

State of Rhode Island

County of Washington

In Hopkinton on the second day of September 2026 A.D. said meeting was called to order by Town Council President Michael Geary at 1:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Michael Geary, Robert Burns, Sharon Davis, Jasmin Roy, Philip Scalise; Town Manager Brian Rosso and Town Clerk Marita Murray. Stephen Sypole was present via zoom.

ROLL CALL

Councilors Burns, Davis, Roy, Scalise and Geary announced they were present.

NEW BUSINESS

This matter was scheduled to discuss, consider and possibly vote to adopt a moratorium on data centers pursuant to Town Charter Section 3220.

Councilor Geary and Councilor Roy read the proposed moratorium on data centers:

THE TOWN OF HOPKINTON, RHODE ISLAND

IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOPKINTON, RHODE ISLAND, AS FOLLOWS:

EMERGENCY DATA CENTER TEMPORARY MORATORIUM ORDINANCE

Section 1. Definitions.

For the purposes of this Emergency Moratorium Ordinance, a “Data Center” shall mean a facility, consisting of a building or group of buildings, used to house computer servers and associated equipment for data storage, data processing and analytics, generative artificial intelligence, cloud computing, streaming services, and the like, together with associated supporting infrastructure including, but not limited to, cooling systems, electrical power supply and distribution systems, and backup or supplemental generators.

A Data Center does not include computer, telecommunications, or data-storage equipment that is accessory and customarily incidental to another lawful principal use on the same lot, including server rooms or information technology equipment serving an office, school, hospital, government facility, bank, retail establishment, research facility, manufacturing facility, or similar use, provided that such equipment is subordinate to and used primarily in support of that principal use.

Section 2. Findings and Declaration of Emergency.

The Town Council, upon due and proper consideration, finds and declares as follows:

- A) Section 3220 of the Home Rule Charter of the Town of Hopkinton authorizes the Town Council, in an emergency affecting the public peace, health, safety, comfort or welfare of the residents of the Town and for the protection of persons and property, without hearing and by an affirmative vote of three (3) members, to adopt on the day of its introduction an ordinance containing a declaration of emergency, provided that every such emergency ordinance shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted; and

B) The Town of Hopkinton, like many rural areas with undeveloped land in Rhode Island and throughout United States, is under threat of development from Data Centers and there is a reasonable likelihood that the Town may receive development applications for Data Centers in the near future; and

C) Data Centers generate significant harmful noise pollution, light pollution, and air pollution that would be harmful to the public peace, health, safety, comfort, and welfare of the residents of Hopkinton; and

D) Data Centers consume massive quantities of water to cool their servers and impose a substantial load on the electric grid requiring new infrastructure that raises utility costs for residential and other customers; and

E) The Town of Hopkinton is a rural area where the vast majority of residents and businesses must rely on local groundwater and wells for their potable water and any risk to the Town's water resources is an immediate threat to the public peace, health, safety, comfort and welfare of the residents of the Town; and

F) The Town of Hopkinton is primarily a residential and agricultural community where residents should expect to be able to enjoy peace and quiet, rural scenery, and the benefits of the outdoors and the Town's natural resources; and

G) Rhode Island residents in general, and Hopkinton residents in particular, are already unfairly overburdened with high taxes and electric utility bills and should not be burdened with rate increases attributable to a privately owned Data Center; and

H) The Town's existing land use ordinances and regulations were enacted before the widespread proliferation of Data Centers and are not adequate to address the recent and unforeseen proliferation of this use and the risks and harms associated with this use, particularly in light of the legal uncertainties that have arisen from the numerous rapid changes to State's zoning laws during the past five years by the Rhode Island General Assembly; and

I) The Town Council has already determined that the construction of these unsightly, polluting, resource-intensive industrial facilities would be harmful to the Town's residents and contrary to the intent of the Town's Comprehensive Plan; and

J) The Town Council has already requested the Planning Department and Planning Board to prepare an amendment to the Zoning Ordinance to permanently prohibit this use in every zoning district; and

K) The Planning Department and Planning Board have indicated that additional time is needed to prepare and forward a proposed Zoning Ordinance amendment to the Town Council; and

L) The Zoning Enabling Act includes notice and hearing requirements that will delay the permanent lawful prohibition of Data Centers as a permitted use in the Town; and

M) The Town Council is legitimately and realistically concerned about the risk that a developer could obtain vested rights to construct a Data Center before the process to amend the Zoning Ordinance to prohibit this use has been completed.

