

Minutes of the Burrillville Planning Board meeting of October 7, 2019, at the Jesse Smith Library, 100 Tinkham Lane, Harrisville subject to approval at the next regular meeting.

I. CALL TO ORDER:

The meeting was called to order at 7:00 pm, Jeffrey Partington, Chairperson, presiding.

Members Present: Bruce Ferreira, Christopher Desjardins, Steve Foy, Michael Lupis, Dov Pick, Robert Woods, Jeff Partington(Chair),

Others Present: Ray Goff, Planning Director, Jennifer Cervenka, attorney for developer Douglas Pike Solar, Buzz Becker of Hexagon Energy and Audie Osgood of DiPrete Engineering for Victory Highway Solar.

II. ATTENDANCE REVIEW:

Mr. Partington acknowledged that Ken Raspallo and Leo Felice are absent/excused.

III. ACCEPTANCE OF MINUTES:

A motion to accept the minutes of the September 9, 2019 meeting was made by Mr. Foy, seconded by Mr. Desjardins and carried unanimously by the board.

IV. CORRESPONDENCE: None

V. OLD BUSINESS:

Consider and act on Zoning Amendments *(continued from September 9, August 5, July 8, and June 3 meetings)*

A motion to move old business to the end of the meeting was made by Mr. Ferreira, seconded by Mr. Foy and carried unanimously by the board.

VI. NEW BUSINESS:

Richard Emery, 450 Central Street, Harrisville; Map 178, Lot 9: Preliminary Minor Subdivision Plan Review for a two lot subdivision.

Applicant is not present so Mr. Goff presented the details of the application. This application is for the creation of a single building lot in the R-20 zoning district. Because part of the existing lot is located in an aquifer zone, we must consider aquifer zoning. The A-80 zone which requires additional area and frontage than the underlying R-20 zone. The existing lot will be reduced to 80,000 sq. ft. and 196 ft. frontage, conforming to 30-73(b) 2. of the Zoning Ordinance. The new lot will be 22,844 sq. ft. and 125.27 ft. frontage, conforming to the area and frontage requirements for the R-20 zone. There is a provision in Section 30-73 (b) 2. that states "In the A-80, if after subdivision into as many 80,000 square foot lots as possible, there remains a lot of 60,000 square feet or more, with a frontage of only 150 ft. it may be created." Based on this language, the applicant is allowed to subdivide a lot conforming to the R-20 Zone that is outside the A-80 Zone and the remaining lot within the A-80 zone is more than 60,000 square feet and the 150 feet frontage. The property will be serviced by town water and sewer, so no septic approval is necessary. The topography is sloping away from Central Street and would be adequate for development. The applicant is seeking waivers of the following: 1" = 400' Locus Map—a locus map has been provided

which adequately depicts the property location, shaded slope map- 2-foot contour topo lines has been provided on the plan and this adequately shows the information necessary, a conventional yield plan—this is not necessary on this type of subdivision.

A motion to approve the Minor Subdivision Preliminary/Final Plan for Richard Emery was made by Mr. Foy pursuant to such a hearing and testimony by appropriate representatives of the land owner and/or developer, the Burrillville Planning Board, upon careful deliberation and in accordance with the provisions of RIGL Section 45-23-60 Required Findings, has arrived at and agreed upon the following findings of fact: the subdivision is consistent with the Comprehensive Plan, Chapter V – Housing, Implementation Action V.1.a.1 the subdivision is consistent with the Comprehensive Plan, Chapter V–Housing, Implementation Action V.1.a.1; Parcel A meets minimum area and frontage requirements for the R-20 zone, while the existing parcel meets the area and frontage requirements of the A-80 zone due to compliance with Article 30-73 (b)2 of the zoning ordinance; the subdivision will not result in the creation of unbuildable lots; the subdivision will create two (2) lots that will have adequate and permanent physical access to Central Street. The motion received a second from Mr. Pick and carried unanimously by the Board.

