines. The Applicant was availed by his counsel for any questions. Chairman Prellwitz sought to ensure that all letters and permits and files had been availed to the Town Planner. They indicated they had. Ms. Light asked if they had queried the Fire Chief and they indicated that they had but would formalize his comments into a letter format. Ms. Light asked the applicant as to his timetable and Mr. Scalise indicated with ability to get on the agenda that they anticipated the likelihood of breaking ground on this in April. He indicated his children sought Lots 2 and 4, and he sought to downsize as he got into later years into a smaller house.

Attorney Hogan indicated the Board should seek the waiver issue first, and then take on the combined process next as to a conditional approval subject to the applicant meeting both administrative checklists. Ms. Shumchenia sought public comment, and asked if anyone on line sought to weigh in. There was no public comment in favor of or in opposition to this 7 lot residential compound with a private roadway on it. Applicants Attorney indicated on the record that this was acceptable to the applicant.

Ms. Shumchenia made the following motion as to granting a waiver of the Hopkinton Town Traffic study.

Based on following conditions of fact and law:

- 1) That the waiver is reasonable and consistent with Hopkinton Town Regulations and Ordinances.
- 2) That literal enforcement of one or more of the provisions of the regulations applying to this 7 lot residential compound would be impractical and would exact undue hardship on the applicant. Recognizing that several Town staff and Administrative officers have documented their opinion on this consistent with this finding. That all this information has been communicated to the Town Planner.

- 3) That this waiver does not reduce the standard or seek anything less than already existing Hopkinton Town Ordinances.

Her motion was seconded by Mr. Lindelow. Chairman Prellwitz, Mr. Lindelow, Ms. Shumchenia, Ms. Light and Mr. Wayles all voted to approve, with no one in opposition or abstentions.

Ms. Shumchenia made the following motion as to grant a conditional approval to combining both the Preliminary and Master Plan Review for both phases of the Scalise project, and that this approval is subject to and contingent on completing the Town Planners Administrative checklists. Her motion was seconded by Mr. Lindelow. Chairman Prellwitz, Mr. Lindelow, Ms. Light, Ms. Shumchenia and Mr. Wayles all voted to approve. There were no votes in opposition or abstentions.

Chairman Prellwitz asked Planner Jalette if a date for review was possible to set. Planner Jalette indicated that absent her review of not yet submitted paperwork she could not do that, and would report back to the Board when that could be done. She needed to certify them as complete.

### **OLD BUSINESS:**

Master Plan- Public Informational Meeting- Major Land Development Project- **Skunk Hill 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 Robert Craven addressed the Planning Board on behalf of the applicant. Attorney Craven indicated that he had the equivalent of a "punch list" from a construction site that would allow the applicant to answer a series of concerns from the public and the Planning Board as forwarded by the Town Planner. He indicated he had witnesses including John Brown the Medicine Man in Training of the Narragansett Indian Tribe. Mr. Brown would be doing follow up testimony from a November 22<sup>nd</sup>, 2022 letter forwarded from him to the Hopkinton Planning Office from the Narragansett Indian Tribe. Mr. Brown then testified and identified himself as the Medicine Man for the Narragansett Indian Tribe. He discussed his interactions with the developer and his office conducting an archeological reconnaissance on this property. He stated the review was thorough and done in an eight month process. He made recommendations and they were adhered to by the developer before them. They also set up a process for monitoring the project during construction. He indicated from their standpoint the developer has done everything that they were asked to do by the tribe. They had no objection writing the letter to the Town Planner delineating these facts.

