

2 **TOWN OF HOPKINTON**  
4 **PLANNING BOARD**

6 **Wednesday, January 3, 2018**  
7 **7:00 P.M.**

8 **Hopkinton Town Hall**  
9 **One Town House Road, Hopkinton, Rhode Island 02833**

10 **CALL TO ORDER:**

11 The January 3, 2018 meeting of the Hopkinton Planning Board was called to order at 7:00 P.M.  
12 by Vice Chair Amy Williams.

14 **MEMBERS PRESENT:**

15 Amy Williams, Tom Holberton, and Josh Bedoya were present.

16 Also present were: John Pennypacker, Conservation Commission; James Lamphere, Town  
18 Planner; Kevin McAllister, Town Solicitor; and Sean Henry, Planning Board Clerk.

20 **APPROVAL OF MINUTES:**

21 MS. WILLIAMS MOVED TO HAVE APPROVAL OF MINUTES MOVED TO THE END OF THE AGENDA.

22 MR. HOLBERTON SECONDED THE MOTION.

23 MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSED.

24 **OLD BUSINESS:**

25 None

28 **NEW BUSINESS:**

29 Development Plan Review – **Pre-application meeting** – Photovoltaic Solar Energy System–  
30 AP 4 Lot 2 – High Street - Oak Square Partners, applicant

31 Attorney George Comolli presented on behalf of the applicants. Mr. Comolli described the  
32 area where the project is planned to occur: A 6.7 acre, RFR-80 zoned parcel that has a pre-  
33 existing, non-conforming use of a gravel bank. The plan is to construct a solar array on 3.7  
34 acres. No clearing of trees is required on the property, no septic systems or wells are proposed,  
35 and the applicants are proposing a 6' chain-link fence to surround the project. The applicants  
36 anticipate visits to the property will be 4-12 times annually. Mr. Comolli called on Jason Gold,  
37 the project engineer to provide more information.

38 Mr. Gold concurred that the project would use the existing driveway for access, and that all  
39 setbacks for PSES will be met. In all, 2900 solar panels are proposed to be used, occupying  
40 about 3.7 acres. There is an area on the property where there is a 30' slope, where there will  
41 be limited vegetation work. Some existing large shade trees on neighboring properties may  
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2 need to be removed, but it would be subject to the approval of the property owners. A  
4 decommissioning plan will be submitted at the next stage of the project.

4

Questions from the Planning Board:

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Ms. Williams: This parcel is in a residential neighborhood. There are certain parts of the solar ordinance that need to be met, including adequate screening from the residences.

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Mr. Comolli: Because of the thirty foot slope on the property, there are no plantings that could obscure the array from the top of the slope. It's shaped like an amphitheater.

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Ms. Williams: I would still like to see vegetation around the fencing. Also, houses need to be on the next set of plans, as stated in the ordinance. Another concern is sound coming from the inverters. Performing a sound analysis would be advisable. Coating the fence to black or green should be considered as well.

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Mr. Lamphere: The access road is currently located in the side setback area, according to the Zoning Official. I've spoken with the applicant about rectifying the issue.

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Questions from the public:

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Margaret Smith: I live on North Drive, I am an abutting neighbor next to the gravel operation. Our house is not represented on the plans. The slope there is greater than 15 degrees, and the trees there are important for bank stabilization.

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Mr. Comolli: It's my understanding that there will not be work done in that area.

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Ms. Smith: But the trees being removed from the neighboring property could destabilize the slope.

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Mr. Gold: The survey work that is still yet to be done will address the steep slope.

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Ms. Smith: The angle of the slope is about 25 degrees, which is the same angle as the sun at solstice.

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Barbara Decker: Several families in the surrounding neighborhood are in support of the project.

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Barbara Capalbo: I'm part of the Bethel Village Water Association. Solar power will solve the problems that have been associated with that property and I am confident that the Planning Board will continue to review solar projects as thoroughly as they have been doing.

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Mr. Comolli called John Typatis, Oak Square Partners principal, to the podium. Mr. Typatis informed the Board that the purchase and sale agreement is subject to the approval of the solar project. He said that the applicants would try to address the concerns raised by the Board and neighbors to the best of their ability. They had met with most of the neighbors prior to the meeting and had their general support. He would need to reach agreements with the property owners in order to top the shade trees on their properties, but the project could be shifted based on those results. Mr. Typatis confirmed that the applicants would be willing to address the fence being raised 6" off the ground, working to stabilize the hillside, meet with neighbors to address tree removal and any other questions, perform a study of noise emanated by the solar array, which would include the specifications for the inverters.

