TOWN OF HOPKINTON
PLANNING BOARD

Thursday, December 14, 2023
7:00 P.M.
Hopkinton Town Hall
1 Town House Road, Hopkinton, RI 02833

MOMENT OF SILENT MEDITATION AND A SALUTE TO THE FLAG: Chairman Prellwitz led the meeting in a salute to the Flag.

CALL TO ORDER:

In Hopkinton on the fourteenth day of December 2023 A.D. the meeting was called to order by Chairman Ronald Prellwitz at 7:00 p.m. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

ROLL CALL:

Mr. Prellwitz, Mr. Wayles, Ms. Bolek, Mr. Spencer, Mr. Terranova, Mr. Kohlman and Mr. James were all in attendance, as well as Interim Planner Ashley Sweet and Solicitor Scott Levesque.

OLD BUSINESS:

1. Proposed zoning ordinance amendments and advisory opinion to the Town Council in response to legislative changes effective January 1, 2024.

   The proposed revisions include amendments to: Section 2 – Definitions; Section 5 – Aquifer protection permits; Section 5.5 Photovoltaic solar energy systems; Section 7 – Substandard lots of record; Section 8 – Nonconforming development; Section 9 – Variances; Section 10 – Special-use permits; Section 11 – Special conditions; Section 12 – Substantially complete applications/creation of vested rights; Section 13 – Administrative permitted modifications; Section 14 – Land development projects; Section 15 – Development plan review; Section 16 – Adoption and amendment to zoning ordinance map; Section 17 – Administration and enforcement of the zoning ordinance; Section 19 – Zoning board, establishment and procedures; Section 20 – Powers and duties of the zoning board; Section 22 – Violations and enforcement; Section 23 – Decisions and records of the zoning board; Section 24 – Appeals to the zoning board; Section 26 – Appeals; Section 30 – Number of structures; Section 31 – Height exceptions; Section 37 – Planned unit development; Section 38 – Comprehensive permit developments; Section 39 – Adaptive reuse; Section 40 – Unified development review; Inclusionary zoning.

   The intent and effect of the proposed amendments is to bring the Town's Zoning Ordinance into conformance with the amendments to the Development Review Act enacted by the State Legislature earlier this year.

   The Planning Board may discuss, consider and possibly vote on a recommendation to the Town Council on the proposed zoning amendments.

Ms. Sweet wished to go through each section to answer any questions that the Board had. They started with Section 2 – Definitions. She noted that in a couple of places they were not using the exact state definition and she felt that they should. Mr. Prellwitz advised that he had a concern with the way accessory dwelling unit was written in that it would now allow people, other than a family member, to live there. Ms. Sweet noted that this was now state law. On page 9, the definition for impervious surface read that gravel shall not be considered an impervious surface and Solicitor Levesque wondered why that was added. Attorney Ellsworth noted that had been Al DiOrio's suggestion, but she could take it out. Mr. Terranova thought this was not well enough defined to understand what that meant and was recycled asphalt considered gravel. Solicitor Levesque noted that he is accustomed to gravel being considered a pervious surface. The Board wished to delete that statement. Ms. Sweet noted that her comment about development plan review was to add a definition back in but the definition did not match state law. Attorney Ellsworth believed that it was consistent with the state law. Ms. Sweet and Solicitor Levesque wished the state law version be in these ordinances. The next comments were on Section 5 – Aquifer. Ms. Bolek asked about the addition in section (D)(a) and Attorney Ellsworth noted that this was a suggestion and it was based upon the fact that she did not believe it was a good idea for the zoning board to meet informally with the applicant and talk about waivers before the actual public hearing started because there was a chance that something might be used by the zoning board in their decision but it would not be legal evidence. Solicitor Levesque noted that waivers are typically something that are asked for before the hearing. They are not entitled to a hearing before they have a complete application or a granted waiver for any items not provided. It is not appropriate to have a hearing before the waivers are addressed. Also, this section did not address what happens if a waiver was not granted and Attorney Ellsworth noted that she would add some language in that regard. Section 8, Nonconforming development, Solicitor Sypole brought their attention to page 1, paragraph (c) Nonconforming by dimension. It read that they were allowing enlargement or expansion by special use permit. He wondered if they had established any standards for that. Attorney Ellsworth indicated no. He believed that this would then be allowed by right and expose the town to that kind of argument. There was discussion about the special use permits and what to do with them. Ms. Sweet felt that the best approach would be to get rid of special use permits in every circumstance that they could and draft some strong performance standards. Attorney Ellsworth recommended if the Board was very concerned about the special use permit issue as it concerned legal nonconforming uses, they prohibit alteration, expansion or enlargement of legal nonconforming uses. The Board agreed to do this and wished to revisit the special use permit issue. Section 9 – Variances, Ms. Sweet noted that in this section where it talked about notice requirements for newspaper advertisement, they struck the word general and replaced it with local. She wished it to be local and not Hopkinton. It was noted that they would leave Section 10 – Special-use permits as is and thereafter go through the use table and change any special use permits to either permitted or not permitted. In Section 11 – Special conditions, Ms. Sweet noted going back to special use permits and the idea that the intent of the language was to make essentially special use permits a box checking exercise, could there be special conditions attached to those. Attorney Ellsworth believed there would be situations that they could, and it would depend on what the special use was. Solicitor Levesque believed the chances of that occurring now were probably slim to known because it would either be by right or it would not be allowed by special use permit, but this should be flagged because it was

