

## HOPKINTON PLANNING BOARD HYBRID MEETING

**JULY 12<sup>th</sup>, 2023, at 7 P.M.**

**CALL TO ORDER:** Meeting was called to order by Acting Chairwoman Shumchenia at approximately 7 PM

**MOMENT OF SILENT MEDITATION AND A SALUTE TO THE FLAG:** Acting Chairwoman Shumchenia led the meeting in a salute to the Flag.

**ROLL CALL:** Ms. Shumchenia, Mr. DiOrio, Mr. Lindelow, Ms. Light, Mr. Wayles and Ms. Bolek were all in attendance. Chairperson Prellwitz was absent. Planner Jalette, Solicitor Hogan and Clerk Spellman were also in attendance.

**PRE-ROLL FOR JULY 19<sup>th</sup>, 2023, PLANNING BOARD MEETING:** Ms. Shumchenia, Mr. DiOrio, Mr. Lindelow, Ms. Light, Mr. Wayles, and Ms. Bolek all indicated they would be in attendance.

**APPROVAL OF THE MINUTES:** Ms. Shumchenia made a motion to approve the minutes for the June 7<sup>th</sup>, 2023, Planning Board meeting. Ms. Light seconded her motion. Ms. Shumchenia, Ms. Light, Mr. DiOrio, Mr. Lindelow and Ms. Wayles all voted to approve the minutes. There were no votes in opposition or abstentions.

Acting Chairwoman Shumchenia asked if there were objections to moving the New Business ahead of the Old Business to facilitate meeting flow and time use. She then sought a motion to amend the meeting agenda to place New Business ahead of Old Business. Before the motion, Mr. DiOrio indicated he would recuse from hearing the Comolli matter. Ms. Light made a motion to amend the meeting agenda placing new business to appear before old business. Mr. Lindelow seconded it. Acting Chairwoman Shumchenia, Mr. Lindelow, Mr. Wayles, Ms. Light, and Ms. Bolek all voted to approve the motion. There were no votes in opposition or abstentions.

### **NEW BUSINESS:**

First One Year Extension- Master Plan- Public Informational Meeting- Major Land Development Project- **Comolli Solar**- AP 2, Lot 73, 0 Chase Hill Road, Unit 2. Centrica Business Solutions Applicant.

*The Planning Board will hear the applicants first Master Plan extension request, as allowed by R.I.G.L. 45-23-40(g) (1)*

Attorney Andrew Blais spoke on behalf of the applicant, Centrica Business Solutions. He indicated that the applicant had sought necessary licensing from Rhode Island Department of Environmental Management. That due to COVID 19 delays, the matter was still before RIDEM, and he believed it would be for a longer period. As a result, the applicant sought the necessary extension. He could not give a definitive time frame but expected to move forward once the approval was received. Acting

Chairwoman Shumchenia indicated that no further action was necessary, and none was taken on the matter by the Planning Board reference this application at this time. The statement was accepted, and the Planning Board moved on.

## **OLD BUSINESS:**

Preliminary Plan- Public hearing- **Brushy Brook** – 140 Unit Comprehensive Permit- PLAT 32, Lots 1, 4, 6, 8, 10, 12, 14, 16, 17, 21, 23, 25, 27, 30, 32, 34, 36, 38, 40, 41, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 63, 65, 67, 68, 69, 70, and 71, located at 130 and 0 Dye Hill Road , 0 Brushy Brook drive, 0 Wedge Road, 0 Green Lane. LR6-A Owner, LLC., and Realty Financial Partners, applicants.

Acting Chairwoman Shumchenia indicated all representatives from the applicant were present and indicated that Mr. Cabral from Crossman Engineering was prepared to speak as to the application. The Public Hearing continued from previous sessions. Planner Jalette then interjected and indicated that a letter had been sent to the Planning Board individually, and she cautioned the public to send letters to individual Planning Board members through the Planning Department. She was concerned this practice of sending letters could cause an inadvertent violation of the Open Meetings Act in Rhode Island. Acting Chairwoman Shumchenia thanked Planner Jalette for her input.

