

**MINUTES OF THE PLANNING BOARD MEETING OF NOVEMBER 6, 2017
AT THE JESSE SMITH LIBRARY COMMUNITY ROOM
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:00 p.m., Jeffrey Partington, Chairman, presiding.

Members Present: Jeffrey Partington, Leo Felice, Bruce Ferreira, Dov Pick, Marc Tremblay, Robert Woods, Christopher Desjardins and Jeffrey Presbrey.

Members Absent: Michael Lupis.

Others Present: Joseph Raymond, Building/Zoning Official, Raymond Goff, Planner and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW:

Mr. Partington acknowledged that Mr. Lupis was excused due to a work obligation.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of October 2, 2017 and workshop minutes of October 16, 2017** were read. *A motion to accept both sets of minutes, as presented, was made by Mr. Ferreira, seconded by Mr. Pick and carried unanimously.*

IV. CORRESPONDENCE:

- Memo from the Town Clerk requesting a Recommendation from the Planning Board on revisions to the Zoning Ordinance dealing with Solar Installations;
- Correspondence from The Commons at Harrisville Village Residents' Association regarding outstanding issues in the development;

V. NEW BUSINESS:

ISM Solar Burrillville, Benito & Rebecca Sgaggero, 600 Broncos Highway, Burrillville; Map 231, Lot 22: *Combined Master-Preliminary Major Land Development Plan Review/Public Hearing/Recommendation to Zoning Board:* ISM Solar Burrillville was represented by Attorney Arthur Russo, property owners Benito and Rebecca Sgaggero, Engineer David Russo from DiPrete Engineering and Greg Lucini, President of ISM Solar Burrillville. Attorney Russo stated that the project was located at 600 Broncos Highway and is currently zoned General Commercial. He explained that due to the elevation of the property, the solar installation would not be visible from Broncos Highway. He noted that several concerns were raised during the previous review by the Board, such as wetlands and deforestation, and would be answered by David Russo. He added that there is currently an application before the Zoning Board for a Special Use Permit and a variance from lot coverage. The presentation was then turned over to Greg Lucini of ISM Solar.

Mr. Lucini provided a summary of the process for obtaining approval for interconnection with National Grid and negotiations with the Pascoag Utility District. He noted that there is a long term buyer for the project (NRG Energy) who will run the system and provide lease payments to the owners as well as provide the Town with yearly tax payments on the installation. He then turned the presentation over to David Russo, of DiPrete Engineering.

Mr. Russo told the Board that the property is approximately 12.6 acres in size, with 343 feet of frontage on Lapham Farm Road and 1,108 feet of frontage along Broncos Highway. The site contains an existing barn located near Lapham Farm Road, which was historically used for storing hay and farming activities on the property. There is existing vegetation that

surrounds the western and southern perimeters of the site as well as along Broncos Highway with low growth vegetation along the Lapham Farm Road perimeter area. No wetlands were found on property but the presence of a small pond was noted on an adjacent property that contains an overflow discharge for large storm events. Due to the topography, the discharge overflows onto the project property, which is known as an ASSF (area subject to stormwater flow). The site is proposed to have a 2.54 MW AC solar system with all panels placed on poles that will face south, being 8 feet in height at the highest area and 3 feet at the lowest near the front of the site closest to Lapham Farm Road. The development will be accessed off of Lapham Farm Road. Several utility poles are required to be installed to Lapham Farm Road from the property but the rest of the wiring will be placed underground. The system will be surrounded by a 6-foot high chain-linked fence for security purposes. There will be minimal periodic traffic for maintenance (mowing of grass; annual inspections) generated by the development after the initial construction of the project is complete. As the site currently has a good size vegetative buffer surrounding the property, there will be a small vegetative buffering provide in the Lapham Farm area towards the front of the property for screening. In regards to the variance that has been requested from the Zoning Board as far as the lot coverage requirement, he stated that their interpretation of the ordinance involved the overall coverage of the panels and system equipment, citing various interpretations with other communities. They submitted it as from the panel perspective. He then asked if there were any questions from the Board.

Several questions and issues were brought up by various members of the Board which included: primary use of the lot (*the solar installation*); battery storage (*nothing planned at this time*); timeframe for the installation of the system and how long for the construction (*spring 2018 – approximately four months*); how big are the panels (*3'x6'*); how are the panels delivered (*large box trucks*); what is the calculation of coverage with just the panels (*panels and pads – 32%*); what is the criteria for the special use permit request (*defined as permit and acceptable to the town; no change or alteration to the general characteristic of the property*); what is the calculated lot coverage for the “fenced in” area (*10.3 acres*), which is approximately 80%; is there a standard economic feasibility based on the size and area the solar system occupies? (*Economic feasibility depends on the size and type of property; project is not feasible if renting this particular size space and constructed at only 20%*).