Douglas Pike Solar – Major Land Development Project, 0 Walling Rd, Nasonville, Plat 131, Lot 7 – Pre-Application review for a 2.7MW ground mounted solar energy system.

Attorney Jennifer Cervenka and Engineer Consultant, Jason Gold presented the application. Ms. Cervenka stated this proposed 2.7 MW ground mounted solar system would be located in a Commercial Village Zone where solar is permitted by special use permit in addition to the boards development site review. This site includes two overlay districts, the Village Commercial Zone (VC) as well as the Route 102 Overlay District. Ms. Cervenka proposed two concepts. Concept 1-Eastern Portion will utilize the existing gravel bank near Douglas Pike. A 25-foot vegetation buffer would be along Douglas Turnpike. Concept 2- Western portion of the property places the solar field abutting Walling Road residents. This plan would require more than 20% clear cutting and the installation of a storm water control system. This western location/concept 2 is the preferred location of the applicant and they are seeking the boards opinion on a developing this parcel harmoniously with current town goals and policies. Mr. Partington asked Mr. Gold about wetlands crossing. Mr. Gold explains that entry off of Victory Highway would cross wetlands, entry off of Walling Road would not, however it is steep and narrow. Mr. Gold added, in both plans, the array will be well screened due to a large berm on Douglas Turnpike and the existing vegetative buffer at the Walling site. Mr. Desjardins asks if the array can be split with half the array (3,500 panels) to the west and the other half (3,500 panels) to the east of the Greenway Corridor (noted on the map) thus minimizing the disturbance to the abutters on the west side and setting back further away from Douglas Turnpike to permit possible future development there. Mr. Gold said this is possible but not optimal for function and maintenance of the arrays. Mr. Ferreira asked if they have energy storage facility as part of this plan. Mr. Gold replied that this is not part of their plan. Mr. Ferreira and Mr. Foy stated that they are in favor of Concept 1/Eastern portion as it would not result in clearcutting and will have more favorable access. Mr. Partington and Mr. Desjardins were in favor of splitting the array and moving it more to the center of the property if the slope of the land would permit. Ms. Cervenka thanked the board for their comments and suggestions. No further comments or questions.

Hexagon Energy LLC/Victory Highway Solar, 0 Victory Highway, Nasonville, Map 113 Lot 012: Major Land Development Project, Master Plan Application Review of a 750kW ground mounted solar energy system/Informational Hearing.

In attendance to represent Hexagon Energy was Buzz Becker, Development Manager and Dew Price, Managing Director and Audie Osgood, engineer from DiPrete. Mr. Becker explained that this is a smaller scale commercial array designed to be a community solar project. Specifically, it will be responsible for lowering National Grid electric bills should neighbors subscribe to the project. Mr. Osgood discussed the proposed development plan and existing conditions. The property is a 22-acre parcel that lies between