worthy of discussion when and if they were allowing a special use permit by use. He recommended that they did not change this now, but to come back at a later time to review this. It was decided to delete the words "or special use permit". Regarding Section 13 – Administrative permitted modifications, Attorney Ellsworth noted that the only change was that the Board had decided to increase the modification for lot coverage to fifteen percent. There was discussion on Section 15 – Development plan review and Ms. Sweet believed this section was okay and noted that she had met with Deputy Zoning Officer Sherri Desjardins, and they went over the travel of this ordinance. She believed there was a potential issue with the cluster and compound. Some of the language is the same but the structure and other language is different. Solicitor Levesque suggested they table this particular item. Attorney Ellsworth noted that this was changed from what she had received from the Town Clerk's office and written to be consistent with the enabling legislative changes. Attorney Ellsworth noted that their choices were either to recommend what is in this draft or they could take it out of this draft and look at it again and compare it to what may be the correct version and see if they want to make any changes and then see if the Council will approve that version. Attorney Ellsworth suggested the Planning Board send this as written to the Council and then immediately find the alleged correct version and then sit down and compare them and make any changes that they want to this and then send it back to the Council with any requested changes. That way they would not be without the substantive requirements that they need to have in the zoning ordinance. Ms. Sweet asked if they could repeal the prior section and insert this new section. Solicitor Levesque noted that they need to be confident that they are repealing the right chapter number. He added that they should earmark this, stating that the Planning Board would be recommending that they adopt this chart into the zoning ordinance and repeal anything pre-existing or prior to it. Ms. Sweet noted that they would need to know this by Monday. Ms. Sweet noted that the Council would need to repeal Article III under development plan review. Solicitor Levesque wished to revisit Section 14 – Land development projects, on page 16 there is a section that dealt with deed restrictions and homeowners associations. When this was adopted the first time, there was a strong feeling by the Board that there be deed restrictions included on any of these where the town would never be requested to take the private road or any infrastructure and that a homeowner's association be established to take care of any of those issues. He noted that this was stricken out of this section and wondered why that was done and if it was put somewhere else. Attorney Ellsworth believed this was now in the subdivision regulations. Section 16 – Adoption and amendment to zoning ordinance map, Attorney Ellsworth noted that this was the other spot where local advertising versus general was changed. Ms. Sweet had a comment on Section 17 – Administration and enforcement of the zoning ordinance, which was under section (b), that state law gives you the choice of whether it is the zoning enforcement officer or the zoning board that makes these decisions and Attorney Ellsworth had inserted zoning enforcement officer. She wished to confirm that this was the policy the town wished to set. Attorney Ellsworth explained that the reason she did this was that if someone did not agree with the zoning enforcement officer's determination the appeal would go to the zoning board anyway. Solicitor Levesque noted that he was used to seeing something that said that if a use was not listed in the use table, then it was not permitted. Maybe the language should be if the use is not in the use table than it is not permitted unless… and then have this process built in whereby this use is possible. He also added that it was his understanding that historically it has always been the zoning enforcement officer who