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MR. HOLBERTON MOVED TO HAVE THE PROJECT CONTINUE UNDER DEVELOPMENT PLAN REVIEW.  
MR. BEDOYA SECONDED THE MOTION.  
MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

Development Plan Review – **Pre-application meeting** – Photovoltaic Solar Energy System–  
AP 11 Lot 47D – Palmer Circle – Oak Square Partners, applicant

Project is located on a 5.8 acre property that is zoned Commercial. There is a farm to the west, wooded area to the south, and Route 95 to the north. There are no known wetlands on the property. The projected is estimated to be 998 Kw AC in size. The electrical components will be located underground. Setbacks will all be met. The site will include some drainage infrastructure with stormwater retention.

Questions from the Planning Board:

Ms. Williams: Some details have been omitted from the plan. A sound study is recommended. We'd like to know what the project will look like from the road.  
Mr. Holberton: I suggest you make sure they don't cut any more trees than they have to so you can use the existing trees as part of your screening.

Questions from the public:

An abutting neighbor said that their house was left off the plan. They are not opposed to the project, any noise generated from the project is too close to Route 95 to be an issue. The use appears ideal for the property. He does not intend to allow his trees to be cut.  
Ms. Williams: The plans should include the average tree height and structures on abutting properties.  
Mr. Bedoya: Will you use native species in the landscaping?  
Mr. Typatis: Yes, that will be considered in the landscaping plan.  
Ms. Capalbo: I ask that the decibel ratings for the inverters be included.

MR. HOLBERTON MOVED TO HAVE THE PROJECT CONTINUE UNDER DEVELOPMENT PLAN REVIEW.  
MR. BEDOYA SECONDED THE MOTION.  
MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

Mr. DiOrio arrived to the meeting at 7:50pm.

**2** Comprehensive Plan Update Recommendation to Town Council

**4** Mr. Lamphere told the Planning Board that the latest draft of the Comprehensive Plan was  
**6** on the Town’s website, and reflects minor changes brought about by the State’s review of the  
**8** document. The Statewide Planning Program is prepared to approve the plan in its current  
form, conditional to adoption by the Town Council. The Planning Board has already  
approved the draft, but the state law requires a recommendation to the Town Council as well.

**10** Ms. Williams stated that she read about the Browning Pond issue between the state and  
Exeter, and that it was an example of why having an approved plan is important to protect  
**12** the Town.

**14** MR. DIORIO MOVED TO RECOMMEND APPROVAL OF THE COMPREHENSIVE PLAN DRAFT TO THE  
TOWN COUNCIL

**16** MR. HOLBERTON SECONDED THE MOTION.

MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

**18**

**20** Election of Planning Board Officers - Chair, Vice Chair, and Secretary

**22** After a brief discussion, Mr. DiOrio was elected to remain Planning Board Chairperson, Ms.  
Williams was elected to remain Vice Chairperson, and Mr. Bedoya was elected to be the  
**24** Planning Board Secretary.

**26**

Discussion - Wind Ordinance Draft

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**30** The Hopkinton Conservation Commission has been working on a draft of an ordinance to  
allow wind turbines to be permitted in Hopkinton. Mr. Harvey Buford has already hosted a  
**32** workshop with the Town Council, leading to the ordinance proposal being separated from  
the Farm Viability Ordinance and made into a standalone ordinance. Some of the language in  
**34** it is similar to the solar ordinance the Town has passed. The Town Council’s concern with the  
turbines is that they could become too numerous if allowed in residential land. The  
Conservation Commission has worked on ways to prevent over-development. A fact sheet  
**36** distributed to the Board shows several ways to restrict their density through the zoning  
ordinance. Another option could be sunseting the ordinance, allowing for it to apply for only  
**38** a limited amount of time, rather than in perpetuity. Future Town Councils could elect to  
extend or amend the ordinance, or allow it to expire. Mr. Buford stated his hopes that farmers  
**40** could use wind energy to help the farm without eating up a lot of land like solar projects do.  
The Town could be interested in purchasing the Brushy Brook property and putting wind  
**42** turbines up there.