As there were no further comments or questions from the Board, the Public Hearing was opened at 7:36 p.m.

Michael Boislard, of 950 Lapham Farm Road, Mapleville, questioned the size and amount of vegetative buffer proposed for along Lapham Farm Road, as he will have a clear view of the solar panels from his home. Mr. Lucini said that an evergreen barrier, having trees 6-8 feet in height, will be planted with a berm to elevate the planting outside of the fenced in system.

Jim Murdocco, of 915 Lapham Farm Road, Mapleville, questioned where the fence begins for the solar installation as his property is adjacent to the subject property. Mr. Lucini said that there would be a gravel roadway along the property line. Mr. Murdocco also inquired as to what the structures within the fenced area were and whether there would be any noise from the structures. Mr. Lucini explained that the structures (inverter/transformer) were part of the solar array and offered to show him information on noise studies conducted.

Deborah Yablonski, of Moroney Road, Pascoag, asked if mowing was the only maintenance conducted to control the vegetation. Mr. Lucini said that mowing was the only maintenance, once a year as they plant a grass seed mix that does not grow tall.

Christine Murdocco, of 915 Lapham Farm Road, Mapleville, asked if a six-foot fence was tall enough to keep deer from the installation. Mr. Lucini said that on occasion, a deer can get into the fenced area. He added that a phone number will be available in case this occurs.

Having no further questions from the audience, the Public Hearing was closed at 7:42 p.m.

A discussion ensued with the members as to the issue of how the 20% lot coverage requirement is determined. It was noted that the applicant appears to have a different understanding of how to apply the requirement (panels/pads/system) and the Planning Board has a different interpretation (within the "fenced-in" area), although several members of the Board felt that they did not have a problem with the lot coverage of this particular project due to its location and topography.

Mr. Raymond noted that the standards for a solar array installation are listed within Section 30-211, one which requires Planning Board approval of the plan. He added that the language dealing with the 20% lot coverage is pretty clear – the project must meet the requirement of 20% of the lot. If the Planning Board feels that this is a good property for this project, and that it doesn't work because of the limited number, they would need to verbalize it to the Zoning Board in the recommendation.

As there were no further questions, *a motion was made by Mr. Tremblay to approve the Combined Master-Preliminary plan for ISM Solar Burrillville, in accordance with R.I.G.L. 45-23-60 and to forward a positive recommendation to the Zoning Board on the project as the project is:*

- *Consistent with the Town's Comprehensive Plan, Chapter VII Economic Development, Policy VII.1.b. "Support the use of renewal energy for both commercial and residential interests";*
- *Will comply with the Town's Zoning Ordinance, specifically Section 30-211. Roof and Ground-mounted Solar Photovoltaic Installations, (e) Standards: 1. Planning Board approval; 2. Access – Lapham Farm Road and Broncos Highway; 3. Lot Coverage – upon the granting of a dimensional variance to exceed the 20% maximum requirement (proposed 81% lot coverage); 4. Setbacks; 5. Maximum height; 6. Screening; 7. Security and 8. Land Clearing; as well as upon the Zoning Board granting a Special Use Permit for the project;*
- *Will have no significant environmental impacts as the property does not contain any wetlands;*
- *Will not result in the creation of an unbuildable lot as the solar installation is considered the primary use of the property;*
- *Will have adequate and permanent physical access to a town road (Lapham Farm Road) and a state road (Broncos Highway);*

With the following explanation to the Zoning Board: the lot coverage requirement of 20% is intended to include the entire fenced in area of the solar project, and despite the fact that this

proposed solar array system installation has a lot coverage of 81% of the subject parcel, it is still compatible with the General Commercial zoning and there has been no objections from the abutting property owners. The Planning Board encourages the approval of the variance based upon the special use permit for the project. The motion received a second from Mr. Ferreira. Under discussions, Mr. Felice voiced concerns with setting precedence. The motion carried with seven in favor (Presbrey, Desjardins, Woods, Tremblay, Pick, Partington, Ferreira) and one opposed (Felice).

