

## **Hopkinton Planning Board Hybrid Meeting**

**Special Meeting March 15<sup>th</sup>, 2023 at 7:00 PM**

### **MOMENT OF SILENT MEDITATION AND SALUTE TO THE FLAG:**

Chairman Prellwitz led the Planning Board and those in attendance in the Pledge of Allegiance and a moment of Silence prior to commencing the meeting.

### **Call to Order:**

Chairman Prellwitz called the meeting to order at approximately 7 PM.

### **Roll Call:**

Chairman Prellwitz, Mr. Lindelow, Ms. Shumchenia, Ms. Bolek, and Ms. Light were in attendance for the Planning Board. Planner Jalette, Solicitor Hogan and Clerk Spellman were also in attendance.

### **ADMINISTRATIVE BUSINESS:**

Request to delegate Final Plan Approval to the Planner- 2-Lot Minor Subdivision- **Saretzki-Williams Minor** – AP22, Lot 53, 3 Old Hopkinton Cemetery Road Michael L. and Brenda J. Williams (Estate of Helen L. Saretzki) applicants.

Planner Jalette indicated that this was an application that appeared before the Planning Board at its regularly scheduled March meeting. The Board approved the preliminary plan, but the applicant would like to have the Final Plan approval delegated to the Town Planner. Per Article VII- Minor Land development Projects and Minor Subdivisions, Section 7.1.11- Final Plan, the Planning Board may delegate Final Plan review and approval to the Town Planner, who shall report her actions to the Planning Board at its next regular meeting, to be made part of the record. The Planner shall be authorized to sign the Final Plat or plans for recording as specified in Article X. endorsement of the Final plat or plans by the Town Planner shall constitute the act of Final Approval.

Solicitor Hogan stated as a finding fact it had appeared before the Planning Board previously and was again before it tonight. Minor administrative changes were needed. Ms. Light asked if The Planner was comfortable. She indicated that she was. Literally very little changes have been made during the stages. She believed she could address the matter in her Office.

Ms. Shumchenia made a motion that the Planning Board delegate Final Approval to the Town Planner for a 2-Lot Minor Subdivision- **Saretzki Williams Minor**- AP22, Lot 53, 3 Old Hopkinton Cemetery Road, Michael L. and Brenda J. Williams (Estate of Helen Saretzki) applicants. Consistent with Section 7.1.11 of Hopkinton Land Development and Subdivision Town Ordinances. Her motion was seconded by Ms. Light. Chairman Prellwitz, Ms. Light, Mr. Lindelow, Ms. Shumchenia and Ms. Bolek all voted to approve. There were no votes in opposition or abstentions.

#### **COMPREHENSIVE PLAN 5- YEAR UPDATE REPORT WORKSHOP:**

*Hopkinton's five year informational report on the status of the Comprehensive Plan implementation must be submitted to the Division of Statewide Planning by March 30<sup>th</sup>, 2023. As such comments have been sought from Town Staff, as well as comments from Boards and Commissions. Planning Board will consider this information, and will discuss the responses that will be incorporated into the town's five year informational report.*

Planner Jalette indicated she had solicited comments from Hopkinton Town Government to facilitate this review process. Some items are delegated to commissions and boards that no longer exist within the Town of Hopkinton. As a result some elements of the review are difficult if not impossible to perform. The important thing to note is the town will not be punished by how it responds, but state law compels a review of an existing comprehensive plan. It also allows statewide review so resources can be brought to bear to assist a municipality if needed.

Solicitor Hogan advised that she did not expect the Planning Board would be looking at more than its responsibilities. Adding she was concerned as to level of expertise to comment on matters outside their purview, and stated all should simply accept the input from the Boards and positions solicited for their opinion. The Board agreed with the Solicitor's opinion on the matters at hand pertaining to the Planning Board.