N) The Town Council finds and declares that the circumstances described above, including the risk of a developer securing vested rights to construct a Data Center before there has been adequate time to amend the Zoning Ordinance, constitute an "emergency" within the meaning of Section 3220 of the Home Rule Charter of the Town of Hopkinton.

Section 3. Enactment.

A) In accordance with the above stated findings, this Emergency Moratorium Ordinance is hereby adopted imposing a temporary moratorium on any and all Data Center

applications and construction, which shall be effective immediately upon passage and applicable to the maximum extent permitted by law to all proceedings, applications and petitions not vested pursuant to RIGL 45-24-44, and on any new construction or use requiring approval under the terms of the Town's land-use ordinances and regulations for such, until the effective date of any duly adopted amendments to the land-use ordinances or regulations or until this Ordinance automatically stands repealed on the sixty-first (61st) day following the date on which it was adopted pursuant to Section 3220 of the Town Charter, unless sooner superseded by duly adopted amendments to the land-use ordinances or regulations or reenacted or extended by ordinance if the emergency still exists.

B) The Planning Department, Planning Board, Zoning Board of Review and all other Town agencies and all Town employees shall neither accept, process, approve, deny or in any way act upon any non-vested applications, plans, permits, licenses and/or fees for any construction or uses governed by this Emergency Moratorium Ordinance for Data Centers for said period of time.

C) Those provisions of the Town's land-use ordinances and land development and subdivision regulations that are inconsistent or conflicting with the provisions of this temporary Emergency Ordinance, are hereby stayed to the extent that they are applicable for the duration of the Emergency Moratorium hereby ordained, but not otherwise.

D) To the extent that any section or provision of this Emergency Moratorium Ordinance is declared invalid by court of competent jurisdiction, such declaration shall not invalidate any other section or provision of this Ordinance.

E) Any amendment to the Town of Hopkinton Zoning Ordinance to permanently prohibit data centers, undertaken pursuant to the Rhode Island Zoning Enabling Act, will require a public hearing by the Town Council, and must be voted upon at a Town Council Meeting or Special Town Council Meeting.

Section 6. Effective Date

This ordinance shall take effect upon passage.

Solicitor Sypole noted that there is a section in the Charter, Section 3220, for emergency ordinances, which allows the Council to enact a time-limited 60-day emergency ordinance. He felt that legally they would be in good shape should they approve the amendment. The purpose of this ordinance would be to pause any ability for a developer to apply for this use until the Planning Board and the Town Council have time to go through the process under the Zoning Enabling Act to put a permanent ordinance in place. Councilor Burns wished to thank Mr. Rosso, Council President Geary, Solicitor Sypole and everyone else involved in preparing this moratorium and getting it before the Council so quickly.

A MOTION WAS MADE BY COUNCILOR BURNS AND SECONDED BY COUNCILOR ROY TO ADOPT A MORATORIUM ON DATA CENTERS.

Discussion ensued:

Councilor Scalise suggested that before the moratorium expired, they may wish to put together a commission in order to get the truth about data centers. Solicitor Sypole hoped that sixty days would be enough time for the Planning Board, but if not, the Council could renew the emergency ordinance if the emergency still exists. Councilor Scalise was worried about an attorney finding a loophole with the wording. Solicitor Sypole explained that what the Council was doing was a legislative act; their determination that an emergency exists would be entitled to an enormous amount of deference if anyone did try to challenge this in court. Councilor Burns asked if he could amend his motion to shorten the time because the sixty days would put them at the beginning of November and their first Council meeting in November would be after the deadline. Councilor Davis reiterated that the Planning Board was asked to create this ordinance, and Solicitor Sypole noted that the Planning Department had this on their August agenda; however, needed to cancel that meeting due to lack of a quorum. Councilor Davis asked Mr. Prellwitz if this matter was on their September agenda but he was not sure. Solicitor Sypole noted that he had seen a memo prepared by the Planning Department with recommendations for the ordinance and this was on the September agenda for discussion but not for vote. It was determined that this matter would be added to the Council's last meeting in October to determine whether the moratorium needed to be extended. Discussion ended.

IN FAVOR: Burns, Davis, Roy, Scalise, Geary

OPPOSED: None

SO VOTED

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR BURNS AND SECONDED BY COUNCILOR DAVIS TO ADJOURN.

SO VOTED

Marita D. Murray
Town Clerk

Sydney Fernandes
Deputy Town Clerk

A full audio and video transcript of this meeting can be found at:
<https://www.youtube.com/@HopkintonRI/streams>