Harrisville Village, LLC, The Commons at Harrisville Village, Harrisville: *Request for Bond Reduction:* Developer Mark Bard was in attendance to represent his request for a reduction of the bond that the Town currently holds for the Harrisville Village condo development. Several residents of the condo development were in attendance as well. Mr. Partington noted that the Board was in receipt of a memo from the Town's DPW Director, informing the Planning Board that he had conducted an inspection of the development and provided a new bond amount for the reduction. The Chairman also noted that the Board was in receipt of a list of complaints from residents of the development who were concerned with making sure the problems were addressed by the developer. He made a suggestion that the DPW Director be made aware of the list of residents' complaints and revisit the development to compare the list against the improvements on site. *A motion was made by Mr. Tremblay to table the request until the Board receives clarification as to whether the residents' complaints coincide with specific items that were covered by the bond and ensure that if the items are part of the bond, the suggested bond reduction covers the repairs. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

Discussion/Recommendation to Town Council on Proposed Amendments to Chapter 30 Zoning Ordinance, specifically Section 30-211. Roof and Ground-mounted Solar Photovoltaic Installations: The Board reviewed additional changes to the Town's recently enacted Zoning Ordinance Section 30-211 Roof and ground-mounted solar photovoltaic installations, which were submitted by the Town Solicitor and reviewed by the Town Council at their meeting of September 27, 2017. The changes included the following:

Page 2, (d) General Requirements, 3. *Exemptions has been deleted;* (It has been replaced in a different location within the ordinance.);

Page 3, (f) Required documents, 7. Proof of liability insurance; added, *"A licensee must be insured";*

Page 4, (j) Abandonment/decommissioning, 1. Abandonment, the following language is added, *"Physical removal of all solar energy system structures, equipment, security barriers and transmission lines from the site. The utility company that the system is interconnected to must be contacted within 90 days of system de-energization to remove the transmission lines from the site"; "Disposal of all solid and hazardous waste in accordance with all federal, state and local laws, regulations and ordinances"; "Stabilization or revegetation of the site as necessary to minimize erosion and in compliance with all state and local laws, regulations and ordinances and shall be approved by the Burrillville Zoning Official or his/her designee";*

Page 4, (k) Exemptions, the following language is added, *"Nothing herein shall preclude the Town of Burrillville from installing ground-mounted or other solar*

energy system on any town-owned or controlled property regardless of the zoning district”; “Nothing herein shall preclude any fire district within the Town of Burrillville from installing ground-mounted or other solar energy systems on property owned by it provide that: (a) Such property may not be acquired through tax sale [or eminent domain]”; (b) Any property utilized for a small or medium scale solar energy system shall be permitted in zoning districts as set out herein and such property shall be no less than five (5) acres in size”; (c) Any commercial scale or large scale solar energy system shall require planning board approval and shall otherwise be in conformance with the applicable zoning ordinances of the Town of Burrillville provided that nothing herein would prevent the fire district from applying for a special use permit pursuant to the zoning laws of the town”;

The issue of whether the requirement of utilizing no more than 20% of a lot for a solar array was discussed further in light of the ISM Solar Burrillville request previously discussed by the Board. Several members felt that the 20% issue should be reviewed in more detail and could be included with their recommendation to the Town Council. *A motion to table the recommended changes to Section 30-217 Roof and ground-mounted solar photovoltaic installations for further review was made by Mr. Woods. The motion was seconded by Mr. Pick and carried with six votes in favor and two votes opposed.*

Discussion/Recommendation to Town Council on Proposed Additional Language to Chapter 30 Zoning Ordinance, specifically creation of Section 30-162 Breweries, Brew Pubs, Distilleries, Wineries; Amendments to Section 30-3 Definitions; Section 30-71 Zoning District Uses; Section 30-72 Prohibited Uses: The Board reviewed a draft of a new ordinance prepared by the Planning Director to address Breweries, Brew Pubs, Wineries and Farm Wineries in the Town. Several changes were suggested: *Page 3, (a) Purpose, (1) General Requirements, iii. Change “winegrower” to “vineyard”; Section 30-71 Zoning district uses, Section 1 Agricultural uses, Wineries, allowed by Special Use in Light Industrial (LI) and General Industrial (GI).* The Board felt that the ordinance required more work and requested further revisions to be reviewed again by the Board at a future meeting.

VI. OTHER BUSINESS:

Report from Administrative Officer: The Board reviewed the report from the Administrative Officer for the month of October regarding Certificates of Completeness, incomplete submissions and endorsed plans.

Having nothing further, a motion to adjourn was made by Mr. Tremblay at 9:15 p.m. The motion received a second from Mr. Desjardins and carried unanimously by the Board.

Recorded by: M. Christine Langlois
M. Christine Langlois, Deputy Planner