Ms. Shumchenia asked Mr. Brown if he could expand on what was done by the Tribe in their review of the site in question. Mr. Brown indicated he had never given that information out in the past as it gave out what and where artifacts existed and put them at risk. There are people who monitor that data and then visit the site to recover items. They are not required by law either to do this. He then stated that, "What we found would be consistent with the village of Canonchet". Canonchet was a Sachem of the Narragansett Indian Tribe. Mr. Brown stated that he was "murdered by the Colonists." This was one of his villages and his land extended to the North Stonington border. He did indicate that what they found was consistent with the village of a Sachem. He also indicated that whatever was found was not

impacted by the work to be done, and that the Tribe will monitor and ensure this with the developer. Ms. Light asked what would occur if they were to have found something. Mr. Brown indicated that the work would stop and they would evaluate. Mr. Lindelow asked if he had the authority to do that, and Mr. Brown indicated that they did. He further indicated he had great expertise in these matters and was trained by his ancestors in the field. Mr. Brown reiterated that this developer has been very cooperative with the Tribe and easy to partner with. Mr. Brown stated that his goal was to work together to be “good stewards of the land” with the developer.

Planner Jalette then asked two questions of Mr. Brown. First she asked, specifically the agreement he had with Mr. Tefft and would a similar process and ease of access exist with any future owner of the solar array. Mr. Brown indicated that it “may or may not”, and would depend on what was in the deeds moving forward. Planner Jalette then asked what role Mr. Brown would play should the project be decommissioned later. Ms. Jalette framed that the question was somewhat “on the fly”. Specifically would he still be involved in protecting tribal artifacts on the site. Mr. Brown stated that they would request this and would do all they could to ensure this.

Mr. Brown was then asked to discuss the Tribal interests as to Goat Rock on the property. He stated that for preservation purposes, the Tribe had a concern that any easement issued would possibly take this project outside of the Tribes authority and ability to address. He indicated he was concerned as to what could occur and what would happen as people had access to this property. Mr. Brown relayed an issue with a local amateur archeologist who gives exact coordinates to tribal digs of relics and puts them at risk for pilfering. He was very concerned as to who would have access to this information and their intent. He asked rhetorically of the Board as to what the public interest for ready access to Goat rock, and ensures use consistent with its historic location. Ms. Light spoke of the beauty of the property and many seeking to enter onto it for that purpose. She indicated she appreciated his efforts to protect this property. She said that the Land Trust has discussed access and protection of this property. Mr. Brown discussed the issue of trespass and that it would be a Federal offense if it occurred under the jurisdiction of the Narragansett Tribe. He referenced 18-USC-1167 as a relevant statute. Mr. Brown said he sought to educate the public to respect the land. If someone else owned it they do not have the authority to enforce that the land be protected. In the past this effort has worked to achieve their goals. This may include signage. They (The Tribe) sought to ensure access to this property consistent with its historic uses.

Ms. Shumchenia said the applicant could seek the stewardship of the Tribe to protect the site. She indicated that the Planning Board had received a communication from the Land Trust seeking that role. She sought to clarify who would be of standing. Planner Jalette indicated that Cynthia Johnson of the Land Trust was on line and would like to discuss this. Attorney Craven indicated that he wanted to sit down with his client to mitigate liability and access issues. He indicated the term conveyance had a specific legal definition. Attorney Craven stated that the applicant sought that access to Goat Rock not be prohibited. He stated the interest of the applicant was to be a good steward and possibly seek availability of access to the public. He stated that it appeared there may be competing interests at this time. They are concerned as to ownership and liability and conditions of approval. He sought to bring the applicant and the tribe and the Land Trust together to discuss and develop consensus. Ms.

Shumchenia felt this was odd that this was being brought before the Planning Board at this time. Ms. Light weighed in and sought to better understand the Tribal interest with this property and their relationship with the applicant. Specifically their interest as to Goat Rock is to protect and preserve the property. Mr. Brown indicated he believed he had made that clear. That this was the land of Canonchet and his interest as a Tribal leader was to protect this site, and that he had jurisdiction in these type matters. He stated his responsibility and the mission of his Office is to protect the history of the Narragansett Indian Tribe.