Ms. Light commented that the Town Manager had commented that there was a position, Director of Public Welfare, that was elected and then appointed. Joe Moreau of Old Depot Road spoke and advised he held that elected position for a two year period. The Recreation Commission findings were then discussed initially, and recommendation #9 was to benefit playgrounds where children play from our community, specific to Langworthy Field. A project had been completed in 2020. Recommendation #10 was to control water pollution through land use regulations. This, the planner indicated, was handled through a use table and issuance of aquifer protection permits. Discussion was made as to responsible parties for this measure. Ms. Shumchenia stated recommendations were somewhat vague for review. She discussed what points of "ongoing" emphasis were for the Planning Board. Planner Jalette discussed

that as you review, you will find some of the tasks are no longer applicable. For example that it was not the purview of the Board to acquire land. Ms. Shumchenia wanted to know specifically what was the input sought by the Planner. Planner Jalette wanted to discuss what was being done, and the resources brought to bear or needed. The Planning Board wanted to see what they had completed from the Plan of Conservation and Development and denote it. Then they could focus on goals and things that needed to be done.

Ms. Shumchenia discussed the ongoing column. That many items fall into this category. Moving forward she wanted to be more specific and less vague as to what the Planning Board was seeking to accomplish. Ms. Light referenced the time period Mr. Landolfi was on the Town council and “wooded” the public toward approving specific projects such as Stoneridge. Ms. Shumchenia asked if it was more productive for time to point out the areas the Planning Board had completed.

Solicitor Hogan stated she read it as a documentation of what the Board had done to protect resources. She stated it was about regulations. She referenced the concept of aquifer protection. Planner Jalette then stated the aquifer protection regulations predated the Comprehensive Plan. Solicitor Hogan then discussed the “diminution of solar” to control a potentially polluting land use. This action being taken by the Town Council. She discussed run off from the panels and leeching from broken panels into the soil. Ms. Shumchenia asked rhetorically “Does Solar Panels pollute the environment?” Discussion of the Solar Panels design and possible toxins and pollutants was made by Chairman Prellwitz and Ms. Light.

Discussion was made as to regulations for Solar and a decommissioning issue as the Solar Arrays installed in town meet their life expectancy. This is a point that needs to be put on a “to do” list for the Planning Board. Ms. Light referenced dumps in town as well.

Regulation #13 was to create a “greenway network plan” and track its progress. Ms. Shumchenia stated it was a connecting people to places plan. It was specific to green trail ways that exist within the town. Chairman Prellwitz indicated that this was an “open space” point of emphasis. Ms. Light remembered a project where the Planning Board protected part of the Appalachian Trail. Goat Rock was referenced by Ms. Light as well. This was described as ongoing. Planner Jalette indicated that this was an ongoing point of emphasis.

Protecting natural resources was a point of emphasis for the Town Planner under recommendation #3. Forest Resources or unfragmented forest protection being first and foremost. Ms. Shumchenia stated that this was a joint venture by the Planner and the Planning Board. Planner Jalette discussed a study done for Exit 1 in 2006. That transfer development

Rights were discussed as a concept, and this was held for further study. However, the acquisition portion made the Planner uncomfortable, and the town has never formalized a plan or created an applicable ordinance or program. It has been addressed on individual projects coming before the Board.

Solicitor Hogan discussed as to if the town purchased land for recreation use or employed DEM grants to achieve that end. Planner Jalette said the town has sought DEM Grants. The town she believed through the Land Trust has sought funding from DEM in the past. She did not know how coordinated the actions to achieve this end were. She did not know if this Town Council would pursue this. Chairman Prellwitz asked if local tribes are involved or invited to the process. Planner Jalette stated she does not believe that exists, but as we amend the comprehensive plan and ordinances, we can investigate incorporating that type of verbiage. Doing that was not outside the realm of possibility.

Item #7 to update the town ground water and well head protection ordinance, and evaluate the town's resources and ensure protection. The Planner has not taken action on this, and her thoughts were the Town Council should be queried as to if this was a point to their emphasis. With limited staffing in her office this is a concern. Solicitor Hogan felt with item #9 the town could defer to state regulations which have become far more detailed. She stated that the Planner's tact on this was logical and this was a useful process and self-check. If the Planning Board gets out from Long Applications they can pursue this path better. Soil erosion and sediment control was discussed as a regulatory point of emphasis moving forward. Specifics or changes were sought as to changes by the Planner. She indicated she saw Crossman Engineering as a resource for professional input. The Board concurred and praised the expertise of Steven Cabral of Crossman Engineering.