makes that determination and from a legal perspective it probably is more advantageous to give two bites at the apple as Attorney Ellsworth suggested. There were no changes to Section 19 – Zoning board, establishment and procedures. Section 20 – Powers and duties of the zoning board, number 2(b) on the back page, Ms. Bolek advised that it said, "affirmative votes of a majority of the sitting members" and it was noted that four members of the zoning board were required to be present to conduct a meeting. There were no changes to Section 22 – Violations and enforcement. In Section 23 – Decisions and records of the zoning board, in the past the legislature had noted that the board had fifteen days to render a decision. There were no concerns with Section 24 – Appeals to the zoning board. Mr. Prellwitz asked if there were guidelines for Section 26 – Appeals and Attorney Ellsworth felt that this was more for informational purposes. Regarding Section 30 – Number of structures, Ms. Bolek believed that Hopkinton did not allow trailers or mobile homes, only if they were grandfathered in. Attorney Ellsworth felt that the wording in that section meant that someone would need planning board approval to have more than one principal structure on a lot. Ms. Sweet thought that this meant that someone could have more than one single family home on a lot if they came and asked for planning board approval. They could also have two trailers or two mobile homes if the board gave their approval. Solicitor Levesque noted that two principal structures on a lot are not allowed. Ms. Sweet noted that previously the section stated that not more than one but now it says not more than one unless the board says so. They would be changing the town's policy of only one structure on a lot. Mr. Prellwitz was not happy with that, and Attorney Ellsworth noted that she would take that out unless it was part of a land development project. Mr. Prellwitz noted that in Section 31 – Height exceptions, that was changed from height restrictions, but the language was the same. Attorney Ellsworth felt the language added was just to clarify what was previously stated. Regarding Section 37 – Planned unit development, Ms. Sweet noted that this was one of the problem sections. She noted that ordinance 237 amended PUD and repealed Chapter 13.5, section 13.5-26 through 13.5-43 and replaced it in its entirety with a new planned unit development ordinance in July 2014. Attorney Ellsworth advised that the Board could hold on to this to assure that it matches the current version and not include it in the recommendation to the Council. Ms. Sweet recommended that the Board ask that the Town Council hold this because it will be in their packet. They went on to Section 38 – Comprehensive permit developments for low- to moderate- income housing. Attorney Ellsworth advised that this was one of the sections of the enabling legislation where there were extensive changes, and it was easier to redraft the whole thing rather than make changes. Ms. Bolek noted a typo on page 5 in section 2(a)(3) which referenced Richmond. Ms. Sweet noted that in the changes to 45-53, they added a definition of adjustments which is "An adjustment means a request or request from the applicant to seek relief from the literal use and dimensional requirements of the municipal zoning ordinance and/or the design standards or requirements of the municipal land development and subdivision regulations. The standard for the local review board's consideration of adjustment is set forth in the…section." She felt this was different from a subsidy because there also was a definition for municipal government subsidy which was, "Assistance that is made available through the city or town program sufficient to make housing affordable or affordable housing as defined in… such assistance shall include a combination of, but is not limited to, direct financial support, abatement of taxes, waiver of fees and charges, approval of density bonuses, and/or internal subsidies, zoning incentives and adjustments as defined in this section and any combination of forms of