Acting Chairwoman Shumchenia indicated she wanted the testimony to be focused and allow the Public Hearing to flow and maximal information be conveyed. With an additional meeting scheduled this would allow the record to be full. She sought for the public hearing to be closed tonight. Planner Jalette cautioned if you wanted to close the Public Hearing this evening, that this was the prerogative of the Chair. Ms. Shumchenia invited Attorney Landry to come forward. He indicated that he believed this was a deliberative session and that the public meeting would be kept open. He said he was prepared to respond to the inquiry with expert testimony. Mr. Cabral referred to a letter he had provided previously and provided an additional copy to the Board for their individual review. Acting Chairwoman Shumchenia then opened the meeting to inquiry and response by the experts availed by the applicant. Solicitor Hogan asked what the comfort level of the applicant was as to their agreement with the Department of Public Works, and asked if there was a document memorializing this. Absent this she believed this was an open issue. Attorney Landry stated that he thought the Planner would obtain this document and his group had spoken to Hopkinton DPW and its Director. Attorney Landry discussed issues that were identified by Mr. Bannon in his report. Mr. Cabral discussed with the applicant's engineering team what improvements were needed. Attorney Landry indicated that Mr. Bannon has done detailed analysis on other projects far larger than this and is a recognized expert in the field. His input is a substantial part of the record. Discussion was as to phasing and when construction work and improvements were made. He did not see any disagreements and in the record these steps have clearly been taken. The applicant has agreed with DPW before final approval that Mr. Bannon use his expertise to evaluate the roadway. The applicant stated that nothing will be built without the road conditions being adequately evaluated. He mentioned paving, resurfacing and culvert work, and did not see any

discussion rising to the level of disagreement. Attorney Landry stated that it was difficult at this stage of application for the Board and the applicant to define and or schedule what, how or when road improvements are done. He indicated it would be evaluative as they progressed through the phases. Diverse needs may be needed as to Phase 1, 2 or 3. If you wanted this, he believed this could be acquired through the Planner's Office, a document of agreement. Mr. DiOrio stated he was in fundamental agreement with what he is stating but wanted to ensure the review was being done. He wanted to simply make it a condition rather than wait for documentation from the Director of DPW on this matter.

Planner Jalette interjected and stated that she had reviewed the minutes and the tape of the meeting this afternoon and wanted to comment. At the June 7<sup>th</sup> meeting Mr. Cabral discussed this matter in specific relation to the roadway improvements on Saw Mill Road as opposed to Dye Hill Road. She indicated that the Town Planner and the Solicitor wanted a memorialization of the issues and actions by memorandum. Mr. Bannon had a good knowledge of what the concerns were but that they would need to be memorialized. Planner Jalette said she would be happy to facilitate that discussion but would not be acquiring them for the applicant. She also stated when she asked if monitoring had been done on the roadways. Mr. Bannon had indicated no at the meeting in question, and she advised one of the conditions of approval is that this step be taken. She referenced a 2010 memorandum, and she reviewed Mr. Bannon's current report and saw a discrepancy. Planner Jalette sought clarification. Mr. Bannon responded and indicated that the Planner was misrepresenting the record of the issues being discussed. When he had gone out in the field, they had viewed the Saw Mill road as being most of concern, and specifically discussed roadway width, culverts among other issues. Dye Hill Road has been improved, and the widenings of Dye Hill Road had been met and accomplished before we had started this part of the proposal, Saw Mill Road needed to be addressed and he believed addressed all issues stated in the referenced report in advance of this project. He has sought to work with the town and maintain a record as the improvements are identified as needed and accomplished as Mr. DiOrio indicated he wanted to see accomplished. He indicated that all the issues had been addressed. He wanted to work with the town and have a record as they move forward. Ms. Light asked were we not now going to get a document from Public Works. That this document was not needed? Mr. DiOrio stated he did not see himself as an advocate for that as the work was planned and anticipated and could constitute holding a public hearing open extensively. He simply wanted to see this as a condition of approval that a real time assessment is made continuously and to move on. Attorney Landry stated that work has been identified and complemented and as work was further identified as they move forward that it would be addressed. He referenced a new report and indicated the applicant was reviewing closely what needed to be done. Ms. Bolek asked if this was all to the Planner's satisfaction. Planner Jalette indicated it was part of the 2010 report. Attorney Landry then indicated that there was another and more recent report. This report memorializes the substantial improvements to the roadway. He did state there were still issues Mr. Bannon had identified that he wanted to see completed for the roadways. Planner Jalette stated that it was "less about accessing and more about monitoring." Mr. Bannon stated this was about reviewing this intersection operationally. He referenced the project's time