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**2** Questions from the Planning Board:

**4** Mr. DiOrio: Are farms being defined precisely enough in the ordinance to prevent abuse?

**6** Mr. Buford: I hope so. There is the acreage requirement, and the need of IRS Form 1040-F. Combined with a sunset clause, that could limit the Town’s exposure to risk.

**8** Mr. DiOrio: Is there a way to prevent applicants from requesting variances from the requirements of the ordinance? I think another obstacle for you is that it may not be desired by the town.

**10** Mr. Buford: This is a real way to keep farms in town. Innovative farms are being leased, but much of that land has conservation easements on it. Reasons to support this are numerous, **12** opposition is basically a resistance to change.

**14** Ms. Williams: Could the ordinance include a balloon test, like the requirement we have for communications towers?

Mr. Buford: The turbines are in the 425’ range. I’ve brought photos for scale.

**16** Mr. DiOrio: I think the balloon test is a good idea. I also think that we shouldn’t discount the view of the Town from the highway.

**18** The Board took no action on this issue. Informally, they had varying opinions on the concept **20** of wind turbines in Hopkinton, but the ordinance needs greater specificity in order to be supported. The Wind Ordinance is going back before the Town Council for a workshop on **22** January 22.

**24** Discussion – Evaluation of effects of Photovoltaic Solar Energy System ordinance since **26** passage

**28** Mr. Bedoya asked that this topic be added to the agenda, based on concerns he has of the large **30** number of solar projects brought before the Planning Board since the ordinance was passed. He said he was not seeking to limit the development, but said that if they keep being proposed at a high rate, they could crowd out other commercial and manufacturing development that **32** would otherwise use the appropriately zoned land. Ms. Williams raised the issue that the Planning Board is bound by the Town’s Comprehensive Plan and the Zoning Ordinance. She **34** said solar is mentioned favorably in the Comprehensive Plan, but not as economic development. Perhaps public opinion is needed to see if the perceptions have changed. Mr. **36** DiOrio said that the same argument could have been made against subdivision in the past. If people are legally allowed to use their property in a certain way, the Planning Board is not **38** empowered to regulate it. Zoning is the most appropriate way to regulate land use. Ms. Williams said that she didn’t think the town’s residents have fully appreciated the impact of **40** these developments, because most of them haven’t been built yet. Mr. Holberton agreed that he thinks the solar development has been allowed to expand too quickly, and that the one- **42** acre sites spot-zoned around town is not the way to develop these sites. He is incensed that the state has set the tax rates for solar projects. Mr. Stano Trombino addressed the Board **44** during this discussion, who developed the first solar project in town on Bank Street. He said that there were some misconceptions that just because a project had been approved doesn’t

2 mean that it will be built in the end. Some projects won't be up to National Grid standards,  
4 the process can take 18-24 months to get approved from them. He also said that the state's  
6 model for solar taxation is actually based on work done in Hopkinton, so it closely resembles  
8 what the Town has considered already.

10 No formal action was taken by the Planning Board. Mr. DiOrio suggested to Mr. Bedoya that  
12 he refine his concerns and create a supportable strategy for addressing his concern for the  
14 Town to consider.

16 **APPROVAL OF MINUTES:**

18 MR. HOLBERTON MOVED TO APPROVE THE MINUTES FROM THE DECEMBER 6, 2017 PLANNING  
20 BOARD MEETING.

22 MS. WILLIAMS SECONDED THE MOTION.

24 MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSED.

26 **SOLICITOR'S REPORT:**

28 None

30 **PLANNER'S REPORT:**

32 Jalbert Administrative Subdivision was approved. Mr. DiOrio volunteered his services to  
34 review surveys that come before the Town, in order to ensure surveyors are complying with  
36 the new professional regulations for surveying.

38 **CORRESPONDENCE AND UPDATES:**

40 None

42 **PUBLIC COMMENT:**

None

**DATE OF NEXT REGULAR MEETING:** February 7, 2018

**ADJOURNMENT:**

MR. HOLBERTON MOVED TO ADJOURN THE MEETING

MR. DIORIO SECONDED THE MOTION

MR. DIORIO, MS. WILLIAMS, MR. HOLBERTON, AND MR. BEDOYA APPROVED. MOTION PASSES.

The meeting adjourned at 9:00 P.M.

Attest: \_\_\_\_\_

Sean Henry, Planning Board Clerk