assistance." She believed this meant that an adjustment was a subsidy, but a subsidy was not an adjustment. She felt this should be labeled mandatory municipal subsidy. Attorney Ellsworth believed they attended to name these adjustments because in the past they were called waivers, which was confusing. She noted that she would strike that sentence and substitute the definitions with the precise words that were used in the enabling legislation. Ms. Sweet felt that (C) should be titled "Mandatory subsidies" and it should say the planning board shall approve subsidies and adjustments to the requirements of the zoning ordinance. Attorney Ellsworth agreed to make these two separate sections; strike the last sentence in that first paragraph under mandatory adjustments; and change the definitions of adjustment and municipal government subsidy to say exactly what they say in the enabling legislation. There was discussion regarding Section 39 – Adaptive reuse and it was noted that someone would get more density if they built without low- and moderate- income housing. Ms. Sweet noted that the two provisions say that it is fifteen units per acre when you are in the existing footprint when it includes 20% low- to moderate- income housing and then it says if you have access to public water or sewer or an alternative system that has been approved. For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing and has access to public sewer and water service or an approvable alternative. The question is what is the number that they will get if they meet all minimum housing standards. There is no way to know. It could be five units per acre or twenty-six. The only way to determine how someone can meet the minimum housing standards in an existing structure is to do an architectural floor plan. Ms. Sweet wished to take out the language that indicates a number of units per acre because they did not know the size of the building or the number of acres that it is sitting on. She believed that anyone applying for this should provide an architectural floor plan to prove the density. Regarding paragraphs (F)(1) and F(2), Ms. Sweet noted that if they were going to allow this by special use permit, they would have to have specific and objective criteria for it. Attorney Ellsworth noted that she would delete the words "by special use permit" and give the planning board authority to approve the addition to an existing building. Attorney Ellsworth noted that the only thing she added to Section 40 – Unified development review, was aquifer protection permits to variances and special use permits. Solicitor Levesque stated that his only concern was that the unified review for variances and for special use permits is enabled by state law. There was no similar provision enabling a planning board to grant an aquifer protection permit. Attorney Ellsworth agreed that there was nothing in the zoning ordinance that allows the zoning board to grant them either. Solicitor Levesque believed this to be a policy decision because currently the zoning board would be dealing with aquifer protection permits. Attorney Ellsworth felt the zoning ordinance should be amended to call the aquifer protection permits special use permits or some other things like permitted uses with performance standards. This is a new kind of relief that was invented just for the aquifer overlay and she was not sure that this would hold up legally. Lastly, the Board discussed the Technical Review committee. Ms. Bolek asked if they needed to specify to the Town Council who they would like to have sitting on this committee and Attorney Ellsworth advised yes. Ms. Sweet suggested that this state that the members "may" be, rather than "shall" be. The Board agreed with "may". She also noted that the planning board needed to come up with rules for this committee to operate under and who the appointing authority will be. Mr. Prellwitz' concern was how this would be received when they tell someone they have to come to these meetings.

Attorney Ellsworth noted that this committee was supposed to be made up of employees who meet during work hours. Ms. Bolek believed that enacting this committee would help to protect the town because the planning department would be getting even more work than they have already. Ms. Sweet agreed that there were people who did not like the idea of this committee; however, the Planner should not have to make these decisions. Ms. Sweet noted that the law indicated that the planning board needed to adopt procedures for this committee and could they meet before those procedures were adopted. Attorney Ellsworth felt that it would be a good idea if this committee met before the procedures were adopted so they could determine what kind of issues may come up and would need to be addressed in the regulations. Solicitor Levesque and Ms. Sweet both felt that they would like to see the procedures in place before this committee met. Ms. Sweet indicated that she had some procedures that they could review and revise.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO SEND AN ADVISORY OPINION TO THE TOWN COUNCIL THAT THEY ADOPT THE PROPOSED REVISIONS WITH THE AFOREMENTIONED MODIFICATIONS FOR SECTIONS 2, 5, 5.5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 24, 26, 30, 31, 38, 39, 40.

IN FAVOR: Prellwitz, Wayles, Bolek, Terranova, Spencer
OPPOSED: None.

SO VOTED

NEW BUSINESS:

1. Public hearing for adoption of amendments to the subdivision regulations in response to legislative changes effective January 1, 2024.