period and his concern that this was the intersection most operationally impacted. Mr. Bannon discussed long term growth and the need for this intersection operationally to meet the needs of the town. He discussed the need for signalization among other operational improvements. He was looking for long term. Mr. Cabral of Crossman Engineering then indicated that the culverts needed to be widened to 22'. That both Saw Mill and Dye Hill Road be widened minimum to 22' and improved. He also sought paving cores to document the roadway's true nature. He was concerned that the recent paving overlay could mask the true conditions of the roadway. He felt some of the roads may need more than just an overlay and the pavement core assessment would give a true evaluative tool. Acting Chairwoman Shumchenia asked Mr. DiOrio if the paving cores would be part of the annual assessment he had previously discussed. He indicated that it was affirmative. Mr. Bannon discussed the ratings of roadways to ensure the pavement structure is intact and when maintenance is necessary. Mr. Bannon and Mr. DiOrio discussed whether pavement coring was necessary. Mr. DiOrio stated that he sought guidance from the experts, Mr. Bannon, and Mr. Cabral. Planner Jalette stated she wanted to know specifically what was going to happen, and who exactly was responsible for it. Mr. DiOrio concurred. Mr. Cabral believes periodic inspection annually is the most prudent approach. Ms. Light thought that if a bond is required that they need to know through cores to know the exact status of the road is to acquire an accurate estimate. She used the analogy of buying a car off the lot. Mr. Cabral said the options were reclamation or use the core method. Planner Jalette talked about phases and costs and wanted clarified what the highway phase meant. Is that repairs outside the development or just internal inside the development, work. Mr. Privy from the applicant the addressed the Planning Board. He initially joked that his answer was that he did not remember, but he believes portions of the outside improvements were included. He did state that post Covid the bond estimations may need to be upgraded before anything goes forward. Attorney Landry then spoke that the bond estimates were initially interior only, but the applicant expects to have to bond any public improvements. However, he indicated that that was required. The applicant expects to be the subject of a bond.

Ms. Light then indicated that she was concerned the widening of the road would overlap to become the responsibility of private property owners. Attorney Landry indicated that the applicant does not have the power of eminent domain. Mr. DiOrio thought they were widening existing roadways and not seizing land through eminent domain. She specifically indicated they had a concern forwarded by Mr. Orlandi who abuts the property. It was not a scenario where eminent domain was in play. Mr. DiOrio wanted to ensure the public had many opportunities to get their thoughts thoroughly heard and vetted and get anything they wanted to be discussed on the record.

Mr. Conrad Cardano of 110 Dye Hill Road in Hope Valley then addressed the Planning Board and wanted to discuss the findings and report drafted by the Beta Group. In this report it discussed that Saw Mill Road was "satisfactory to good" and that Dye Hill Road was "fair." He had a question as to whether a one lane bridge on Saw Mill Road can manage heavy construction vehicles. He referenced a street and bridge in Ashaway, Laurel Street, which has a similar circumstance and exists as a small two-lane bridge. Mr. Cardano advised the Planning Board that a Rhode Island DOT sign exists before it, and that upon it