Victory Highway and Route 102 within the Village Commercial (VC) zoning district and the Village Planner Development overlay. The 1 Mw solar array project will cover approximately four (4) acres in keeping with the Town's Zoning Ordinance requirement of 20% lot coverage. Access off Bronco Hwy thru the adjacent parcel would provide adequate frontage on a public street. The site drains from high points on north and east sloping to the branch river. The stream along northern property line as well as any associated wetlands will be delineated as part of the DEM review. The array will cover four acres and will be enclosed within a 7 ft. chain-link fence with limited clearing outside fence. Mr. Osgood met with Fire Marshall Lori Poirier today who requested wider access around the entire site as well as a turnaround area for apparatus. No sewer, water or lighting is proposed for the site. There is overhead power on the abutting site so they would like to continue this power onto the site. Mr. Osgood requested the following waivers, verified wetland edge, Class 1 boundary survey, use of overhead wires, a landscape plan and use of an easement via lot 113, lot 11 to this site. Mr. Osgood reviewed the required findings of facts and stated that the project is consistent with the Town's Comprehensive Plan. There will be no significant negative environmental impact, no creation of unbuildable lots and there is adequate and permanent access for all lots. Mr. Osgood requested a recommendation for the special use permit to the Zoning Board. Mr. Goff explained the concern with the access road. Mr. Becker explained that he is partnering with this other property owner to comply with the Site Plan review requirement. The adjacent property will be ready for site plan and master plan submission soon. Mr. Partington asked what percentage of the lot will be cut. Mr. Osgood stated 18.5 percent. Mr. Goff asked how close the clearing of solar field is to the clearing to the abutters lots. Mr. Osgood responded that the SE side resident is closest to the project. There is a 15-foot setback with 20-foot buffer in this area. Also there is a significant wooded area with a 45ft hill. The closest structure to the array is 320 feet. The applicant stated they are willing to consider moving the location of the array to the east to provide more of a buffer to the abutters provided they are clear of the wetlands. The public was invited to ask questions. Abutter Mr. Kevin Dybala stated he prefers access thru Pool King and was looking to prevent clear cutting as to preserve habitat for wildlife in area. Another abutter was concerned about well water contamination. Mr. Partington explained that this is of no concern as this site will not use water nor will the project impact ground water. He also added the town will have a bond to ensure panels are removed after 20 years. Mr. Ferreira asked if there will be energy storage facility as part of plan. Mr. Becker answered no. Mr. Goff reviewed the waivers requested by the applicant; RIDEM verified wetland edge, Class 1 boundary survey, underground power requirement, access via easement via plat 113, lot 11. Mr. Goff stated he will write a letter of recommendation to the zoning board and this plan will be held to the current zoning ordinance.

A motion to approve the Major Land Development Project – Final Review for Victory Highway Solar was made by Mr. Partington Pursuant to such a hearing and testimony by appropriate representatives of the land owner and/or developer, the Burrillville Planning Board, upon careful deliberation and in accordance with the provisions of RIGL Section 45-23-60 Required Findings, has arrived at and agreed upon the following findings of fact by majority vote: The Land Development is consistent with the Town's Comprehensive Plan, specifically, Chapter VII Economic Development, Policy VII.1.b. "Support the use of renewable energy for both commercial and residential interests"; The land development will have no significant environmental impact as it is located outside of any environmentally sensitive areas; The land development will not result in the creation of an unbuildable lot as the solar installation is primary use of the property; the land development will have adequate and permanent physical access to a state road (Bronco Hwy) via and easement through plat 113, lot 11. The motion received a second from Mr. Ferreira and carried unanimously by the Board.

VII. OLD BUSINESS:

Consider and Act on Zoning Amendments *(continued from September 9, August 5, July 8, and June 3 meetings)*

The board reviewed the recommended amendments to the solar ordinance and took comments from representatives of the solar industry and the public. They discussed tree clearing as an important issue from the solar survey. It was decided that 50% lot coverage with up to 20% of existing trees and brush would be allowed to be clear cut. Any requests for going over the 20% clear cut would require planning board approval. Any approval will require offsets or credits to the excess of the 20% cutting. This can be in the form of replacement trees planted elsewhere on the site and/or contributions to a tree bank, improvements to site impact and approval of the mitigation by the Board. A recommendation will go to the Town Council regarding the revisions to the Zoning Ordinance regarding solar facilities.

A motion was made by Mr. Foy to approve the amended solar ordinance and make favorable recommendation to the Town Council a second was made by Mr. Pick and then carried unanimously by the board. An amendment as made to the motion to include the approved zoning ordinance for Rural Land Use, Power Plant Siting and Solar Energy Siting approved at the September 9, 2019 meeting.

VIII. OTHER BUSINESS: None

Report from Administrative Officer:

Certificates of Completions 2; Incomplete Submissions; Endorsements 1

Having nothing further, a motion to adjourn was made by Mr. Pick at 9:00 p.m. The motion received a second from Mr. Ferreira. and carried unanimously by the Board.



Nicole Stockwell, Administrative Aide