A MOTION WAS MADE BY MS. WAYLES AND SECONDED BY MS. BOLEK TO OPEN THE HEARING FOR ADOPTION OF THE AMENDMENTS TO THE SUBDIVISION REGULATIONS IN RESPONSE TO LEGISLATION CHANGES EFFECTIVE JANUARY 1, 2024.

IN FAVOR: Prellwitz, Wayles, Bolek, Terranova, Spencer
OPPOSED: None.

SO VOTED

The proposed revisions include amendments to: Article I – Authority and Intent; Article II – Definitions; Article III – Procedural Overview; Article VII – Minor Land Development Projects; Article VIII – Major Land Development Projects; Article XI – Waivers; Article XII – Violations; Article XIII – Amendment; Article XIV – Administration; and Article XV – Appeals. There are no amendments proposed to Articles IV, V, VI, IX, X, XVI or XVII.

The intent and effect of the proposed regulation amendments is to bring the Town's Land Development and Subdivision Regulations into conformance with the amendments to the Development Plan Review Act enacted by the State Legislature earlier this year.

The Planning Board may discuss, consider and possibly vote on adopting proposed changes to the subdivision regulations.

Ms. Sweet commented that Article I, Section 1.6.2 had a typo and should read "…minor subdivisions and minor"… Regarding Article II – Definitions, Ms. Sweet commented that there were a couple of places which were not the same as state law and they were: administrative subdivision; certificate of completeness; development plan review; major land development project; and minor land development project. Attorney Ellsworth noted that she had made all of those changes. Solicitor Levesque suggested that the last sentence in the definition of administrative officer concerned him. It read: "The chairperson of the planning board shall serve as the acting administrative officer if the administrative officer is absent or unavailable." Attorney Ellsworth explained that she added that because there needed to be someone who could sign plans, but she could take this out. Ms. Bolek asked if that could be the clerk in the planner's office and Ms. Sweet advised that the clerk could not sign. Mr. Prellwitz was concerned about the way that sentence was written because it sounded to him like the chair would be taking over the administrative officer's position. Ms. Sweet believed there needed to be someone who could sign things for if there was an extended absence, unexpected absence or if someone went on vacation for two weeks. If an application came in they would only have so many days to certify the application complete otherwise it would be an automatic certification. Ms. Bolek agreed; however, did not believe a volunteer board should be the back-up. Ms. Sweet suggested that this could be whomever they chose but that person should have the ability to review a plan and certify it. It was decided that they would leave the wording in as it was but check with the Town Council for their guidance on who to name as the backup. Ms. Sweet advised that permitting authority was added back into the definitions. Ms. Sweet advised that Article III - Procedural Overview was existing language. Under 3.1.15(b) it states, "may require an approved alternative type of development." Regarding section 3.3.1 where it states, "If the applicant requests a modification, the administrative officer shall transmit the application to the zoning enforcement officer," and then what? Her concern was that modifications were not addressed in the unified development review, this was incomplete. She thought that if that sentence was to remain there, they should reference the modification provisions so that the reader knows what the process is. Solicitor Levesque felt that this would either be granted as a modification or referred back to the board. Ms. Sweet noted that the law specifies what the process is when you have a modification. Solicitor Levesque suggested that language be added that the modification will either be granted pursuant to the process enumerated at… or brought back to the board. In 3.3.5, Ms. Sweet wished to add a sentence that read: "If the additional relief is granted, it shall be conditioned upon approval of the final plan." In Article VII – Minor Land Development Projects and Minor Subdivisions, Mr. Wayles questioned section 7.4.3, site visits, page 11, where it read that site visits shall be considered a meeting of a public body pursuant to the RI Open Meetings Act and the time and location shall be posted and the applicant shall send notice of the site visit to the property owners within 1,000 feet and members of the public are permitted to attend and the minutes shall be recorded; however, the planning board shall take no formal action during the site visit and any comments made by the planning