Alternate Bolek asked a question and wanted to know if something was found of archeological significance, could it alter the plans. Mr. Brown indicated that it could, and gave examples in the past where it had. Mr. Brown discussed primary and alternate plans of construction, and discussed that recently in Rhode Island a find had impacted the project. He stated you can always make plans to adjust plans of action in the field. If you have to change methodologies of construction you can, but it is rare. He could only think of a project in Narragansett impacting a burial ground and being halted. Ms. Bolek was concerned as to interconnectivity and connection to the grid being impacted. Attorney Craven indicated that they had met all setback issues and things were in place. Chairman Prellwitz indicated that a positive relationship of respect exists with the Town of Hopkinton and the Narragansett Tribe. That to protect their interests and act cooperatively is a path he has seen before and to the benefit of good neighbors. Ms. Light asked if the public would have access to the property as she is a member of the Narragansett Tribe. Mr. Brown took the opportunity to reiterate it was the tribe's position to act as good stewards of the land and protect tribal heritage.

Ms. Cynthia Johnson of Hope Valley of the Hopkinton Land Trust called in via Zoom. She stated that this was tied to another project of interest to the Hopkinton Land Trust. Ms. Johnson indicated that this was all new to her and this was the first she had heard of this type of new arrangement. This she believed from the beginning that the Land Trust would be part of all arrangements, and referenced discussions she had had with Attorney Craven and Mr. Tefft. Discussions on protection of the site and signage had been undertaken. She said her goal also was to educate and work with the public. The Land Trust indicated they were willing to oversee this. She advised after hearing this tonight, she had no idea where they stood as to their role. She indicated that their proposal was still out there for review, and they were willing to undertake it. Their effort was to open it and guide public use. She awaits the decision of involved parties. Ms. Johnson thanked the Planning Board and Planner Jalette for all her hard work and that it was appreciated. Mr. Brown stated that on the way to the meeting he had spoken with Mr. Tefft and they had hoped to sit down as early as January to discuss this project. Mr. Brown stated they would discuss exactly what Mr. Tefft planned to do with his land. Discussion as to ownership and specifically access to the property would be front and center. It was Mr. Brown's hope to shine the "light of truth and knowledge into those corners that are dark". He wanted to work with all local interests. He wanted to discuss this with the Hopkinton Land Trust. Ms. Johnson said that this sounded "interesting" and sought to clarify what was testified to previously by Mr. Brown. She thought he said that they wanted to close it. Mr. Brown qualified that answer indicating he had answered a specific question in a narrow focus with an equally narrowly focused answer. He discussed federal versus local law. Mr. Brown said he

was open to discuss with the Hopkinton Land Trust. Ms. Johnson indicated that was doable and was a long term project. Mr. Brown hoped to meet in the next 30 days.

Mr. Eric Bibler addressed the Board to clarify testimony. He stated he had two questions specifically. He indicated in previous testimony that it was indicated that the property in question was no longer owned by the Tefft family. He thought it was the property of Energy Development Partners. He was also concerned as to interaction with the Land Trust. It appeared to him that the land owners were acting under private ownership, and that the access to the property was changing. That the conservancy was involved but now appears it is not, and the property no longer available. He wanted to know if the Narragansett Tribe was managing the property would they continue to preserve public access. Mr. Brown stated they did not state they wanted to cut access to the property off. "You say potato and I say Potatotto it all tastes the same." He stated it was the Tribe intent to be good stewards of the land and seek to educate and reason with the public in the use of the property. It was not the Tribe's intent to build a fence around the property and bar all access. Mr. Joseph Moreau of Old Depot Road spoke and indicated that it appeared to him that the Tribe was involved and all principals sought to work with the local Land Trust. This to him seemed to be a positive development. Mr. Moreau said he had never been up there but he sought to. He said he just wanted to do it the right way. Mr. Jason Tefft of Fenner Hill spoke to the Board and clarified that the land was sold to EDP. It is known as the Tefft Farm however. Mr. Tefft stated he wanted to get the Narragansett Tribe and the Land Trust together to iron this out. Mr. Tefft was concerned as artifacts existed on the property and a gentlemen member of the Land Trust had brought people out to the site and "dug them up". He discussed the layout of the rock formation and the liability of it. Mr. Tefft wanted to have the Narragansett Indians and the Land Trust together to discuss the matter. Mr. Tefft indicated as a resident of the town he was concerned as to liability. Ms. Light indicated she was a "fan" of this new arrangement. Ms. Johnson spoke and the Land Trust would work in cooperation and it was "no problem at all". She stated they wanted to make this available to the Town of Hopkinton's residents in a safe and sound way.

