

# **Burrillville Planning Board Minutes for February 3, 2020**

Jesse Smith Library, 100 Tinkham Lane, Harrisville, RI 02830

Subject to approval at the next regular meeting

## **CALL TO ORDER:**

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

**Members Present:** Jeff Partington(Chair), Leo Felice (Vice Chair), Steve Foy, Michael Lupis, Bruce Ferreira, Robert Woods, Dov Pick, Ken Raspallo

**Others Present:** Ray Goff, Planning Director

## **I. ATTENDANCE REVIEW:**

Mr. Partington acknowledged Mr. Christopher Desjardins was absent.

## **II. ACCEPTANCE OF MINUTES:**

*A motion to accept the minutes of the January 6, 2020 meeting was made by Mr. Ferreira, seconded by Mr. Foy and carried unanimously by the board.*

## **III. CORRESPONDENCE: None**

## **IV. OLD BUSINESS:**

### **Yorkshire Properties/Richard O'Keefe-Reservoir Rd, Map 192 Lot 69:**

Preliminary Plan review, Minor Subdivision Plan, two-lot subdivision, no road. Continued from 11/4/19.

Mr. Partington asked Town Planner Mr. Goff to update the Planning Board on the outstanding issues for this development plan. Mr. Goff stated that there were five concern: 1.) Driveway design-slope, surface, width, and drainage 2.) Ledge removal plan at the road-need for police detail for traffic control, 3.) Test water for high radon levels, 4.) Determine if the applicant is required to tie into public sewer and water. Representing and speaking on behalf of the applicant, Richard O'Keefe, who is also present, was Attorney Robert Colagiovanni. Assisting him in the presentation were contracted Planner, Edward Pimental and Engineer, Paul Carlson. Attorney Colagiovanni explained that the parcel is 4.05 acres in R20 zone. The land is proposed to be subdivided into two lots. Lot 1 is 89,477k square feet with 375 linear feet of frontage and Lot 2 is 87,120k square feet with 240 linear feet of frontage. Each lot will have its own driveway. In order to avoid excessive blasting and a disturbance of the neighborhood, the applicant has obtained two OWTS permits from RIDEM giving permission to build a septic system for each lot. RIDEM granted these permits with the knowledge that sewer lines ran along Reservoir Rd and determined that access to these lines would not be reasonable due to the ledge. The applicant also obtained a waiver from Burrillville Sewer Commission dated 12/10/19. In addition, due to the ledge, the applicant plans to build two wells, one for each lot. The applicant has a letter from the superintendent of Pascoag Water Department, Mike Lima stating that they are not required to tie into public water. Mr. O'Keefe reported that he collected an independent water sample from 110 Reservoir Road and the radon test results were within safe limits. A wetland application to DEM had determined that this project does not pose any impact to wetlands. RIDOT has approved a physical alteration permit for both driveways. All aforementioned paperwork has been submitted to the board. Contracted Planner, Edward Pimental briefly reviewed the plan and states that this plan meets the towns comprehensive plan, complies with zoning ordinances and is an appropriate and compatible development for this area. Mr. Partington opened up questions from the board. Mr. Ferreira raised concern over the driveway length and width stating that he believes that larger

vehicles such as EMS trucks and service trucks will not be able to easily access and turn around as designed. He stated that this is especially concerning with the sharp angle in the lot 2 driveway. He also had concerns about the gravel surface. Engineer Mr. Carlson stated that the current drive width is 10 feet with a 30-foot hammerhead providing 60 feet of maneuverability. Surface is an aggregate top with gravel base. Max slope lot 1 is 5-6% lot 2 is 8%. Slope at the approach to Reservoir Rd. is 2%-3%. Mr. Ferreira suggested paving the end of driveway. Mr. Ferreira asked why gravel and not paved. He is concerned with water runoff. Mr. Carlson stated to avoid runoff, the driveways will be super elevated to the inside where water will be infiltrated thru the stone to the edge of the driveway. Mr. Partington stated that this design may require a peer review from the town engineer. Mr. Pick suggested a pull off on each drive due to the width and length and recommended paving end of the drive if not the entire driveway. Mr. Pick then requested more information about the site line for lot 1 driveway. Mr. Carlson explained there will be approximately 40 feet of rock and material hammered and blasted to create the 155 foot site line requirement. A traffic control plan has been submitted for construction. Mr. Wood asked for more explanation of drainage. Mr. Carlson stated that paving does not allow for infiltration of water. Mr. Wood recommended contacting Pascoag Fire to review the driveway design and request comment on accessibility. He also suggested paving the end of the driveway. Mr. Pick and Mr. Foy expressed safety and drainage concern regarding the blasting. Mr. Wood stated that blasting is insured and bonded. Mr. Ferreira asked for a review of the roof drainage design on lot 2. He stated that they appear to be draining in the wrong direction. He also requested review of the septic tank accessibility. He believes the 150-foot distance from driveway to the septic tank is too far. Mr. Carlson stated that the tanks will be pumped approximately two times a year but they will consider his request. Attorney Colagiovanni asked for a list of the boards current concerns. Mr. