

**TOWN OF HOPKINTON
PLANNING BOARD**

**Wednesday, February 7, 2024
7:00 P.M.**

**Hopkinton Town Hall
1 Town House Road, Hopkinton, RI 02833**

MOMENT OF SILENT MEDITATION AND A SALUTE TO THE FLAG: Vice Chairwoman Christina Bolek led the meeting in a salute to the Flag.

CALL TO ORDER:

In Hopkinton on the seventh day of February 2024 A.D. the meeting was called to order by Vice Chairwoman Christina Bolek at 7:00 p.m. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

ROLL CALL:

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

PRE-ROLL FOR MARCH 6, 2024, PLANNING BOARD MEETING: All members planned to attend the March 6, 2024, meeting.

APPROVAL OF MINUTES: December 13, 2023, December 14, 2023, January 3, 2024, and January 27, 2024.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MR. SPENCER TO APPROVE THE MINUTES FOR DECEMBER 13, 2023, DECEMBER 14, 2023, AND JANUARY 3, 2024.

IN FAVOR: Wayles, Bolek, Spencer, Terranova, James
OPPOSED: None

SO VOTED

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MR. SPENCER TO APPROVE THE MEETING MINUTES OF JANUARY 27, 2024.

IN FAVOR: Bolek, Spencer, James
OPPOSED: None
ABSTAIN: Wayles, Terranova

SO VOTED

OLD BUSINESS:

Comolli Solar

Continuation Request - Preliminary Plan – Continued Public Hearing – Major Land Development Project – **Comolli Solar** - Plat 2, Lot 73, Unit 2, 0 Chase Hill Road. Comolli Solar, LLC and Comolli Granite Co., Inc., applicant.

The applicant has requested a continuance to the Planning Board's March 6, 2024, meeting.

Interim Planner Sweet noted that Attorney Joelle Rocha was present via Zoom in the Board had any questions of her; however, the applicant had requested a continuance to the March 6, 2024, meeting for they are actively working with Crossman Engineering to address their comments.

Ms. Wayles asked if this matter would be referred to the Technical Review Committee. Ms. Sweet felt that since they were mid-stride it would be awkward to send them in the middle of an application. In fairness to the applicant they should be allowed to continue "AS IS". Solicitor Levesque agreed with Ms. Sweet and noted that this was a vested application under the old law.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MR. SPENCER TO EXTEND THE COMOLLI SOLAR PRELIMINARY PLAN PUBLIC HEARING TO MARCH 6, 2024, AT 7:00 P.M. IN THE COUNCIL CHAMBERS AND EXTEND THE DECISION DATE TO MARCH 31, 2024.

IN FAVOR: Wayles, Bolek, Spencer, Terranova, James

OPPOSED: None

SO VOTED

Planning Board Rules of Procedures

The Planning Board may discuss, consider and possibly vote on rules of procedures at this meeting.

Ms. Sweet indicated that she had provided the Board with a draft based on what Solicitor Levesque had provided at a prior meeting. Mr. Terranova believed there was a typo on page two, in the first sentence of no. 1(b) where it states that all members shall "receive also receive". Ms. Sweet noted that she would delete the first "receive". Mr. Terranova also asked if they were changing their meeting time to 6:00 p.m. and Ms. Sweet explained that she had put that in there because there was discussion about that; however, she was unsure whether they wished to change the time or not. Mr. Wayles thought they had decided to change the time and Ms. Bolek believed that Mr. Frenette, the IT Director, wished to speak with the Town Manager about this. Mr. Frenette advised that he had not spoken to the Manager yet but would report back to Ms. Sweet once he had. Mr. Wayles noted that in the order of business they used to have a public comment section and Solicitor Levesque stated that public comment was removed from the agenda because the Board was a creature of statute, not a Town Council, so they are authorized to review projects that are put before them by way of application and make recommendations as necessary to the Council. There is no right to free range of topics otherwise. The public has the right to speak at a public hearing but otherwise there is no public comment section for the Board because it was not within their authority to have free range over any

issues that may come up. Ms. Sweet added that the public has the right to speak at a public hearing but there was no other requirement or statute requiring them to recognize the public, although the practice of most boards is to allow the public to speak on agenda items. Ms. Bolek wished to wait for Mr. Prellwitz' input on the rules before the Board adopted them. The Board agreed to continue review of the Rules of Procedures to the next meeting.

Amendments to Residential Compound and Residential Cluster – Advisory Opinions

The Planning Board may discuss amendments to the residential compound and residential cluster advisory opinions at this meeting.

Ms. Sweet felt there was some confusion on these two sections when the Council adopted the zoning portion of the amendments. There was an original compound and cluster adopted in the 1990's and another one adopted in 2004 or 2006. In 2014 the town repealed those ordinances and replaced them with a new cluster and compound language which was similar but there were some distinct differences. The subdivision regulations contain the 2014 adopted ordinances that replaced the repealed ones but there was some confusion when the drafting was happening to the zoning portion because those ordinances were adopted outside of the zoning ordinance, so they sit in another section of the code. So, when looking for compounds and cluster in the zoning ordinance they did not appear because they sit elsewhere in the code. Ms. Sweet noted that she had spent considerable time with Deputy Zoning Official Sherri Desjardins comparing the 2014 version with the current version and she believed there was a little bit of disconnect. They are still working on this and there may be a necessity for the town to readopt this ordinance.

NEW BUSINESS:

Clarks Falls

Pre-Application – Proposed Comprehensive Permit – **Clarks Falls** – AP 7, Lots 11 and 14, Clarks Falls Realty, LLC applicant.

The Planning Board may discuss and informally exchange ideas with the applicant, but not vote will be taken.

Attorney Dane Arden was present on behalf of the applicant. Before the Board tonight was a pre-application plan which was somewhat unique for it was a reminder of a master plan that was granted many years ago. The applicant was initially in front of the Planning Board to combine Lots 11 and 14 on Assessor's Plat 7, which is a total of 105 acres with frontage on Clarks Falls Road. The applicant was going to combine these lots and then subdivide them into four new lots and the original proposal was for 64 conventional condominiums, 13 of which would have been affordable and restricted housing. The houses were to be traditional ranches, raised ranches, capes and colonials with a footprint of about 1,000 square feet each. Prior to master plan approval, the

applicant added frontage parcels increasing the proposed project area to about 105 acres with the number of units remaining the same. There were to be individual wells and sewerage disposal was to be a community ISDS of sand filters maintained by the Association. Master Plan was granted by the Board on October 23, 2006, which approved 26 units total with one unit coming from the density bonus. The applicant appealed the conditions placed on the master plan decision to SHAB, who rendered their decision on November 24, 2008. SHAB concluded that the master plan should have been afforded to the developer as amended by the developer and that the terms and conditions imposed by the Planning Board relating to density and residential cluster requirements should be vacated. The town appealed to the Superior Court and the Court affirmed SHAB's decision in August of 2021. Therefore, the applicant received master plan approval by virtue of a Court decision dated August 20, 2021. The applicant exercised its right to a one-year approval and extension to prevent expiration on the master plan on August 20, 2023, and extended the approval to August 20, 2024.

Mr. Wayles wished to summarize that the Planning Board had asked them to build less houses; however, they said no, and the Court backed the applicant.

Kevin Demers of DiPrete Engineering noted that they were the engineers for the project. They had prepared the plan in 2006 as well as the current proposed site plan. Since the decision, they have been back out to the site and located wetlands and done some soil testing to make sure the original layout would still work and there would not be any significant changes, which is the case. There are 54 units proposed for the site. The total site area is 103.9 acres with 52 acres suitable. They are proposed approximately 3,350 feet of paved roadway and the plan shows 940 feet of gravel roadway as a second means of egress. There is a proposed bus stop located at the start of the gravel driveway. They will have sufficient frontage and setbacks as addressed in code. They have submitted to DEM Wetlands in 2022 and the application is pending. They are submitting the Rhode Island DOT physical alternation permit as it is a state-maintained road and the DEM on-site wastewater treatment system plan for a community system, in the near future. They will be submitting plans for stormwater drainage and community septic, and private wells. At the preliminary stage they will coordinate with special emergency services regarding ingress and egress. They will fine tune all of the details when they meet with the Technical Review Committee.

Ms. Bolek asked if there would be an easement on Wich Way and Mr. Demers advised that he would need to review the Class I property line survey but he believed there was an easement that crossed a portion of Lot 14. Ms. Bolek noted that they were planning on using the 2010 regulations concerning the quantity of wetlands and asked if they were comfortable using those regulations. Mr. Demers stated that was the most current set of stormwater regulations. He noted that the wetlands jurisdiction regulations changed in 2022 and they are using the old regulations because they did not want to alter the layout as it was approved in 2021. Mr. Wayles asked if they still planned on building condominiums and Mr. Demers indicated yes, separate townhouses. There will be 54 individual homes with two to three bedrooms each with separate wells. It was noted that a traffic study has been completed and will be submitted.

Foster Parrots

Pre-Application – Proposed Major Land Development – **Foster Parrots** – Map 8, Lot 1, 87A Woodville Alton Road, Foster Parrots, LTD applicant.

The Planning Board may discuss and informally exchange ideas with the applicant, but not vote will be taken.

Brian Kelleher, project manager for Foster Parrots was present, along with Sergio Cherenzia and Sarah Britner from Cherenzia & Associates, the site engineer and Frank Karpowicz, the project architect and Karen Windsor, the Executive Director of Foster Parrots will be present via zoom. Ms. Windsor provided information about Forster Parrots, noting that they moved from Massachusetts to Rhode Island in 2007. They renovated the old Chickadee Farms and they are the largest parrot rescue organization in the northeast. They offer lifelong care for displaced parrots and other wildlife. They are a major resource for humane education in Rhode Island and throughout the region. On April 1, 2021, they had a fire in one of their buildings which took the lives of 95 parrots. They lost 5,600 square feet of their facility, representing a third of their entire sanctuary. Three hundred parrots and reptiles survived the fire. The building was stabilized but the integrity of the old building was compromised by the fire and the flooding. It is necessary to replace the entire facility and they would like to repair the land.

Mr. Cherenzia with Cherenzia & Associates was present and stated that they are the civil engineer and land surveyor for the project. He noted that he has been working with Foster Parrots since 2016 and they did some preliminary work on the site. Mr. Cherenzia went through his plans which showed where the property was located. The lot is 23.3 acres and the site occupies about 6.6 acres. There are two wings to the old building and the parrots are in the furthest wing. There is a big need for this sanctuary. To the rear of the property there is a small duplex that was permitted and constructed in 2016. It is two units, each having one bedroom for full-time caretakers. Thereafter they had fundraising to prepare campus-like aviaries with an educational building. Since the fire, they now want to put something back in that footprint. They have broken up this development into phases. Phase I there is a building on the northerly side of the lot, to the north side of the main building, which is their yard bird house. Phase II would be a partial demolition of the existing structure because with all of the birds that they have at the facility there needs to be a very calculated plan on moving all of the birds to the one side of the building that will stay intact until that side is done and then they would move the birds back and complete the other side of the building. There is also a proposal to demo the building in the front of the property which you can see from the road. This is in terrible disrepair and is abandoned. The new building will be hard to see from the road. Parking will still be to the south of the building, and they will be revamping that. They have shifted the building slightly towards the road to facilitate the phasing of the project and to create a much more robust fire access road around the entire building. They met with the Fire Chief and ran this by him. They are attaching outside cages to the building so some of the birds can go out when the weather is nice. This portion of the site is not subject to any flood zone; they have conducted soil testing to support their storm water and septic system. They had a pre-application meeting with DEM with respect to the septic system because he had never designed a bird sanctuary and there will be some filters added for the feathers. The site has been flagged. They are trying to keep out of those areas. They

will provide a lighting plan which will be dark sky compliant. There is an existing well in the back of the property and they will make sure that everything is good with that. They are not sure if this will be considered a public or private well, but they took the most conservative setback on that.

Ms. Wayles asked how a bus of school kids was going to turn around. Mr. Cherenzia explained that there was an area that they believed buses could back into or they could loop around the building. Mr. Wayles asked if there would be a good fire suppression system in the building so a fire does not happen again, and Mr. Cherenzia referred him to the architect.

Mr. Terranova asked how long the established driveway going to the new parking lot was and Mr. Cherenzia believed it to be 400 to 500 feet and big enough for a bus to turn around and from there it would be a short walk to the facility. Ms. Sweet asked if the existing overflow parking on the east side of the property near Woodville Alton Road was paved and Mr. Cherenzia noted that it was gravel. Ms. Sweet asked if there were any painted lines or if it was just an open space. Mr. Cherenzia noted that it was an open space, but they would delineate lines if need be. Mr. Wayles had read that there was a 30-person event maximum.

Frank Karpowicz of Karpowicz Architect noted that they have an office in Wakefield, Rhode Island. He explained that the building would be approximately 30,000 square feet single story steel structure building, totally non-combustible. It will meet the newly adopted fire codes for animal housing and there will be five fire compartments. The animals will be in a separate compartment as well as the people, which is a way to keep them safe and to prevent the fire from spreading. This building will not have a sprinkler system because of the expense. There will also be a conference room, a large lobby for events, a facility to prepare the birds food and an adoption center. The indoor aviaries will all have openings to the outside. Mr. Wayles asked how many animals they could house in the new building. Ms. Windsor indicated that before the fire they were housing approximately 400 birds and she felt they would stay around that number. Ms. Sweet asked what the building materials would be and Mr. Karpowicz suggested they would be using 4" to 5" metal panels with an indoor and outdoor finish all in one. Mr. Wayles asked if noise would be coming out of the building and Mr. Karpowicz indicated that the building will contain all of the noise unless the doors are open. Ms. Windsor advised that they are motivated to maintain a very positive relationship with their neighbors. Parrots are extremely loud, but she believed they were set back far enough and have enough buffers that during the day they will be no louder than the aircrafts overhead or traffic coming down the road and the birds are put away at night. During the daytime hours there will be some noise, but it will be quiet at night. Ms. Sweet asked what the current building was constructed of and it was indicated that it was all wood. Mr. Kelleher noted that there were exterior aviaries now and there will be more added to the back of the building. He requested, if they had the option, to combine the master plan and preliminary plan stage because they had all of the information that was needed and requested to be placed on the next available meeting. Ms. Sweet advised that the law changed, and the Board was no longer able to make a decision about combining application stages, that was now the job of the Planner. Ms. Sweet indicated that she saw no reason not to combine master and preliminary as long as all checklist items were met.

She asked the applicant to submit it as soon as possible in order to be on the March agenda.

Mr. Kohlman asked about the road going into the site, noting that it narrowed considerably in one spot. Mr. Cherenzia explained that this was reviewed by the fire department, and this was the narrowest width that they would accept. He noted that this would be reviewed again by the Fire Marshal and Fire Chief because the plans have changed slightly because they moved the building slightly, but the roadway has stayed consistent. Mr. Kohlman also questioned the two abandoned septic systems and Mr. Kelleher suggested that they were going through the proper procedure to fill them in. Mr. Kohlman also asked about the two existing wells and Mr. Cherenzia noted that those wells are abandoned and won't be used so they will properly abandon them as well. Lastly, Mr. Kohlman noted that on the north side of the lot there were some PVC 12" and 15" pieces of pipes and asked what they were for. Mr. Cherenzia explained that there were stormwater drains that allowed the water to flow through. These were existing and they were just going to leave them there unless DEM requested otherwise. Ms. Bolek asked Ms. Sweet if this was a matter that should go before the Technical Review Committee and Ms. Sweet felt that this might work out to be one of the TRCs first reviews but she did not want to hold up the application waiting for the TRC to be formed.

Appointment of a Planning Board Member and Alternate Member to the Technical Review Committee

The Planning Board may discuss, consider and possibly vote on a member and alternate member at this meeting.