denotes a regulation that limits the number of axles and weight that can traverse it. He felt that the one lane Bridge on Saw Mill that he used as a comparison, he indicated to the Planning Board that he did not believe that it could manage the traffic soon to be directed at it. Structurally it could fail as a circumstance of this construction project, and its resulting traffic. He discussed the weight of a concrete truck about to traverse it to pour the concrete foundations of this property. He had significant concern that that old one lane bridge could manage the volume and weight soon to travel over its long term. He was specifically concerned that the bridge could not survive the weight and the volume of trucks about to soon traverse it. If the bridge fails, he was concerned where all the traffic would go. If the roads connecting the construction vehicles to this project are damaged by heavy construction traffic, who is responsible to pay for the construction and repairs of these rural roads? He wanted the Planning Board to take a serious look at the little bridge and think about that traffic projected to travel over that small bridge. If it should fail, he indicated to the Board that it would not be good for the community.

Mr. DiOrio indicated he would get an answer to that immediately. He called on Steve Cabral from Crossman engineering to immediately discuss his concerns. Mr. Cabral indicated that the applicant had already agreed that before any earth is moved, the culverts on the roads in question would be extended and inspected and discussed with DPW. Planner Jalette then spoke and indicated that she wanted to clarify that culvert and the bridge are the same structure. That the culvert is the structure under the bridge to clarify what was being discussed by Mr. Cabral from Crossman Engineering as an answer to Mr. Cardano's inquiry. Mr. DiOrio wanted to ensure the inspection was sufficient and comprehensive enough to ensure this feature is structurally sound. Mr. Cabral wanted to ensure the existing structure is not just structurally sound and that testing, and the overall structure and the integrity of the materials in the structure, are thoroughly reviewed. Mr. Cabral affirmed that they would be, and the town and applicant may find the least expensive option is simply replacement and the expense will be borne by the applicant. Mr. Cabral indicated this was the approach that was favored by DPW and its Director. Mr. Lindelow was concerned with signage on site and wanted to ensure that safety was considered and ensured at this bridge. Mr. Cabral discussed this and assured it would be reviewed.

Mr. John Orlandi of Dye Hill Road came forward to discuss and clarify the numbers he had submitted previously. He was concerned as to a two-foot berm being discussed proximal to his property and confusion as to whether it was necessary or not. He thanked the Planning Department and Planner Jalette for discussing his concerns, and that other Departments and appendages of Hopkinton Town Government had not spoken to him. He was concerned that the Planning Board would speak to the developer and not to its town citizens directly. He has queried RIDEM and lamented he was a Hopkinton resident facing the developer alone and it was cost prohibitive for him to do so. It was difficult for him to hire an Engineer, as many do not want to immerse themselves in this type of a dispute. He was alone without help to assist him in opposing portions of this project that concerned him, or for advocating for him. He also discussed a scenario after a significant storm in recent years, the 2010 storm, where flooding led to \$10,000 in damage to his basement. He was concerned that infiltration Pond B is 80' off his property line, and as a result is close in distance to his property. Mr. Orlandi then discussed drops in

elevation and expressed concerns for his property because of the design of this project. He discussed his well and its depth and its being directly in the path of the water from this proposed development. He had a concern if the road is widened that water damage from snow would be an issue for him. He indicated if an overflow happens with the 6' elevation drop, that he believed it would impact his property would occur. He wanted Pond B moved, or a berm to protect his property. Mr. Eric Privy then spoke from DiPrete Engineering. He indicated he was aware of the extreme storm from 2010 and its impacts locally. He then discussed design and he believed how the watershed would be intercepted and redirected to a wetland. He indicated that Pond G will address. That this proposal is designed to address the impact of a 100-year storm. He discussed the emergency spillway on site and the steps taken to avoid any overflow being directed downhill onto abutters properties. This is designed for a 100-year storm and an even more significant deleterious event for the property. He discussed the width and height of the proposed berm. Mr. DiOrio concluded Mr. Orlandi was concerned about stormwater run-off affecting his property and the applicant has offered to affect their (the applicant) raising the berm in height if the abutter wished. He also discussed installing a thumbprint in the drainage swale that is pointed toward his property. All to mitigate stormwater flow, and Mr. DiOrio asked Mr. Orlandi directly if he wanted the applicant to add two feet to the berm design. The repercussion being the fill resulting being closer to the property. Mr. Orlandi was then shown a diagram to help him visualize the proposal being discussed by Planner Jalette. Mr. Orlandi and Mr. Privy then discussed where the water goes now, as proposed as to where it will go with the design being discussed as being built. He showed the flow being less and pointed away from his property. Mr. Conradi was worried if there was a clog it would redirect. He was told the entire spillway was pointed away from his property. Mr. Privy stated they were doing what they could to keep abutting property owners happy. He let Mr. Orlandi know they were willing to work with him. Mr. Cabral stated that monitors be installed to monitor the water tables to ensure all were protected, and give Mr. Orlandi added protection. Ms. Shumchenia asked that if this were a condition of approval, which would the applicant accommodate it? Mr. Privy indicated that it "made sense to me." He discussed what was done when they redid Dye Hill Road years ago, and the steps that the town took. Mr. Orlandi warned that there was not much of a base at all on the roadway.

