

**TOWN OF HOPKINTON  
PLANNING BOARD**

**Wednesday, March 6, 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:** Chairman  
Prellwitz led the meeting in a salute to the Flag.

**CALL TO ORDER:**

In Hopkinton on the sixth day of March 2024 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 and Mr. Kohlman  
were all in attendance, as were Interim Planner Ashley Sweet and Solicitor Scott  
Levesque. Mr. James was absent.

**PRE-ROLL FOR APRIL 3, 2024, PLANNING BOARD MEETING:**

All members planned to attend the April 3, 2024, meeting. Interim Planner Sweet noted  
that she would not be able to attend.

**APPROVAL OF MINUTES:**

February 7, 2024.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO  
TABLE THE APPROVAL OF THE FEBRUARY 7, 2024, MINUTES TO THE APRIL  
MEETING.

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

OPPOSED: None

SO VOTED

**OLD BUSINESS:**

**Comolli Solar**

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 Planning Board may discuss, consider, and possibly vote on this Preliminary Plan application at this  
meeting.*

Joelle Rocha, the attorney for the applicant, was present as well as a stenographer. She noted that in November they were before the Planning Board and had gone through the application. Greg Rogowski, Civil and Site Designer of TRC Companies was present and provided an overview of this project. He advised that the proposed layout of this project was designed in accordance with the requirements of the solar ordinance. They have worked with Crossman Engineering to resolve technical comments and they have made some very basic revisions to the stormwater design. They have also added to the plan: (1) some additional plan notes related to construction traffic not being able to travel through the stormwater basins once constructed; (2) dimensions of the road which were requested by the fire department; and (3) inverter and transformer locations. There will also be a six-inch clearance beneath the fence. Attorney Rocha added that this was a unique solar project in that due to the site topography this solar array will not be seen from the river, road, or adjacent properties. The Hopkinton Land Trust will be given a temporary conservation easement during the life of the system, for the area outside the fence. When the project is decommissioned, the conservation easement will be for the entire property. The property is mostly meadow, or the old quarry and they wish this property to remain a meadow and not be reforested. They have addressed all of the other conditions that were placed on this project at the zone change and master plan approval. They are also agreeable with Crossman Engineering providing inspections and monitoring during construction. Attorney Rocha noted that they have been in contact with the fire marshal who is aware of the reduced width of the road. They will not formally review the plan until the building permit stage, and they were working with them so there would not be any surprises. Regarding draft condition #3 regarding the geo-cell system as to the access drive, Attorney Rochelle wished wording added that this only be if required by the fire marshal. Ms. Sweet noted that the Board had Crossman Engineering's memorandum which outlined their concerns and then stated that those concerns have been addressed. The final plans will come with all of the technical edits, and they will ask Crossman to review those plans to assure that everything they have agreed to is included. There was discussion about the road and Attorney Rocha noted that they will make any modifications that the fire marshal recommends or in accordance with the Planning Board's wishes. A geo-cell was explained to be a rotary enforcement material which are plastic square grids that are set down on top of the existing subgrade and then compacted gravel goes on top. Ms. Bolek questioned the condition of a reforestation plan and Ms. Sweet noted that this was a condition of the zone change. The Land Trust has indicated that they would prefer this site to remain a meadow, so the applicant would need to go before the Town Council to have that condition amended. As long as the Planning Board was comfortable with the Land Trust's request, they could relieve the applicant of that condition with the recommendation that they meet all of the conditions of the zone change or if they need to be amended, they will go to the Council and seek that amendment. George Comolli, the applicant, suggested that the reason that the Land Trust and the Comolli's had agreed to this condition was because nothing grows in the area where the Perry junkyard used to be and where the quarry activity was. Cynthia Johnson of the Land Trust was present and agreed with Mr. Comolli that the trails have been marked and they wish to have this area remain as a meadow. Ms. Sweet and the Board went through the list of conditions that the applicant had responded to. There was discussion of the seed mix to be put down once the solar field is installed and after decommissioning. Ms. Bolek suggested that one of the conditions from the zone change approval was that the applicant prepare and submit to the Planning Board for

approval a reasonable plan designed to sustain the native species in and around the PSES during its operation until the facility's closure. Ms. Sweet stated that she felt that this was an odd requirement and did not know how this would be done. She asked the applicant if they could confirm that the mix which they will be planting would be a native species mix. It was suggested that the applicant confirm whether the grass mix that they are going to plant under the panels is native and if not, use one that is. Mr. Wayles wished the applicant to comply with the zoning requirements for native species around the PSES.

There was no public comment.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO CLOSE THE COMOLLI SOLAR PRELIMINARY PLAN PUBLIC INFORMATIONAL HEARING.

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

SO VOTED

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO APPROVE THE APPLICATION WITH THE PRELIMINARY PLAN DRAFT DECISION WITH AMENDMENTS AS DISCUSSED, WITH A WRITTEN DECISION TO COME AT THE NEXT MEETING.

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

SO VOTED

### **Hopkinton Industrial Park General Warehousing**

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

*The applicant has requested a continuance to the Planning Board's May 1<sup>st</sup> board meeting.*

Mr. Wayles asked if they were would need to extend the plan review and the decision. Ms. Sweet did not know but suggested it be done out of an abundance of caution.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO CONTINUE THE HOPKINTON INDUSTRIAL PARK GENERAL WAREHOUSING DEVELOPMENT PLAN REVIEW TO MAY 1, 2024, AND CONDITIONAL TO THAT, EXTEND THE DECISION TO MAY 31, 2024, IF NEEDED.

IN FAVOR: Wayles, Bolek, Spencer, Terranova, Prellwitz  
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.*

Mr. Wayles explained that the Board had previously discussed and reviewed these procedures; however, did not want to vote on them without Mr. Prellwitz's approval. Ms. Sweet noted that they should amend the start time of their meetings to remain at 7:00 p.m.

Joe Moreau of Old Depot Road noticed that the public comment section had been eliminated from the agenda. He understood that the public could comment during a public hearing, but they could not ask questions of the Solicitor or Planner should they have a question during their reports. He stated that he had sent an email to the Planning Department, and it was difficult to get a response, but the clerk did acknowledge that it was up to the Chair of the meeting whether they would address comments. He noted that the Town Council has two public comment sections on their agendas. Not many people show up to these meetings, but if they do show up, he felt that they should be able to ask a question, whether it was a matter on the agenda or not; a resident should have a say in what goes on in town. Ms. Sweet noted that the public comment section was taken off of the agenda because the Planning Board has no jurisdiction other than what was in front of them. Solicitor Levesque agreed and added that the public can always ask to participate in any of the agenda items and if it is a public hearing, they have the right to participate. If it is not a public hearing, then it would be at the Board's discretion. The public comment section was removed because it exposes the Board to topics that are not before them. They are not elected officials and because of that they do not have any right to hear general issues, just projects, and to provide opinions to the Council. Ms. Sweet added that people have come into the department asking questions and they have been told to put it in writing. That would come to the Board through correspondence and then it would be on an agenda and the person could come and speak to that specific issue. This did not mean that the Planning Board could respond or that they necessarily would have any jurisdiction. Mr. Moreau asked if he sent an email through the town's website to the Planning Board would someone receive it. Ms. Sweet noted that there had been an issue which they believed they have fixed and yes, someone should receive it. Solicitor Levesque added that should any board member receive any communication from anybody on an existing project, they should report that to the Planner, provide the communication and do not engage in any communications outside of the purview of a discussion that is public in this forum. This would be a very important open meetings concern; your decision had to be based on things you hear during a meeting and the materials you receive through this process. Any contact they receive outside of this forum should be reported so that all the members know that it happened and that they do not engage in any discussion outside of this context. Ms. Sweet noted that this was why they encouraged people who wish to relay information to the board to do it through the Planning Department to avoid that issue entirely.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO APPROVE THE DRAFTED PLANNING BOARD RULES OF PROCEDURES AS AMENDED CHANGING THE START TIME FROM 6:00 P.M. TO 7:00 P.M.

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

OPPOSED: None

SO VOTED

### **Amendments to Residential Compound and Residential Cluster – Advisory Opinions**

*The Planning Board may discuss amendments to the residential compound and residential cluster ordinances and may vote on advisory opinions to the Council.*

Ms. Sweet explained that the Board was reviewing these amendments because they had previously reviewed draft ordinance amendments which were prepared from outdated and repealed ordinances. These amendments now match the subdivision regulations and meet the current code that is now in place. The acceptance of these amendments will put this into the Zoning Ordinances, and they will thereafter ask the Council to take them out of the Code of Ordinances. Mr. Terranova noted that the page numbers were wrong, and Ms. Sweet found a typographical error. She noted that these would all be corrected.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO FORWARD THE AMENDMENTS TO THE RESIDENTIAL COMPOUND AND RESIDENTIAL CLUSTER ADVISORY OPINIONS FROM THE PLANNING BOARD TO THE TOWN COUNCIL AS WRITTEN.

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

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. Wayles noted that they had several Growth Management Ordinances from other towns which they reviewed. Ms. Sweet advised that she had spoken with the Deputy Zoning Officer, Ms. Desjardins, and to her knowledge we have only reached the cap once. Mr. Prellwitz advised that they had a project in the works, and someone came to the decision that the growth management ordinance was invalid. Solicitor Levesque noted that he knew nothing about current litigation or any decisions but would investigate this. Mr. Wayles advised that he was under the belief that this ordinance was supposed to be a running calculation about the number of seats available in the school which dictates what our growth ordinance is through that formula. Mr. Terranova also felt that this should be a running calculation. Ms. Sweet felt that if this was based on school seats, as the availability changes the cap should change with it. She noted that the calculation was

not happening. Ms. Desjardins also noted that the impact fee that they collect is based off of the sample calculation that is in the growth management ordinance, and it has not changed since she came here. Ms. Sweet advised that the Council had asked the Planning Board to make a recommendation. She felt they should consider some of the other examples that she had provided them with and decide whether it made sense to continue doing it the way that it was supposed to be done or would it make sense to look at other ways to calculate the cap. In their ultimate recommendation to the Council, they will need to ensure the growth management cap is calculated as required in the ordinance as you believe that is currently not happening. Mr. Prellwitz believed that there was no mechanism in place to calculate what the addition of 200 or 300 students would do to the town. Ms. Bolek felt that someone would need to run the numbers at least once a year. Ms. Sweet felt that the problem was that the calculation was not getting done. The Board could recommend discontinuing the growth management ordinance because it was not being used or they could recommend that it be continued but they will need to enforce the calculation. Ms. Sweet noted that the impact fee has never been updated. That fee is intended to make sure that the home that is being built pays its fair share on the impact it creates on providing town services. Mr. Prellwitz noted that when he built his home and paid the impact fee, he did not really agree with it because senior citizens are not going to put kids in school; however, that was the rule. Mr. Prellwitz could not understand how a developer could get around not paying this fee, especially when they were building a large number of homes. Ms. Sweet noted that the only home that would not pay an impact fee would be a low- to moderate-income unit. Ms. Sweet wished the Board to look at the other examples she had provided. Mr. Terranova asked if they could come up with a simple calculation based on the graduating class. Ms. Sweet suggested that the first thing that should be done would be to reach out to the school to get those numbers and then plug them into the formula to see what happens. Mr. Prellwitz felt they were relying too heavily on the school department, and they should possibly get recommendations from the police department and two fire districts as well. Ms. Sweet noted that this could be a second phase of their review. Initially, they will need to get an understanding of how the formula works. Then they should look at the existing growth management ordinance and make any recommendations to the Council on ways to improve that ordinance, which may include reaching out to these other departments. Mr. Wayles wished to ask the school, police department and fire districts for their input. Ms. Sweet noted that this could be done; however, their numbers would be based on the number of calls they may receive. They should also be looking at the impact fee which should not just be based off the school's cost. A workshop was scheduled for March 26, 2024, at 7:00 p.m.

## **NEW BUSINESS:**

### **Proposed amendments to Appendix A, Hopkinton Zoning Section 5, District Use Table**

*The Planning Board may discuss, consider and possibly vote on recommended amendments to the Zoning District use table.*

Ms. Sweet noted that this matter was before the Board because of the State law change that says that there has to be specific and objective criteria for anything that is labeled as requiring a special use permit. Without that specific and objective criteria, the use would

be permitted by right. Some communities have cleaned their use tables and made some things permitted and others not permitted. She looked at this table with Deputy Zoning Clerk, Sherri Desjardins, and based on her many years of experience with special use permits and the permitting process, they turned some special use permits to permitted uses and others to not permitted uses. The intent would be to go back to the ones that were turned to not permitted and draft the specific and objective criteria for them and then reinstitute them as a special use permit once that criteria is in place. This is very time-consuming, but it will put a hold on special use permits for now. Solicitor Levesque noted that as a general concept, anything that is in the zoning ordinance is something that a person can pursue a variance from. If you are putting a list of objective criteria into your zoning ordinance to govern a use, then a variance would lie with respect to that requirement. Ms. Sweet noted that there were two pieces to this should they wish to push this forward to the Council, one is to send a recommendation to the Council to amend the use table and it does not have to be exactly what she presented, they could change what was in there if they felt strongly about certain uses, and then ask the Council to adopt it. They should immediately begin the exercise of drafting specific and objective criteria for anything that they wish to retain as a special use permit. Her concern would be if the uses that they tag with a special use permit because it makes them uncomfortable, do not need a special use permit right now. This does present an opportunity to clean up the special use tables which probably has not been done in quite a long time. Mr. Kohlman asked what category short-term rentals would fall under and Ms. Sweet noted that if that was a problem for the town, they would need a short-term rental ordinance. Mr. Wayles noted the cannabis ordinance was put in the use table as needing a special use but was now being changed to permitted and some people might have an issue with that.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO MAKE A POSITIVE RECOMMENDATION ON THIS AMENDMENT TO THE USE TABLE, IN THAT IT IS CONSISTENT WITH THE COMPREHENSIVE PLAN, TO THE TOWN COUNCIL.

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

SO VOTED

**SOLICITOR'S REPORT:**

None.

**PLANNER'S REPORT:**

Ms. Sweet noted that they had approved two administrative subdivisions, one for the town hall and the other for Moorehead where they are swapping some land around.

**CORRESPONDENCE AND UPDATES:**

None.

**DATE OF NEXT MEETING:**

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

**ADJOURNMENT:**

A MOTION WAS MADE BY CHRISTINA BOLEK AND SECONDED BY STANTON TERRANOVA TO ADJOURN.

SO VOTED

Marita D. Murray, CMC  
Town Clerk