Colleen Stephan of 22 Lisa Lane, an abutter, called in and stated it was her honor to live on the traditional lands of the Narragansett Tribe. She wanted to honor it with gratitude. She recognized the significance of Pearl Harbor but also recognized the oppression of local Colonial Rule and settlement. She thought it was wonderful the applicant had worked with the local Narragansett Tribe. Although a resident of Hopkinton for the past five years, she had not toured the property in question. Ms. Stephan wanted to clarify that there was never an invitation to tour the site, and never an open conversation, collaboration or transparency with the applicant and abutting residents reference this proposal. She referenced this as a four year process. She asked "what about us?" She was concerned as to her losing property value on her residence which abuts this proposed array. Particularly, she stated, were home owners within a quarter mile radius of this project. She thanked all for an opportunity to speak.

Attorney Craven then presented another witness. This party came to testify to discuss tree cutting and its impact on the Northern Long Eared Bat. Mr. Mark Tremblay of Pacoag Rhode Island who is a certified forester. He has worked previously with several Federal entities and is well versed on these type issues. He sought to clarify that the Northern Long Eared Bat is now considered an endangered species. He sought to discuss enhancement of habitat and the egress of species that live and traverse the property

in question. From plantings to structural design to ensure wildlife species are disturbed in a minimal fashion. Within the array site he discussed possibility of a pollinator pathway to assist bees and butterflies on site. This will assist native bees that are solitary and ground nesting. Ms. Shumchenia spoke and reiterated she appreciated this effort as it was a condition applied to the project by the Town Council as a Zone Change. She believed this got them "90% of the way there", and wanted to clarify the maintenance component, or see that included. Mr. Tremblay indicated he could accommodate that and document the steps taken. Ms. Light asked if the areas protected were marked. Mr. Tremblay said there would be coordination the site designers and those putting in the features to ensure her concerns are met. Mr. Wayles asked what the contingency subdivision regulations specifically were relative to preparing an impact statement. He wanted to know if that could be asked for or completed and sent to the Hopkinton Conservation Commission for review and for further input. Attorney Hogan wanted to know if Mr. Tremblay had a copy of exhibit 1 to his report. She stated it was about animal habitat. She wanted to know what the plan was for animal habitat and conductivity of habitat and large animal corridors. Ms. Shumchenia was concerned that this did not address the animal corridors for the native species egress. Mr. Tremblay discussed the project and its connectivity corridors and application of the travel corridors within the solar array to the larger species of animals and their movement. He discussed the nearby Arcadia Management Property as also part of the larger corridor. He indicated that this had been mapped out by RIDEM as well. This property is on the extreme Southern end of this large contiguous corridor. These are large habitats and some of them are protected. Ms. Hogan wanted to ask specifically if it was fenced in and asked him to clarify his testimony as to the passage corridors. Mr. Tremblay said they would be able to travel through the array areas unimpeded. They can get around the solar sites. Specifically that they have adequate passage. Attorney Hogan wanted to affirm this as the Town Council had mandated that the "flora and fauna be protected". Discussion was made as to the height of deer fencing and their ability to ensure their egress. Mr. Tremblay reminded the Planning Board that a number of species will utilize the array as habitat and it can be a subjective analysis.

