

## **HOPKINTON PLANNING BOARD MEETING HYBRID MEETING**

**FEBRUARY 1<sup>ST</sup>, 2023 AT 7 PM**

### **Moment of Silent Meditation and Salute to the Flag:**

Pledge of Allegiance led by Chairman Prellwitz

### **Call to Order:**

Meeting was called to order at approximately 7:00 PM

### **Roll Call:**

Chairman Prellwitz, Mr. DiOrio, Ms. Shumchenia, Mr. Lindelow, Ms. Light, Mr. Wayles, and Ms. Boland, Planner Jalette, Solicitor Hogan, and Town Councilman Moffitt

### **Pre-Roll For March 1<sup>st</sup>, 2023 Planning Board Meeting:**

Chairman Prellwitz, Mr. DiOrio, Ms. Shumchenia, Ms. Light, Mr. Lindelow, Mr. Wayles and Ms. Boland all indicated that they would be in attendance.

### **Approval of Minutes:**

Ms. Shumchenia made a motion to approve the minutes that was seconded by Ms. Light. Chairman Prellwitz, Mr. Lindelow, Mr. DiOrio, and Ms. Light all voted to approve with Ms. Shumchenia abstaining.

### **OLD Business:**

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

Prior to any information on the matter Mr. DiOrio gave his notice of recusal and was replaced as a voting member of the Planning Board by Alternate Mr. Wayles. Planner Jalette advised the Planning Board that she was in contact with the applicant who was still in contact with RIDEM reference Wetland permitting issues. As a result they respectfully sought a continuance to the April 2023 Hopkinton Planning Board Meeting.

Ms. Shumchenia made a motion to continue the Development Plan Review – **Hopkinton Industrial Park General Warehousing**- Plat 4, Lot 13b, 0 Wellstown Road. Hopkinton Industrial Park, LLC., applicant, until the April 5<sup>th</sup>, 2023 Planning Board Meeting. Her motion was seconded by Ms. Light. Chairman Prellwitz, Ms. Shumchenia, Mr. Lindelow, Ms. Light and Mr. Wayles all voted to approve the motion and there were no votes in opposition nor abstentions.

Review of Crossman Engineering's Development Plan Review Memorandum #3 – **Anderson Mixed Use-** Plat 15, Lots 4,5, and 6A, 916 Main Street. Woodland Ridge, LLC., application.

Planner Jalette indicated that Mr. Cabral from Crossman Engineering was available to address issues with this engineering review and was available to answer questions from the Hopkinton Planning Board. Planner Jalette believed it was prudent for him to answer as he authored the memo provided to the Planning Board. Ms. Light indicated she had no comments as it seemed pretty straight forward. Mr. Cabral stated he knew that there was a concern from an abutter that he had addressed. Upon review of regulations he believed the applicant had satisfied all RIDEM regulations. He saw that setbacks had been met and the plans met septic well and OWTS regulations. He discussed it, as a concept, with RIDEM this date reference this specific question. That the setback of a 200' to a bedrock well is the regulation of note, and a critical component, and the well in question is entirely within the Golf Course property. DEM indicated that the 1750' distance from a non-community well did not apply to this proposal being made, as a regulatory setback. The plans prepared by Garafalo Engineering were done properly and do meet DEM criteria. The Planning Board had no further questions for Mr. Cabral.

Mr. Jad Anderson indicated that the discussion was pretty straightforward. Planner Jalette stated she was presenting information to the Board, but reminded the Planning Board that it was not taking a vote on the matter. The presentation was informational. (There was discussion briefly of camera issues with the Zoom meeting posted to Youtube)

Attorney Steven Surdut then spoke and indicated he was representing an abutter, Mr. Rimington. Attorney Surdut indicated that Mr. Cabral had not dealt with acoustic impact issues from this proposal, and he thought it was a reasonable request to have peer review, and was proper to have documentation to seek information on its particular impact. It was his opinion that the noise would have a likely "detrimental impact". He sought evidentiary backup as to decibel level and if it will exist beyond the property line, as he felt the record was devoid of study from this concern. Planner Jalette indicated this issue was not noticed and not proper to be discussed at this time. Solicitor Hogan indicated that a decision has been made and noticed on the matter and no appeal made and that no action needs to be taken at this point by the Planning Board.