board members or other public officials shall not be construed as decisions or determinations. He noted that this was not how they had been handling site visits. Solicitor Levesque noted that this is the procedure that should be followed, and Attorney Ellsworth noted that this was what was in the existing regulations, and it was not new. Article VIII – Major Land Development Projects, Ms. Sweet noted, and Solicitor Levesque agreed, that in the fifth paragraph regarding pre-application review, she felt this was an inappropriate level of detail for a pre-application. She wished this to be done at the master plan stage of review. It was agreed that this would be changed to master plan. It was noted that the administrative officer was now the only one who could combine stages of review, not the planning board anymore. In section 8.3.3, Ms. Sweet commented that the wording, "the planning board shall conduct a public hearing before a decision on the master plan approval," she wished to strike out the word 'approval' because she did not think they should imply that it is an approval. Attorney Ellsworth noted on page 6 in section 3.3.3(e), language regarding testimony under oath was added per the request of Attorney Sypole. Section 8.6(d) was discussed regarding submission requirements for preliminary plan and Attorney Ellsworth noted that it was how the statute read. Ms. Sweet asked how these were used currently because there is also a checklist. Were these in addition to the checklist? If these are being used as items for certification of completeness then the copies of the federal, state and municipal permits conflicts with the state law that says in order to be certified you have to submit them before you can get a decision. She did not want this interpreted as a checklist item. It was noted that in section 8.6.3 that two paragraphs were added, which Attorney Ellsworth read. In section 8.6.4 Ms. Sweet noted the second paragraph could be deleted due to the addition of the language to section 8.6.3.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO EXTEND THE MEETING TO 11:00 P.M.

IN FAVOR: Prellwitz, Wayles, Bolek, Terranova, Spencer
OPPOSED: None.

SO VOTED

Regarding Article IX – Land Development categories, on page 2, Mr. Wayles noted that there was a paragraph crossed out and replaced with a paragraph immediately under it. He asked if this was just a rewording and Attorney Ellsworth stated yes. Ms. Sweet commented that she was concerned about using the word street and would this trigger a public hearing. Attorney Ellsworth noted that if they did not use the word street, the lots will not have frontage. Ms. Sweet noted that compounds often allowed driveways, such as a shared driveway as long as there was fifty feet of frontage on a road. Attorney Ellsworth noted that the regulations do allow a right-of-way across somebody else's lot. There was discussion regarding streets and driveways, and it was decided that this would be a discussion for another night. Mr. Wayles asked if they needed to do anything with page 17, section 9.3 because of the changes made in 37 and Attorney Ellsworth felt that they could but the crossed-out language was already in the regulations; however, if there was not an ordinance to enable it then it should not be in the regulations. She noted that she would strike all the language until the ordinance was straightened out and then it could be added. Ms. Sweet questioned section 9.2 and Attorney Ellsworth noted that she

had changed that section and taken out the duplicate sentence. In section 9.4.1, Ms. Sweet felt that there was an issue that development plan review is basically the same as minor land development now, except the categories are different but there is a lot of overlap. She did not believe there was anything left for development plan review. The question becomes what trumps what and she thought that minor land development trumps development plan review. Possibly they should add language that states that it would be development plan review if they were determined not to be a minor land development. This would provide some direction. If you just use the state definition, then this is not clear. Attorney Ellsworth was unsure if one trumped the other and if that was a problem, they could solve in the subdivision regulations. Solicitor Levesque noted that he has had this debate before and when they were reformatting the development plan review in Westerly one of the catch-all's they put in was in essence, you were not a major and you otherwise qualified and became development plan review. It was agreed that they would add this language. In section 9.4.5(a), Administrative Development Plan Review, Attorney Ellsworth noted that she added to "…administrative officer or the technical review committee. Ms. Sweet believed that this had to be the administrative officer, even though the law gave the Technical Review Committee some ability to make decisions, but only in two instances: (1) formal development plan review, and (2) final for minor subdivisions. Attorney Ellsworth noted that she would remove the words "technical review committee" from section 9.4.5 and add administrative officer, technical review committee or planning board to section 9.4.6 Formal development plan review. Mr. Wayles was curious why design standards were completely crossed out and Attorney Ellsworth noted that she moved that somewhere else.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO EXTEND THE MEETING TO 12:00 A.M.