Mr. Lindelow wanted to revisit the discussion on the Bridge that the Planning Board had heard and had discussed previously. He felt this bridge and its handling of the traffic flow was still an item of concern. He wanted to know is the bridge going to be widened, and a weight limit sign put on. Mr. Cabral from Crossman Engineering stated yes it will be widened to 22 feet, and if the bridge needs to be replaced, that it will be. Mr. Cardano said his concern is the abuse this bridge will be taking from the heavy and increased volume of heavy construction vehicles. He does not see that the bridge could handle the consistent new volumes. Mr. Cardano acquiesced that he is not an expert, he is not an engineer, and if they say it can; he will have to accept their analysis and testimony. Planner Jalette interjected in an appeal to the public, that please, if there is a concern with the safety of a bridge, to notify town authorities so an immediate safety inspection can occur.

Mr. DiOrio stated that he was approaching comments from a prospective of a vote to approve the

project. He was seeking conditions to impose on the applicant. In the past we have discussed with this project specifically as to its “limit of disturbance.” He sought a deed restriction to limit clearing on the property to not beyond the property line of an individual lot. Mr. DiOrio stated he was concerned about a lack of sidewalks on the property. He described Brushy Brook as he envisioned it as a “walking neighborhood” with kids walking around the property. He was concerned for safety and by its location a development in an exceeding rural section of town. People have “no recourse but to walk in the street.” He was still wrestling with making sidewalks a condition. But he wanted to be on the record that it is a “significant concern” of his. That he or perhaps we as a Board oppose the philosophy of no sidewalks. The cistern issue he believed had been solved. He is concerned that the topography data will create discrepancies in the field, and as to culverts etc., as the design data does not match conditions in the field. He had found in his own practice that field verifications are going to have to be made. He was also concerned as to roofing bleeding into the swale on a couple of the lots as designed. He did not understand why this is the case but is this proper as to what feeds into the swale as a stormwater run off feature. He had concerns about this too. He wanted a Clerk of the Works on board for the duration of the project. That this be achieved before a shovel goes in the ground. He was concerned as to the role of the Homeowners Association. He does not want to see the HOA in front of the town seeking funding. This needs to be clearly defined and asked the Solicitor for input. He is concerned as to whether this entity can truly address the concerns that could and likely will arise. He wanted to protect the abutting property owners with a bond or an increasing bond as the property reached its maximal capacity. Just in case things go sideways, there is something in place to protect the abutting property owners. He sees these things as conditions of approval. Ms. Shumchenia asked for a point of clarification as to his concerns for the roof run off. Discussion was made that roof leaders went to trenches and then in one spot into swales. That had him concerned. Mr. Privy stated it is easy to add dry walls to all and he could easily accommodate Mr. DiOrio’s concern.