Mr. Tremblay then indicated that the other topic he was asked to discuss was the Northern Long Eared bat. He indicated that this bat is now an endangered species. He discussed at length strategies of logging interests to protect the ability of a female bat to raise and protect their pups during two months of the Summer until they can fly. Science indicating a conservation measure is to limit cutting in June and July to protect this species of bat. He qualified that this bat is in Jamestown, RI and discussed the effects of white nose syndrome on multiple species of bat. He indicated there will be an option not to do tree cutting within the month of June and July. The State of RI does not have specific guidelines outside of federal recommendations. Chairman Prellwitz asked if this species of bat has been located in Rhode Island. Mr. Tremblay indicated he did not have data to that effect. Surveys are being conducted that can define that. He could not rule out the Northern long eared bat utilizing this as a habitat. Mr. Tremblay indicated the only way to know is to test for the frequency of sonar that the individual species of bat utilizes at dusk and dawn. With the bat species having a one pup a year the species does not replenish itself. The best practice is to avoid where they hibernate and during the Summer allow the females to raise its pup. He recommends no activity in the wooded area during June and July. This to allow the bat to raise its young in the forest in peace. He follows the US Fish and Wildlife fact sheet and had copies

for the Planning Board as a reference. Ms. Shumchenia clarified as to what his (Mr. Tremblay) recommendation was and he indicated a no cut during the effected months.

Attorney Hogan asked a question as to exhibit 4 and as to if the meaning of critical habitat to the Long eared bat and the monarch butterfly. Mr. Tremblay discussed the concept of recommendations versus guidelines from the Wildlife Services federally as to private developers with and without federal funding. The concept and meaning of "incidental take" was discussed. That there are situations where bats are in locations where they can be purposely taken, and incidental is a take where a lack of due diligence to avoid a negative interaction with a bat was undertaken. This is related to where a bat is lost to human interaction. He indicated that this is the first he has seen of this as to its upgrade to an endangered species. Discussion was made as to what is defined as to critical habitat because of the location of the hibernacula site to Jamestown, RI. It will be a bureaucratic process to define these matters Mr. Tremblay indicated. The endangered species status for this species of bat takes effect on January 31, 2023. This species is being decimated by the white nose disease. To protect their habitat they recommend that they do not cut the tree and forested areas during the month of June and July. Ms. Shumchenia discussed the protection of locations of the bat activity and critical habitat being withheld to protect the species. Mr. Tremblay said the state cannot define the locations of where these bats are currently located. He is concerned that the regulators have given up on the species.

Planner Jalette asked if there were any Rhode Island documents relative to this species of Northern Long eared bats available, because she found the New Hampshire information "befuddling". Mr. Tremblay indicated that there was no similar leaflets to the one presented previously that was authored out of New Hampshire. Planner Jalette asked as this project is being constructed, when will the structures for animal egress be built specifically. Mr. Tremblay indicated that the brush piles would be put in place before the arrays are constructed. Planner Jalette asked as to who specifically would be responsible for maintaining these brush piles. Planner Jalette indicated that any structure built on site had to be considered as potential habitat for animals living on or locating to the site. Mr. Tremblay agreed and indicated that the parties working are experienced and follow NRCS guidelines. Planner Jalette enquired as to if the brush piles created would cater to individual species. She sought more details also on the boxes on site for specific species of birds. Mr. Tremblay stated at this time he has provided general recommendations only and get more specific as the time to implement the project approaches. Mr. Tremblay indicated that it was a site limited in size, and discussed species and habitat and wildlife activity. Planner Jalette asked as to maintenance, and Mr. Tremblay indicated that that would be in an operational maintenance plan.

Mr. Eric Bibler spoke and stated that he believed that the applicant, "they did not see the forest for the trees". Mr. Bibler was concerned as to unfragmented forest and protection of habitat. He asked Mr. Tremblay if he knew of anyone who advocates cutting down unfragmented forest to replace it with grassland. Mr. Tremblay stated there is a major decline in bird species and likely to soon to be on conservation listed list. Mr. Tremblay discussed a time where the area was grassland, and now the state is back to 55% forested. Great for species that prefer forested area. Deer, Bear and Bobcat have made a big comeback. However the grassland species are now at risk. Rhode Island has been an area of grassland habitat, and the forests have made a comeback in Rhode Island. He reminded Mr. Bibler he

was making what he believed to be a subjective argument. Ms. Shumchenia weighed in and stated she believed the focus should be on whether this project created a severe environmental impact. Planner Jalette asked a hypothetical question as to what would occur if a rare frog species was found on the property. Do all the presses stop? What happens? What is the process? Mr. Tremblay indicated that this type species question is usually wetland related. He reiterated that due diligence needs to be performed up front, and avoid negative impacts and do your work it in a time of the year where wildlife is idle for the Winter.