IN FAVOR: Prellwitz, Wayles, Bolek, Terranova, Spencer
OPPOSED: None.

SO VOTED

There were no changes to Articles XI, XII and XIII. Ms. Sweet questioned Article XIV – Administration and asked if they had to make the administrative officer and the town planner one and the same. Attorney Ellsworth did not believe they had to. Ms. Sweet agreed and felt they may not want to mandate that. Mr. Terranova thought that somewhere in these ordinances it stated that the town planner was the administrative officer, and Mr. Wayles agreed. Solicitor Levesque asked how they would define the administrative officer if they were not the town planner. Ms. Sweet noted that in Scituate the administrative officer was the clerk in the office. She felt that they might want to word that so they could have these positions separate if they wanted to, but Attorney Ellsworth recommended against that because the administrative officer now has the responsibility of approving minor subdivisions and land development projects. It was decided that they would leave the town planner as the administrative officer. Ms. Sweet noted that she had no comments on the rest of the sections. Attorney Ellsworth pointed out that Section 14.2 was new regarding the technical review committee. It starts with the same language that was in the zoning ordinance section, but it also has more detail

about exactly what the committee does and its responsibilities. Mr. Wayles wished the 'may'/'shall' be changed in this section. There was discussion regarding section 14.3, Board of Appeal. Mr. Terranova asked who the Board of Appeal was, and Attorney Ellsworth replied that it was the zoning board sitting as the Board of Appeal but under the changes to the legislation, the Board of Appeal was going to have virtually nothing to do because the appeals that once went there will now go directly to the Superior Court. The only appeals that the Board of Appeals will hear are appeals of determinations and interpretations of the zoning ordinance by the zoning enforcement officer or the administrative officer.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO CLOSE THE PUBLIC HEARING FOR ADOPTION OF AMENDMENTS TO THE SUBDIVISION REGULATIONS IN RESPONSE TO LEGISLATIVE CHANGES EFFECTIVE JANUARY 1, 2024.

IN FAVOR: Prellwitz, Wayles, Bolek, Terranova, Spencer
OPPOSED: None.

SO VOTED

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO ADOPT THE PROPOSED AMENDMENTS TO ARTICLE I, ARTICLE II, ARTICLE III, ARTICLE VII, ARTICLE VIII, ARTICLE XI, ARTICLE XII, ARTICLE XIII, ARTICLE XIV, ARTICLE XV WITH THE AFOREMENTIONED CHANGES AS DISCUSSED.

IN FAVOR: Prellwitz, Wayles, Bolek, Terranova, Spencer
OPPOSED: None.

SO VOTED

2. Town of Hopkinton Planning Board Meeting Calendar for regular meetings scheduled in 2024.

The Planning Board may discuss, consider and possibly vote on adopting the planning board meeting calendar for 2024.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO ADOPT THE REGULAR MEETING CALENDAR AS INCLUDED IN THEIR PACKETS FOR THE MEETINGS IN 2024 FOR THE HOPKINTON PLANNING BOARD.

IN FAVOR: Prellwitz, Wayles, Bolek, Terranova, Spencer
OPPOSED: None.

SO VOTED

SOLICITOR'S REPORT:

None.

PLANNER'S REPORT:

None.

CORRESPONDENCE AND UPDATES:

Town of Charlestown Planning Commission to hear and act upon amendments to the Charlestown Land Development and Subdivision Regulations.

This notice was provided to the Board as an abutting community in case anyone wished to attend.

PUBLIC COMMENT

No one spoke during public forum.

DATE OF NEXT MEETING:

January 3, 2024, at 7:00 p.m. in the Council chambers.

ADJOURNMENT:

A MOTION WAS MADE BY CHRISTINA BOLEK AND SECONDED BY CECIL WAYLES TO ADJOURN.

SO VOTED

Marita D. Murray, CMC
Town Clerk