Recommendation #15 preserving Farm land and existing resources through a transfer development program. The Planner wanted to discuss this with the Land Trust as this was a concept worth pursuing.

Recommendation #16 provides a simple process for a Town to push out a single lot for a Farm to accommodate family or economic need. That this process exists under the Minor Subdivision Process. This is simple and easy to implement. The Solicitor suggested amending the process to make it simpler.

Recommendation #9 implement the Town wide Wastewater Management facility Plan was then discussed. The Planner found little difference between this and previous recommendations. Specifically as to a Nine Point Plan. She sought Town Council input. **A gap in recording then developed as due to a technical problem with the audio system. It developed**

**At 49:39 and a break was called to repair. It was addressed and continued with audio functioning properly at 58:33.**

Meeting was resumed at 1:00:58.

Recommendation #16 encourages energy efficient techniques and measures be utilized by incentive on new and redevelopment building projects. Solicitor Hogan stated there were incentives offered by Rhode Island Energy and Infrastructure Bank. She described the PACE initiative. This was determined to be a measure more effectively handled by the Town Council and state regulatory agencies.

Recommendation #17 is to identify zoning and regulatory barriers to renewable energy development in state, adopt regulations that develop small scale renewable energy projects. Ms. Shumchenia reiterated that this was to consider only, and reminded all the Solar ordinances were considered first by this Board. Mr. Lindelow queried as to if this was more a zoning issue. Planner Jalette stated that you can see on line what municipalities have stricken guidelines, which did strike existing guidelines, including Solar from their comprehensive plan. She also advised a Comp Plan can be modified to remove what was no longer relevant, but it was still contingent on state approval.

Recommendation #2 seeks to modify subdivision regulations to require connections with adjacent subdivisions wherever possible. Chairman Prellwitz stated that the concept made very little sense. Ms. Shumchenia did not believe it was an ordinance modification but a development by development basis of individual review. Solicitor Hogan said this was a traffic mitigation strategy as well. Ms. Light said the concept could be applied to utilities servicing as well. This development is considered as under review and ongoing.

Recommendation #3 requires off site transportation improvements where the new developments stress existing transportation and circulation systems. Ms. Shumchenia believes this has been handled on a case by case basis. Solicitor Hogan believes that this is codified for the Board to avoid doing it on each project. She discussed claims of arbitrary and capricious findings as a potential for Board concern. It is cleaner if you have it in your regulations, and should be reviewed for implementation. This should be studied for implementation by the Town Council as an ordinance. Ms. Shumchenia stated it was important but currently under review. Planner Jalette stated it was taken under advisement.

Housing recommendations were then discussed. Evaluating large scale applications with PUD and mixed use village developments, for environmental impacts and statements of impact for each individual project. Planner Jalette stated that this was a concept applicable to large

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scale developments along the lines of the Brushy Brook application. Chairman Prellwitz asked what was a PUD. Planner Jalette discussed the Planned Unit of Development concept, and gave South County Commons as an example. She advised if Olde Mystic Village, if it had a housing component, this too would be a PUD. Ms. Light stated that it was an ongoing effort. Solicitor Hogan stated the Board should consider quantifying and qualifying environmental performance for an impact data and criteria. The concept of an Environmental Impact Statement was a matter for Board discussion with Planner Jalette. She advised that she wanted to look at it further. Mr. Lindelow clarified that the impact statement would be the responsibility of and prepared by the developer. Solicitor Hogan concurred with Mr. Lindelow. Solicitor Hogan clarified what that might entail. It would be geared toward meeting minimal environmental performance criteria.

Recommendation #2 requires developers of large scale market level developments to provide services, such as sewer and water, to their developments so as to take the burden off the property tax base. Ms. Shumchenia stated that it was her belief the costs were passed on to the property owners by a HOA. That this might make the town responsible for drainage facilities was a discussion by the Planner and the Board. Ms. Shumchenia indicated that the costs also contained road improvements and Ms. Light concurred. "On site" was discussed as opposed to "off-site" concerns and their costs were discussed by Ms. Shumchenia as a point of clarification. Solicitor Hogan stated this is in the POCD and the concept of a "minimum impact fee" being charged is likely similar to Charlestown's regulations to fund schools. They are also known as "fair share development fees". All these concepts were described as under review.