\*\*\*\*\*A five minute break was held. \*\*\*\*\*

Attorney Craven then continued and discussed a contingency plan as to how excess noise would be addressed from the array. Mr. John Schroeder the project Manager then spoke and discussed the inverter noise. He indicated a condition of approval was that 40 decibels not exist beyond the property line. This was a decibel level consistent with World Health Organization guidelines. He indicated he was prepared to meet this condition. He discussed design features to ensure that this be met. Mr. Wales asked a question. He read the specifications listed and asked were they seeking a baseline as to the Inverters noise production. Mr. Schroeder indicated that they were. Planner Jalette asked what contingency was there if the noise deepened and was a violation in fifteen years. What was the contingency to address this? Mr. Schroeder said they would respond and address the noise concern. Anywhere from changing out a fan to relocation, to installing a sound wall. Planner Jalette asked if relocation was a contingency, why would this not be addressed at the design level. Mr. Schroeder anticipated there will be no violation at the property line for which the closest was to the property line at 300'. Not the house but the property line. He did not anticipate any issues, and would mitigate issues if any arose. Mr. Lindelow echoed the Planners concerns. Ms. Light discussed at length the previous meeting with this project, and Mr. DiOrio's wishes that a contingency plan be put in place to ensure there were no noise concerns for abutting property.

Mr. Sergio Cherenzia then spoke reference the use of fertilizer on the project site. His company did the land survey and he is an Engineer, and Chief engineer on this project. As to landscaping, there is low maintenance plantings and seed mixes utilized. They were low maintenance and did not need fertilizer once established. He indicated the crushed stone would be 6" depth on all drive surfaces. He felt this addressed those concerns and to storm water management. The Board had no questions.

Colleen Stephan of 22 Lisa Lane spoke on the noise generated by the project as she is a direct abutter. It was her hope that rather than 40 decibels to have zero. She found the noise level of 40 decibels to be too high, and she described as "maddening". Attorney Craven indicated they would be their intent to comply with a maximum 40 decibels at the property line, and zero was not practicable. In the dead of Winter it is silent and at night 40 decibels will be something she or anyone could not live with day in and day out. She would like to have a data point from other similar projects for her to evaluate. Mr. Schroeder said they will test before and after and test from the domicile. Information was exchanged as to the exact address of Ms. Stephan to facilitate future testing to allay her concern. Mr. Lindelow asked if the equipment actually created noise on night. Mr. Schroeder stated they do not create noise at night as there is no sun.

Luanne McCormick from 9 Lisa Lane then called in. She advised she was very happy to hear discussion of an impact study. She was concerned to wildlife and impact on sensitive environmental locations near the proposed array. She was concerned as to ecological impact, and the fact you had to pick your season to cut back the wood line was very concerning. She could not understand why the developer did not just put up sound barriers and only wait to do so when or if there was a problem. She asked the Planning Board to recognize neighborhoods would be impacted, and to hear the residents and tax payers in these impacted neighborhoods. She pointed out that the past Town Council President who was once very pro Solar is now vehemently opposed to this project.

Attorney S. Paul Ryan representing the abutters stated he would like to provide testimony but will do so at a later date. He believed he would be providing testimony to the Conservation Commission at that point reference this project as it moves through the process.