Ms. Shumchenia stated she too was approaching this from a prospective of approval for the project, but with conditions. She sought conditions to protect the abutters and referred to the record to address the abutter’s concerns. Particularly by the Crossman Memorandum but also in discussions with the abutters themselves. Things such as no cut buffers, moving the pump house, and settling road conditions that were areas of mutual concern, as it was discussed tonight. She was in favor of a deed restriction to limit clearing off the lot and the current limit of disturbance, and she saw this as a critical condition. Storm water infiltration and movement are based on the conditions on site, change could be harmful to those calculations, and this makes it, as she saw it, a critical concern. She also agreed sidewalks were critical. She was concerned “we were putting 140 housing units out in the middle of nowhere” and it was car centric, and to her made little sense from a design perspective. She also referenced a recent wildfire as a potential for impact. This development is in a rural area of concern. At the least we should require sidewalks. She echoed Mr. DiOrio’s concerns for the Clerk of the Works and for the HOA. She also supported Bond to protect the abutters and the town.

Mr. Lindelow was concerned as to whether there was enough water in the area to sustain this

development. Mr. DiOrio asked him to explain his apprehension. He was concerned with the volume of tests and was acting on a level of trust with the expert. Ms. Light said she had an apprehension as to whether the wells could work for this size of a development. She did not have peer review, and this concerned her. The concept and well fields have changed, and she has no confidence that the effort made was sincere. She talked about communal wells and septic systems and is there a project in Rhode Island this size in Rhode Island and it is functional. She is not confident in the way these things all came together. She agreed with Ms. Shumchenia, and she is concerned that this project is upside down for the town of Hopkinton in affordability. Hopkinton cannot afford this project. She is worried that this project is not a solution for this community as to its low- and moderate-income needs. She also expressed issues with the HOA and the differences between this plan and an over fifty-five community. She sees the wells as a problem and had strayed too much from its conceptual design. Ms. Shumchenia stated the applicant has done all they can as to water and the data is unequivocal. There is sufficient water on site. Water will limit development availability in the future in Hopkinton in her opinion as consumption grows in the coming decades. She felt that this well would have adequate water for this development but was concerned about the impact in the future for this community. As the town grows this will not be an island of development in the woods. Mr. Lindelow wondered if conditions could be applied to protect water as a resource as to phasing and as to its impact in the long term. He did not want to be three years down the road, and we have a water source issue. Mr. DiOrio wanted to discuss this as to its specifics. Mr. Lindelow reiterated that he was concerned as to the long-term availability of water in Hopkinton as the town and as well demands grow.

Mr. Ferrari of Northeast Water Solutions then spoke. He indicated that any licensing and approvals and regulation of water systems is addressed by both the Rhode Island Department of Health and by RIDEM. This will be a small community water system in design and practice in this state. This system must have a certified operator, and this water system must be evaluated, tested, and approved. This will be in place for the entire life of the system. He believed the town of Hopkinton should be happy that they located a water source that can meet 100% or more of the proposed development. There is no guess work here. This development and the technical findings and its oversight should give the town a far higher confidence level. Continual monitoring will incur including inspections, this will be under extensive oversight. Mr. DiOrio asked if there was a mechanism to ensure that the wells are performing as expected. Mr. Ferrari wanted to point out for points of clarification that consideration was given to the entire site as to its water supply. A structural geological survey and evaluation of the entire site and surrounding area was done to ensure and ascertain that an adequate and sufficient water supply was found. After this had occurred his work changed the location already designated as to the proposed well field. The well on the plan was moved after they found adequate sourcing, and after they had located a new site, where what he referred to as a "quality, quantity and no adverse impacts" of water pumping existed for this site. This was done after test well sites were put in place. "Nothing nefarious occurred here," he stated, and he was prepared to testify to his findings and his overall analysis of this site in court. He pointed out it was the second test well on site that gave significant results and existed in the fracture the geological survey had identified. Pumping in the well there had occurred in excess of the



maximal capacity (60,000 gallons of water a day) for six continual days, and the well draw down went down 16'. Mr. Ferrari testified that the well recovered to its full state in what he recalled as 66 minutes. This is, he affirmed, a very productive well system. A second well has been identified and they will not have to perform concurrently. He also stated they did not even max out that well systems capacity. He wanted to ensure the record is clear on that. He discussed similar systems that exist in the state of Rhode Island. This is not unusual and is within expectations of what could be developed. This is well within what is expected by the Rhode Island Department of Health and the Rhode Island Department of Environmental Management. Ms. Light stated she was commenting on the design change, and not as to his (Mr. Ferrari's testing results) testing results. Mr. Ferrari stated he could not testify as to project design.