Recommendation #3 discussed a review existing for areas of mixed use, and determine their ability to absorb additional development, and where possible allow limited development of mixed use structures. Ms. Light discussed developments at the State House and this may not in later time fall under the purview of the Planning Board. Ms. Shumchenia felt the State Housing Commission is reviewing this matter and all matters are under current review. This is pending new guidelines.

Recommendation #4 develop and enforce buffer and transition zones to prevent intrusion into or disruption of residential neighborhoods and developments by new economic development. Ms. Shumchenia believed the Board has addressed this. Chairman Prellwitz discussed a solar project that this was involved. The Revity project was given as an example as well. The Board tried to preserve trees in a buffer zone, and this was overturned by the court. Solicitor Hogan discussed the court's interpretation and a likely need to revisit and change verbiage. This point had been litigated and the Board should look at this to avoid future litigation. Ms. Light discussed issues and successes with previous projects that this approach was a concept in.

Recommendation #5 use land use controls such as PUD and Cluster developments to encourage creative land planning concepts that reduce development costs, while preserving open space in environmentally sensitive areas not otherwise protected by local, state and federal law. Planner Jalette stated the Board clearly engages in this “all the time”, with what she described as an “exclamation point”. The Board concurred with the Planners assessment. It is ongoing.

Recommendation #9 in conjunction with an independent housing coordinator, research and maintain current files on state, local and federal housing subsidy programs, in order to effectively refer residents and potential developers to the appropriate agencies for assistance. Right now, Planner Jalette stated, we, as a town, are seeking to collaborate with a group on CBDG funding. This seeking to find funding. The Planner sees this as a great opportunity for Hopkinton. This is a development to address a concept that the Planner described as an “entity onto itself”. This is a good opportunity for the town. It is unlike any other Grant program that exists. Planner Jalette described this as a work in progress. The town is not expressly paying for this, and it develops concepts like a subsidized home repair program. The entity is the Church Group, it is not a religiously affiliated group, the Planner noted. This is pending the Planner stated.

Recommendation #10 enhance the town grant writing capability to develop and expand local housing subsidies programs for low income and elderly residents. This to assist them with retaining ownership of their property or to afford and pay their residential rents. The Planner stated the town has enhanced the Town’s Grant Writing footprint in Rhode Island with the hiring of Mr. Spellman. The Planner stated he is a skilled Grant writer and has a firm knowledge of programs that exist. Ms. Light stated that the Director of Welfare could be a great resource and tool in this pursuit as well. The Planner discussed the Affordable Housing Partnership as a group with information at their disposal as a resource. Ms. Light asked if this was a collaborative approach with other communities. The Planner indicated that it was not. Ms. Shumchenia wanted to see a lead group and supporting group developed for this initiative. She did not see how this could be a prime responsibility of the Town Planner. Solicitor Hogan saw this as a great point. Chairman Prellwitz wanted to see a functioning subsidy for the elderly in Hopkinton to keep them in their homes. This has been a problem in town that he has seen for years. He did not believe this concept was going to succeed and was concerned it would fail to get traction. Ms. Bolek believed that the hiring of Mr. Spellman expanded the town of Hopkinton’s ability to seek and write grants, but absent the Affordable Housing Partnership, this component is ongoing.

Recommendation #11 consider residential incentive zone overlays, or adopt a policy of conditional zoning, to allow larger mixed use development projects, in targeted areas of the

town. Ms. Light stated this sounds like regular business and a routine task of the Planning Board. Planner Jalette stated this was a concept she would query the Town Council on as an interest to expand or further pursue. Ms. Light thought that was a prudent course of action. This was under further review.