Ms. Bolek asked Mr. Sweet if she knew of any details of when these meetings would be held. Ms. Sweet noted that she was working with the Town Manager, and they would be finding out more information soon. Mr. Spencer noted that he would volunteer but he could not attend if the meetings were held on Wednesdays. Mr. Wayles felt that he could be an alternate but not the main person. Ms. Bolek asked if they could be appointed on a rotating basis, and it was noted that in the rules it said that someone would be nominated for a year. Mr. Terranova indicated that he could do this as he did not have a day job. Mr. Wayles felt that Mr. Terranova should be the full member and Mr. James could be the alternate.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MR. SPENCER TO APPOINT STANTON TERRANOVA AS THE TECHNICAL REVIEW COMMITTEE PRIMARY MEMBER AND EDWIN JAMES AS THE TECHNICAL REVIEW COMMITTEE ALTERNATE MEMBER.

IN FAVOR: Wayles, Bolek, Spencer, Terranova, James
OPPOSED: None

SO VOTED

Growth Management Ordinance discussion

The Planning Board may review, discuss and make recommendations to the Council regarding the growth management ordinance at this meeting.

Ms. Sweet advised that she had provided the Board with a copy of the prior Growth Management Ordinance for their review. Section 13.5-97 indicates that this ordinance is effective until December 31, 2024, and it must be reviewed for continued applicability by the Planning Board with a recommendation to the Council no later than June 30, 2024. She was giving them this now, so they had plenty of time to review this. This ordinance essentially limits the number of permits that can be issued to 44 for the year. Mr. Wayles asked if they were issuing 44 permits a year. There was discussion regarding this ordinance and some of the new projects that were coming before the Board. Ms. Bolek suggested removing the name of a specific development from this ordinance and seeing if the Town Manager was able to come up with a new formula. Solicitor Levesque added that because they are taking action and limiting development, it would be important to have good evidence for the reasons why they are taking that action. To the extent that there is any information in that set of documents that you feel is outdated, they should ask the Planner or the planning staff to see if they can gather more current information so that they are operating on sufficient evidence to make the recommendation so the Council can also base their decision on sufficient evidence. Mr. Wayles believed that every single number and date in that ordinance was out of date. Ms. Sweet felt they needed to determine if the formula was still relevant, as well as the restrictions or exemptions. This ordinance states that the building official should contact the superintendent in writing to ask for the number of available seats based on the current capacity, less the actual enrollment. Ms. Sweet noted that a growth management ordinance that is based on school capacity has to be recalculated and Mr. Wayles hoped to word this ordinance so that it updates itself annually. Ms. Sweet noted that she wanted answers to several questions, such as has the town ever reached the quota and has anyone ever been denied a permit based on the quota being reached. Ms. Sweet was going to obtain some answers to these questions and obtain copies of other towns' growth management ordinances to see how those were written. This discussion was going to be continued when more information is obtained.

SOLICITOR'S REPORT:

None.

PLANNER'S REPORT:

Ms. Sweet advised that they have approved an administrative subdivision for Frontier Road Pavilion solar wished to combine their lots which was approved.

CORRESPONDENCE AND UPDATES:

Ms. Sweet asked the Board if they had received a letter from John Orlandi dated January 14, 2024. There was no action required. At the start of the meeting Mr. Orlandi had handed her another piece of paper which she would get to the Board members. Mr. Wayles asked how they should view this correspondence, being that the preliminary plan was complete, and final has not started. Solicitor Levesque noted that if they made a decision on preliminary and people kept sending information to them, until there was a next application it was not really associated with anything for there was nothing before

them. They will have to wait for the next phase, which would be final, and then everything associated with that they are going to decide the matter on is part of the record. Everything that has been submitted is not part of the record unless it is attendant to an application that is before you. There is nothing currently pending.

DATE OF NEXT MEETING:

March 6, 2024.

ADJOURNMENT:

A MOTION WAS MADE BY DONALD SPENCER AND SECONDED BY CECIL WAYLES TO ADJOURN.

SO VOTED

Marita D. Murray, CMC
Town Clerk