Solicitor Hogan wanted to review and remind the Board as to the level of approvals expected of the Hopkinton Planning Board. This is reference subdivisions and projects. She reiterated that this is a Major Subdivision and has several stages of review, a Master Plan which is under state law conceptual, and preliminary stage of approval. We are at the preliminary stage of approval. This is where the applicant can deviate from master and explain why. They can delineate necessary permits and explain further. She did not want the Planning Board to think an applicant changing a plan from the Master Plan to the Preliminary plan of review because that is the natural form of progression is untoward. Things can change onto final plan of review, and this frequently occurs. She wanted to advise the level of testing and permitting an applicant's needs in regard to water needs could wait for the final plan. However, they are showing ahead that they have adequate water and quality, and volume is being testified as very abundant. She just wanted to advise the Board to clarify. She reflected obvious positive adjectives as to their findings. Ms. Shumchenia indicated the HOA will be an almost governmental subdivision in the town of Hopkinton.

Ms. Bolek asked about four issues. First is there a prohibition against automatic sprinklers. Ms. Shumchenia indicated that drinking wells cannot be used for irrigation purposes, per statute. Mr. DiOrio asked if there was a prohibition. He said this was not allowed by Rhode Island authorities. Ms. Bolek was concerned that this could not be enforced and referred to the family garden as an issue. In lieu of the access road there were originally six 10,000-gallon cisterns. We are now at 4. FEMA has lesser recommendations but with the recent forest fire she is concerned for the safety of the development. She wanted confirmation with the Fire Department that this was adequate. Solicitor Hogan advised that this was not governing authority as to Fire issues and Ms. Bolek stated it was still a concern. Discussion was made to jurisdiction and who and how someone could opine was discussed as to Department Heads beyond the purview of the Board. Ms. Bolek saw this as an area of clarification. Mr. Privy for the applicant wanted to clarify there were six cisterns at 10,000 gallons. The applicant always follows the direction of the local Fire authorities. "We do not mess around with that," he stated. Captain Hawkins from Hope Valley Fire Department called in and advised he could answer the inquiry of Ms. Bolek. Captain Hawkins indicated that there were four cisterns and 10,000 gallons of water. They also, he advised, respond with a truck with an additional 20,000 gallons bringing 60,000 gallons to bear. The four

cisterns allow time for mutual aid to meet the need of fire suppression. Protocols change for a First alarm to a second alarm. The Fire Department can only require four, but the applicant has provided six. Mr. DiOrio then asked Captain Hawkins about secondary means of egress. Captain Hawkins explained it could not be required but discussed areas that possibly could create it; however, he made clear he could not compel it. Ms. Bolek then wanted to talk about the number of residences constructed. She asked if the applicant would accept less homes? Mr. Landry discussed the vested plan approval, and he would pursue 140 homes on 357 acres. He indicated that 140 is the number and had hoped for more homes. He then discussed the positions of the town and applicants from the past. He did not think anyone would ever agree on a "sweet spot" for numbers on the property.