Ms. Light indicated she works at the Velvet Mill in Stonington Borough. She has shops nearby similar to one proposed here and she has not encountered excessive noise in her work environment. This experience in her work environment she indicated was a factor in her decision making. No further action was taken by the Planning Board reference this application.

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

Prior to any action on the matter, Planner Jalette indicated there was some erroneous information in

the Westerly Sun reference this matter. Planner Jalette indicated she contacted the author of the article by phone and by voice mail but they did not respond to her outreach to clarify. The matter would not be decided at this meeting but continued. She encouraged any member of the public tuning in via Zoom for that agenda item, to attend the April meeting for further developments on this proposal and public input related to.

Ms. Shumchenia wanted to clarify that the Planning Board needed to continue the hearing and extend the deadline to dates in April of 2023. Planner Jalette indicated that that was accurate and that the continuance request had come in after her ability to provide it to the Planning Board in their meeting packets. She indicated that a late April decision date was preferred by the applicant.

Ms. Shumchenia made a motion that the Continuance Request- Preliminary Plan- Public Hearing- **Brushy Brook**- 140-Unit Comprehensive Permit – Plat 32 Lots 1, 4, 6, 8, 10, 12, 14, 16, 17, 21, 23, 25, 27, 30, 32, 34, 36, 38, 40, 41, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 63, 65, 67, 68, 69, 70, and 71, located at 130 and 0 Dye Hill Road, 0 Brushy Brook Drive, 0 Wedge Road, 0 Green Lane. LR6-A Owner, LLC., and Realty Financial Partners, applicants. Be granted and continued to the April 5<sup>th</sup>, 2023 Hopkinton Planning Board Meeting with a decision date set to April 30<sup>th</sup>, 2023. Her motion was seconded by Mr. DiOrio. Chairman Prellwitz, Mr. DiOrio, Ms. Shumchenia, Mr. Lindelow and Ms. Light all voted to approve. There were no votes in opposition nor abstentions.

## **NEW Business:**

### **Discussion and Potential Action, in response to the Legislative “Solutions” proposed by the RI House of Representatives Land Use Commission- Housing working Group in their November 10, 2022 publication.**

Planner Jalette advised the Planning Board she brought the agenda item forward to discuss the issues potentially before Planning Board reference information contained in this legislative proposal, and to discuss its applicability in relation to the Town of Hopkinton, RI comprehensive plan. Specifically as to if it conflicts or comports with the comprehensive plan. So that the Planning Board can weigh in on the matter in its advisory role to the Hopkinton Town Council. Although a formal advisory is not possible as a specific draft of legislation is not available. The Planner turned all comment over to the Planning Board and stated the conversation held, at two Planning Board member’s request, be as short or as long as necessary.

Ms. Light indicated the only thing she found optimistic was they appeared to be ready to review the formula used to fund public education. Mr. Wayles stated he was very supportive of the approach taken by the Town of Exeter, RI. He believed their work summed up his approach thoughts and philosophy succinctly. Ms. Light believed there should be an incremental approach. Ms. Light stated she had infrastructure concerns and its ability to service projected growth this plan appears to call for. She is concerned these types of plan targets communities like Hopkinton, RI as they believe somehow they have room to grow. She thought the move on ADU is a joke. She believed many under report or do not

report their existence. She wanted to ensure the state communicate with the municipalities to reflect better on not only what their thoughts were but what the community desired. Chairman Prellwitz stated that infrastructure needed to be a point of focus. He gave an example of the local electrical grid. He stated that if a large development went in proximal to Hopkinton Town Hall that the current electrical grid could not accommodate it. He stated that other portions of town could handle it. He also worried about the conditions of roads to handle projected traffic. As a result he believed the plan being discussed was lacking. With some communities running at 3% and Hopkinton runs at 7%, why are we penalized. Mr. Wayles affirmed this stating if a community makes an “earnest effort” it should not be penalized regarding affordable housing. Chairman Prellwitz believed there had to be a discussion at the table where all are involved in the planning and regulations developed. Ms. Light agreed saying she was a “big fan” of communication and that it needed to go to the decision makers. Chairman Prellwitz discussed the schoolyard “telephone game”, he wanted direct communication for effective results. Mr. Wayles had a question as to ADUs and referenced should he build one to accommodate his daughter is that counting toward low income housing? Discussion was made as to ADUs as to if they are or are not a possible solution to legislative concerns. Ms. Light discussed a “housing crisis” and stated it is really a low to moderate income housing crisis. Chairman Prellwitz was concerned as to the definition of ADU and what an unintended consequence could be. Discussion was then made of the ADU family exemption and its impacts.