Recommendation #12, was to provide municipal subsidies such as density bonuses or waiver of fees, in the subdivision regulations, in exchange for a developer's commitment to set aside a portion of a proposed development as affordable units, for a period of at least 99 years. Ms. Light asked as to the concept of 99 years. Planner Jalette discussed this and zoning and density bonuses. Ms. Light felt 99 years was a concept that was not realistic. She referenced mortgages as tied to 30 years. Solicitor Hogan said the property was tied as an affordable component for the full time period. That ceilings were in place during that time period conditionally. Transfer of the property was discussed and why the 99 year period was discussed by the Board in deed restrictions. Solicitor Hogan advised not to overcomplicate the discussion. That there were monitoring and qualifies incoming purchasers, and that regulatory systems are in place. This is completed.

Recommendation #13 is to utilize local discretionary funds, such as CDBG funds for affordable housing programs, including rental deposit funds, for financial assistance to first time home buyers, housing rehabilitation programs, and funding a pool for land acquisition for the purposes of residential land banking. The Planner believed bearing in mind CDBG, the town may develop a collaborative relationship with an entity that allows them to partner and effectively manage the funds. Ms. Light asked if the CDBG program and its partnership, would fall under the Planner. Planner Jalette stated it would fall under the Church Group, with the town and the Planner being an applicative conduit to the Church Group.

Recommendation #16 through local and regional resources employ a community land trust model for the acquisition assemblage and development of land for affordable housing and to otherwise ensure the long term preservation of affordable housing. Ms. Light asked if affordable housing really falls under the purview of the land trust. Solicitor Hogan stated in some communities that was a yes. Planner Jalette discussed the concept of a "land bank" for affordable housing and groups involved facilitating the developments. Ms. Light discussed that concept existing in Connecticut. Again she would query the Town Council as to if they wished to pursue a land bank concept. Planner Jalette discussed limited time and resources to pursue this aim. She said a model needed to be explored if there was interest, and the matter is ongoing.

Recommendation #17 create zoning and policy incentives that will increase the supply of housing for rental occupancy, especially low and moderate income rental units. Ms. Light referenced ADU as a concept reference this. Ms. Shumchenia felt if anything comes in as



a recommendation references this effort as “affordable or low or moderate income” that the Planning Board should query and refer the matter to the Town Council. Chairman Prellwitz feeling the Planning Board was at the mercy of the “Providence” influence in the legislature. Ms. Light asked the Planner if she was comfortable with that recommendation and she advised that she was.

Recommendation #18 develops a linkage ordinance that ties commercial development to affordable housing development and recognizes the impact of large scale projects, and their effects on the community. Planner Jalette advised this was another circumstance where the Planning Board may want to query the Town Council. Do we want to have a linkage ordinance?

Recommendation #19 consider historic restoration strategies for village infrastructure in supporting multifamily housing projects that could utilize existing mill buildings that are or may become vacant. Planner Jalette likes the concept of readaptive use and it’s in the cadre of bills being proposed. Readaptive use is a good thing in Planner Jalette's opinion. The Rockville Mill was discussed as a conceptual. This work has been accomplished and is an ongoing concept. Planner Jalette did not have a list of vacant building actively and did not know how immediately applicable this is. Neighboring towns have buildings that fit this concept. The Planning Board will await further guidance from the State of Rhode Island as this concept evolves.

Recommendation #20 analyzes new uses for town surplus buildings including as uses for affordable housing for the community. Attempt to template documents for quick response to queries from developers, for buildings with low or moderate housing potential. Planner Jalette did not know if buildings like this existed in town. She also indicated all RFP and RFQ for this type of approach is handled out of the Town Managers Office. The Hope Valley Elementary School and the 1904 School as a concept was discussed. The 1904 school has a Congressional earmark to effect its demolition.

Recommendation #21 participates in regional strategies to support the development and retention of affordable housing. The Town of Hopkinton has joined a coalition with other small communities to address various land use bills being presented. This is ongoing.

Recommendation #22 through 25 should be deferred to the Town Council Ms. Shumchenia advised so as to ensure what the community sees as it should do, to address affordable housing needs. We will follow the Housing Commissions progress reference this effort. The Planning Board concurred with her on this.