Ms. Light indicated that she remembered reading the Board was not satisfied and reiterated her concerns about the project and its impact. It went from 300 to 140. Ms. Light referenced that Sherry Aharonian had concerns with the project and discussed impacts. Discussion was made as to setbacks and where her property stood reference a proposed 350' no cut buffer. Also, as to a berm proposal near her property. Solicitor Hogan stated there was no agreement as to a 350 foot no cut buffer. These 350 feet was the discussion of the distance between the construction to her property and not a promise of a 350 foot no cut buffer. Solicitor Hogan stated that mitigating the impact of 140 units on the people who already live there is right and appropriate. She wanted to give as much space and as much screening as is possible and wanted the Board to focus on this. Focus on what is appropriate based on the record before them. Mr. DiOrio discussed the needed dimensions of a no cut buffer proximal to the Aharonian property and inquired as to the desires of Ms. Aharonian versus what the applicant was willing to acquiesce to. Attorney Landry stated the size of the no cut buffer Ms. Aharonian was seeking was exceptionally large and they were seeking to accommodate as best they could to her concerns. Specific discussion was not disturbing a wooded hill that existed near her property. Attorney Landry stated that he was unsure if even sensitive wetlands get this degree of a no cut buffer. He stated that that is a very aggressive request. Mr. DiOrio asked could this be accommodated and could we have specific language to address Ms. Aharonian concerns. Ms. Light stated she believed Ms. Aharonian was under the impression a 350 foot no cut buffer was going to occur near her property line, and the three items she had articulated in writing. Ms. Aharonian was asking for as large a no cut zone near her property as could be accommodated. Mr. DiOrio wanted to accommodate and get defined now what the applicant was willing to accommodate now. Mr. Landry indicated he believed these things to likely be conditions of approval.

The blasting and needed process was discussed by the Planning Board, Planner Jalette was concerned that they would crush stone and then export off the site while under construction. He cannot guarantee it will not occur, but this will not be a sand and gravel operation. Ms. Light asked if there would be a need to remove product from the worksite. Planner Jalette indicated that there would be an ability for a person watching on YouTube to raise their hand and join the meeting. That they would instead have to attend the Zoom meeting to participate. She wanted to advise the public watching as to this. Planner Jalette wanted to ensure where a lot ends, and the neighbor begins and where there is open space.

People need to know where their lot ends, and many are unsure where it ends. Discussion was made as to whether a survey be conducted of properties and ensure a requirement is made for that and discussion of ensuring that all are treated equally. Limits of disturbance demarcation, as a concept, was referenced by Solicitor Hogan. Ms. Bolek discussed what a homeowner would want to know. Tongue in cheek discussion of lawn upkeep was made between the Board members. A discussion was made reference to a possible condition to demark the limits of disturbance on the property. It was described by Ms. Light as a large undertaking. Mr. DiOrio advised if this was a condition the manners in which it can be expressed onto the property.

Mr. DiOrio wanted to ensure that anyone who wanted to make input on this matter is allowed to. The record on this Solicitor Hogan stated is voluminous. Solicitor Hogan wanted to ensure a copy of the record was given to Attorney Landry. A site walk was also discussed as a possibility by Solicitor Hogan. Planner jalette indicated a site walk is at the discretion of the applicant not the Planner. Ms. Light indicated that the public on occasion has sought to participate in a Planning Board site walk.

Ms. Hogan indicated that if the Board has contemplated individual conditions of approval to communicate it to her so she can include it in her draft motion. The meeting will continue and is extended to July 24<sup>th</sup>, 2023. Discussion was then made with the status of Chairman Prellwitz who was not in attendance at this meeting. No motions were made and the meeting was continued to July 24<sup>th</sup>, 2023.

### **Solicitor's Report:**

None

### **Planner's Report:**

Planner Jalette indicated that a number of state laws are changing, and we are in a time of tremendous uncertainty. The new laws will create recommendations for this Board, and she will seek the guidance of the Solicitor as they are implemented in advisories to Planning Board members. She is waiting for Rhode Island Housing to retain a consultant and provide deliverables to address the law changes. Most laws change by January 1, 2024, and it will be an interesting time to be in land planning.

### **Correspondence and Updates:**

None

### **Public Forum:**

None

**Date of Next Meeting:**

July 19<sup>th</sup>, 2023, at 7 PM

**Adjournment:**

Mr. Lindelow made a motion to adjourn the meeting that was seconded by Mr. DiOrio. Ms. Shumchenia, Ms. Light, Mr. Lindelow, Mr. DiOrio, and Mr. Wayles all voted to approve the motion. There were no votes in opposition or abstentions.

Meeting was adjourned at approximately 9:42 PM

Michael Spellman

Hopkinton Planner