Mr. DiOrio weighed the discussion and asked what exactly was the end game, and the direction the Board sought to traverse to address this concern raised at this meeting. Mr. DiOrio liked in the Exeter RI approach that the Planning Board advised the Town Council. This to brief the Town Council as a whole and allow them to respond in the best long term interests of the community they serve. Discussion was made as to a letter being forwarded so a resolution could be forwarded by the Town Council. Planner Jalette gave a detailed overview as to what had led to this agenda item and where the Boards stood in regard to it. Mr. DiOrio wanted to make comment now to provide feedback. He stated he is vehemently opposed to what is being brought forward and wants to go on the record , if it was the will of the Board, in opposition. Do it now and stay ahead of the curve, before this got a great deal of momentum. Ms. Shumchenia discussed sending this letter directly to the legislature.

Town Councilman Moffitt weighed in and stated the Town Council got out in front of this similar to what Exeter did. The action was not made as a slight to the Planning Board. He valued their opinion and wanted to hear it. Chairman Prellwitz wanted a letter drafted by Mr. DiOrio as a representation of the Planning Boards opinion and concerns. Discussion was made with both Solicitor Hogan and Planner Jalette as to how to facilitate a review of a draft of this letter for discussion and implementation. Mr. DiOrio wanted to know exactly who was on this legislative Commission and as to if they were assessable. Solicitor Hogan advised they do seek input and are preparing information for a bill sponsored by the Speaker of the House for RI. As a result she felt it was a bill that will, “have legs”. She felt it was an ongoing process and was not a race to the finish in this session. Mr. DiOrio believed it was important to get involved with this, and asked how other communities viewed this. MS. Shumchenia asked as to the composition of this legislative group and to who specifically was on it. At this point Councilman Moffitt

weighed in again and stated that a coalition of rural communities is forming to ensure their input is heard on this proposal. He stated he was comfortable with the feelings of Mr. DiOrio and referenced information forwarded by the Solicitor for the Town Council.

A draft letter will be completed for the next meeting by Mr. DiOrio.

Public comment was made by Sherry Aharonian of Dye Hill Road. She had several thoughts. As this moves through she would like to see rural towns excluded from the blanket approach from the state. Rural towns lacked the infrastructure to address rapidly built large scale developments. She did not like the moves away from local control. Rural communities should not be lumped in with urban centers and larger suburban towns. Rural communities should not lump all communities as one with similar capabilities. She too felt ADUs should be better delineated as a concept. They are different than market rate units.

### **Discussion and Potential Action, in relation to a Proposed Comprehensive Plan 5 year Update Report Workshop**

Planner Jalette addressed the Planning Board and indicated that earlier in January she had received a letter from the statewide Department of Planning. They sought a five year status report from our community. The Board had been advised in their packet of a template that the state utilizes. Planner Jalette indicated that a Comprehensive Plan is something not drafted by one individual but is instead a document drafted as a consensus of a community. She advocated for a workshop for a round table style discussion to meet this end and address the status report sought by the state. This to define achievements and document areas the community believes it needs work. That way the collective could advise as to where they see their community stands as it relates to previous delineated Comprehensive Plan goals. Planner Jalette stated she was prepared to facilitate a workshop if that was a direction the Board sought. She then gave a series of dates that a workshop could be held.

Mr. DiOrio was concerned that participation could be lacking and the data should be acquired beforehand. He stated in the past the idea to discuss the issue was solid but the participation was lacking. Ms. Light asked if Planner Jalette had to acquire all of this data. Planner Jalette stated yes, and discussed an example of the information sought. Planner Jalette stated that the response could be as in depth or abstract as a community or its writer chose it to be. Solicitor Hogan stated in the comprehensive plan there are elements or components of the plan discussed all as to its defined multiple elements and topics. It deals with goals and tasks to get there, and the state seeks status answers based on questions related to this document POCD format. She recommended that staff through the Office of the Town Manager at Town Hall be queried to ensure a level of sophistication and documentation of response was in place as they start to draft this document in response to the state's inquiry. Although the Planning Board was very well versed and sophisticated in its knowledge of land usage, this inquiry asked for input from other areas of town government. She gave the example of the

Recreation Department. This would give memorandums available to the Planner as she drafted the town's response. Planner Jalette stated she felt this was an excellent idea from the Solicitor.