Recommendation as to Land Use, #1, pair a set of project review criteria applying to development zones for review by the Town Council. Ms. Light asked Planner Jalette as to her

thoughts on this topic. Planner Jalette did not think it was the purview of the Town Council to affect review. Ms. Light asked if it was more a Zoning Board task. She felt it was a “bear” of a task. Solicitor Hogan said the Comprehensive Plan needs to be reviewed to see what context this was written in. Planner Jalette concurred. This will be a matter for review and clarification.

Item #2 research zoning revisions and policy strategies to meet the goals and objectives of the comprehensive plan pertaining to the conservation of natural resources, and preservation of the rural character of Hopkinton, including revisions to the cluster subdivision ordinance, and development of a transfer development rights program, and other similar strategies. Ms. Shumchenia believes this has been a point being pursued particularly forest preservation. Planner Jalette discussed ideas forwarded by Planner Lamphere. The concept was discussed as ongoing. Ms. Shumchenia stated she advocated for stronger language here. This is an area where the Board recognizes there is a need and they want to make progress. Ms. Light concurred. Ms. Light would like to see the Board pursue this concept.

Item #7 consider using creative Planning and Zoning techniques such as the purchase, or transfer of development rights for working local farms. This concept was described as under review. Working farms and community land trust concepts were discussed. Ms. Light asked how this could fall under a Land Trust, and Ms. Bolek discussed the land bank. Planner Jalette discussed the existing land trust and agreements made to preserve the farms. Ms. Light agreed.

Item #12, update the Hopkinton zoning map to include a flood plain, as an overlay district. Planner Jalette discussed this as a concern of the Hazardous Mitigation Plan which is currently looking at this issue, and the entire plan is under review. Ms. Shumchenia agreed.

Item #13 development of a strategy to implement the storm water management projects for dam, culvert and bridge improvements and sediment removal projects, and green infrastructure projects identified by the Pawcatuck River Watershed management plan. This is described by Planner Jalette as ongoing. This is a point of continuing professional emphasis by the Hopkinton Planning Department.

**SOLICITOR’S REPORT:**

None

**PLANNER’S REPORT:**

1. Woodland Ridge, LLC formally withdrew their amendment to an approved plan application on February 28<sup>th</sup>, 2023.

2. How would the Planning Board like to complete the required Municipal Resilience Training- would you like to tackle each of the modules together, at upcoming Planning Board Meetings, or would you like to tackle each of the modules individually? The matter was discussed and timelines to complete were discussed. They were advised the modules were short and were at their longest 18 minutes in length. The Board will do so individually.
3. Proposed site walk for the Pawcatuck Retreat Cluster? (Week of March 20<sup>th</sup>, 2023) This will be handled on Board availability and will go and do so to avoid an inadvertent quorum.

**CORRESPONDANCE AND UPDATES:**

1. Letter from David Gever- Environmental Citations List 3-2-2023 – 3-7-2023

**PUBLIC FORUM:**

Mr. Joseph Moreau of Old Depot Road spoke. Stated he knew it was a long meeting tonight and joked about his list of items discussed. He praised the Town Manager, Mr. Rosso, and Mr. Spellman for their grant writing efforts and bringing needed funds into Hopkinton. He was concerned about a Town Council member's recent input, and recent comments, made at a Planning Board meeting. He sought a job description so as to see what was required of a liaison. Mr. Moreau serves as a Charter Review Commission member and sought public input. Item 52-10 of the Hopkinton Town Charter requires the Planning Board to report to the Town Council. He does not believe that this has occurred. He encouraged Hopkinton residents to volunteer and to serve this community. He felt more residents need to take part and help out.

Ms. Light commented that their effort (The Planning Board) to speak to the State Government in a written format, was not approved by the Town Council, and that did not sit well with her. She felt it was not a good practice and their experience was ignored by the Town Council.

**DATE OF THE NEXT REGULAR MEETING:**

April 5<sup>th</sup>, 2023 at 7 PM

**ADJOURNMENT:**

Ms. Shumchenia made a motion to adjourn the meeting at approximately 9:26 PM. It was seconded by Ms. Light. Chairman Prellwitz, Ms. Bolek, Mr. Lindelow, Ms. Light and Ms. Shumchenia all voted to approve and there were no votes in opposition or abstentions.

Michael Spellman

Planning Clerk

Town of Hopkinton, Rhode Island