Ms. Shumchenia asked if an impact statement could be made for review by a third party as part of this process. Mr. Wayles read the regulations as to what constituted and who performed an impact statement. This so it could be record of official nature for the Hopkinton Conservation Commission review. Attorney Hogan stated it was in section 4.2 and 4.2.3 and discussed what its contents required prior to it being forwarded to the Conservation Commission for review. This body (Conservation Commission) does not make a definitive decision but can add a review mechanism for the Planning Board which does. The review will include the Northern Longeared Bat, old growth Forest status, Grassland versus forest and Wetlands. Ms. Shumchenia discussed adding the man made structures and impact as to the abutters. Discussing factors like erosion, noise, etc. for ultimate review. Mr. Wayles wanted legal review prior to seeking an Impact Statement. Ms. Hogan said all she had heard fell within the Planning Boards purview. Ms. Shumchenia wanted it all compiled and sourced in a "compilation exercise" for its review by the appropriate town boards. Attorney Hogan advised the Planning Board that a motion and a date certain allows the Conservation Commission to weigh in at the appropriate point, per the ordinance. That one of the tasks given to the Planning Board is to ensure that there is no specific environmental damage. Utilizing the expertise of the Conservation Commission and seeking its recommendation is a proper step she stated at this point.

Mr. Tefft stated that garbage is being dropped on property near Skunk Hill Road. His group collected 30 yards of trash on the road and was concerned it was becoming a dumping ground. He challenged citizens if they saw people throwing things out at that location to contact police.

Ms. Shumchenia made a motion for a request to the applicant **Skunk Hill Solar** pursuant to section 4.2.2 of the Land Subdivision regulations, an Environmental Impact statement per components consistent with those discussed, and defined and requested by the Solicitor and Planner, and the applicant prepare same at their convenience for submission directly to Planners Office to be forwarded to the Conservation Commission for review. Her motion was seconded by Ms. Light. Ms. Shumchenia, Chairman Prellwitz, Ms. Light, Mr. Lindelow and Mr. Wayles all voted to approve with none in opposition and none in abstention.

Ms. Shumchenia then made a motion that they continue the Master Plan informational meeting for **Skunk Hill Solar** to the March 1, 2023 meeting of the Hopkinton Town Planning Board. That a decision date be set also to March 8<sup>th</sup>, of 2023. Her motion was seconded by Mr. Lindelow. Chairman Prellwitz, Mr. Lindelow, Ms. Light, Mr. Wayles and Ms. Shumchenia all voted to approve. There were no votes in opposition and no votes to abstain.

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.

Attorney S. Paul Ryan stated he wanted to provide testimony

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 continue both of these matters to the March 1<sup>st</sup>, 2023 meeting of the Planning Board with a date certain of March 8<sup>th</sup>, 2023. Her motion was seconded by Mr. Lindelow. Chairman Prellwitz, Mr. Lindelow, Ms. Light, Mr. Wayles and Ms. Shumchenia all voted in favor with no votes in opposition nor abstentions.

For the record Attorney Craven indicated that the applicant did not object to this continuance and stated the continuance was in the best interests of all parties involved.

### **SOLICITOR'S REPORT:**

Nothing was presented this evening but Solicitor Hogan advised that there were two cases for review the next month.

### **PLANNER'S REPORT:**

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

Planner Jalette described this as a review of Town Ordinances as they exist in reference to LID Site Planning. She explained the impact of this assessment to the town. It is done to ensure LID is a concept in all early stages of review. Hopkinton has a body doing this review which will present recommendations to the Board at a later date. She advised that it is in her opinion a valuable exercise to participate in.

Planner Jalette referenced discussion of putting the position of Solicitor for the Planning Board out for advertisement. Planner Jalette indicated her support for Attorney Hogan who she believes is doing an excellent job. Attorney Hogan has the support of Planner Jalette.

**CORRESPONDENCE AND UPDATES:**

None.

**PUBLIC FORUM:**

None

**Date of next Regular Meeting:**

January 4<sup>th</sup>, 2023 at 7 PM.

**Adjournment:**

Ms. Light made a motion to adjourn and seconded by Mr. Lindelow, Chairman Prellwitz, Mr. Lindelow, Ms. Light, Ms. Shumchenia, and Mr. Wayles all voted to adjourn. There were no votes in opposition nor abstentions.

The meeting was adjourned at approximately 10:30 PM

Michael J. Spellman

Senior Planning Clerk