Mr. Wayles was concerned that the timeline was tight for other Department Heads to respond to the Planner's request for data and input. Solicitor Hogan stated the deadline for response was not a definitive one and the town could go beyond the deadline in order to acquire all appropriate input from town Department Heads and the public. March dates were discussed for a workshop.

Ms. Shumchenia stated that scheduling could be better decided by email, and Solicitor Hogan discussed ensuring other Boards be queried for input. Chairman Prellwitz wanted ample opportunity to other agencies be given to respond. Mr. Wayles discussed timelines to facilitate a March meeting. Solicitor Hogan stated in completing this state obligation, it was also a good time to review the Comprehensive Plan. Planner Jalette advised she would speak with the Town Manager and make arrangements for a workshop.

Pre Application- Major Cluster Subdivision- **Pawcatuck Retreat**- Plat 23, Lot 59, 0 Alton Bradford Road. Ron Rudolph, applicant.

Mr. Sergio Cherenzia who is a registered and certified Engineer in the State of Rhode Island, of Pawcatuck, CT, spoke to the Planning Board on behalf of the applicant, Mr. Ronald Rudolph. He stated that the information before the Board was on a pre applicative basis, but they had done considerable "due diligence" in preparation for this discussion and presentation. He gave credit to Planner Jalette in helping the applicant get to this point. He indicated that his client has relatives in the area and quite an affinity for the property in question and the possibility of its development; and reiterated with a proposed recreational usage component. The property has a unique location and while seeking cluster development, the property will also be for his applicant's personal use. The property it was noted is proximal to the old Bradford Dye Association property. The applicant is very experienced in developing property for use. The property is just North of the Westerly town line. The property is primarily vacant with the existence of a well house on its site. It borders land owned by the Hopkinton Land Trust, and is located off of Alton Bradford Road, as well as borders the Pawcatuck River. This area was dammed at one point and as a result discussions have been made with the Wood Pawcatuck Watershed Association and RIDEM. The Dam located near this property on the Pawcatuck River has been removed and rights for kayakers to access the property for portage is in place. It is hoped this property could work in concert with another party undertaking readaptive usage of the BDA Property for housing. They are "cognizant" that whatever associated rights exist with the property in question are navigated properly.

Mr. Cherenzia discussed conducting environmental studies on the property with experts taking samples of its soil and finding no contamination. This is zoned to allow a cluster subdivision, and his client is looking for some consideration, so as to get three new developments on site. Including the existing structure containing the well house discussed, and building two new raised A frame homes on the site; a garage for storage as well so as to have a total of four structures on this site. He also envisions this

property primarily as a recreational site his family could use. There is an open space component to this project to bolster existing Hopkinton Land Trust efforts. They acknowledge they do not meet 10 acre criteria but the Planning Board has latitude. The property is currently over 8.45 acres in size only. The property does exist in a flood zone, and plan to elevate and meet all FEMA flood zone requirements with the structures proposed. In preliminary renderings he showed a cul de sac with the A Frame residences located just off of it. "It's not your traditional residential development but it is raised A Frames and a recreational spot and haven for his family, Mr. Cherenzia stated. Approval will be needed from DEM Septic and are prepared to do advanced treatment if required. A minimal amount of clearing will be needed and we seek to use the land as is, and steward the property and improve it and have it meet its full potential. We also will seek to meet DEM Wetlands approval requirements as well, and meet all regulatory setbacks.

Chairmen Prellwitz asked what the square footage of the lots were. Mr. Cherenzia advised that they range from 29,000 square feet to 49,000 square feet approximately. Planner Jalette advised the minimum square footage for a cluster development was after the necessary requirements are met, is 20,000 square feet. She is advised they are pursuing these necessary community amenities. Mr. Rudolph then addressed the Planning Board and gave the dimensions of the A frame house of 25' by 25' was being proposed. Discussion was made to elevating the structure as it is in the flood zone. The base flood level is in the 38' range and its existing elevation is at 34' currently needing an approximate 5' of elevation upon its construction. Photos were shown of the property and the existing pump house structure. Elevation made into flood conformance and a second story added. Discussion was made with the zoning officer reference this proposal. The well was described as providing good results, and the property described as secluded as due to its change in topography. Old equipment exists on the property as well and he believed a conveyer system existed for old quarrying activity in the past. It's been vacant for years. Mr. Cherenzia sought an opinion as to if this could forward and feedback to assist the developer. They knew they would seek cluster subdivision status when they met all DEM requirements. They sought to maintain a gravel road as a result of impervious surfaces already existing. Mr. Rudolph stating he wanted to keep it natural surfaces.

Mr. DiOrio then asked if a cluster audience would allow a gravel roadway. Solicitor Hogan stated a variance could be applied for based on circumstances reference ordinance status. Planner Jalette indicated in her memo to the Planning Board in the packet she had discussed these items and history and topography were factors for consideration. As the plans evolved research would firm up what would be needed to move this further and discuss potential waivers. Mr. Cherenzia said they would ask later for waivers as to buffers and reduce to 50' from 100' near preserved land. Planner Jalette discussed this as under the prerogative of the Planning Board. She also stated her subdivision and cluster ordinances have slightly different verbiage. She indicated what these were for Board edification. This is discussed at the Master Plan phase. Mr. DiOrio questioned whether this was necessary. He stated that the pieces of the puzzle were in place and he needed to maintain this effort as the proposal is fleshed out. Ms. Shumchenia concurred and indicated that road type was very important in a flood zone and not good, it was "wise" to limit impervious surfaces. Ms. Light wanted input for this proposal from the Land Trust.

Chairman Prellwitz stated this proposal appeared to be an asset to the town. Mr. Wayles asked if this facility would have buildings with services i.e. water and electric. Mr. Cherenzia stated that some solar would be involved and maybe water and sewer at some point. This was described as a very cohesive approach by Mr. Cherenzia, and they sought it under a cluster proposal. After meeting with Zoning and the Planner's Office, this was the box it best fit in. Mr. Rudolph stated this compound was being built for his family's use, and that he had family living down the road. He envisioned the structures looking "natural" on the property and blend in to the landscape itself. It was viewed as a year round usage. Mr. Lindelow stated he couldn't wait to drive by the property and look at what was being discussed. He asked if abutters had been engaged. It appeared from Mr. Cherenzia's view as amenable and a buffer existed for the neighbors. Planner Jalette said notice would be given to them on the proposal. Site visits and site walks were discussed for the property in question.

### **Solicitor's Report:**

None

### **Planner's Report:**

Administrative Subdivision- **Kenyon/Koseoglu Administrative Subdivision**- Plat 24, Lot 173, 37 West Street and Plat 24, Lot 174A, 46Laurel Street, Roger and Marilyn Kenyon and Kadir and Ebru Koseoglu applicants. Planner Jalette advised that this had been signed off on and recorded.

### **Correspondence and Updates:**

1. Email from Joe Moreau- Planning Board Meeting 1-4-23- authored 1/6/23 Mr. Moreau stated he was in attendance and would speak to it.

### **Public Forum:**

Mr. Joseph Moreau of Old Depot Road spoke to the Planning Board. He indicated he concurred with Town Councilman Moffitt to move as quickly as possible, and there was no slight to the Planning Board. As to his email from 1/4/23 he was happy to hear we are going to have a workshop. He felt the Planning Board needed to report out annually, and every two years report out on proposed changes to ordinances. He had recently been appointed to the Charter Commission and felt Department Heads need to be involved and share their collective expertise. He stated all needed to read the Town Charter. The committee was meeting shortly and wanted a Communications Committee to involve and inform the residents. The Town Charter was last reviewed in 2006. He liked the idea of a Planning Board workshop so as to better share information for informed decision making. Recently two opinions of the Planning Board were over turned in court and that was of concern to him. He indicated he was in a position where he hoped to help out. He thanked Ms. Light for sharing some candy she had with him.



**Date of Next Regular Meeting:**

March 1<sup>st</sup>, 2023 at 7 PM

**Adjournment:**

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

Meeting adjourned at approximately 9:12 PM.

Michael Spellman

Planning Clerk Town of Hopkinton, RI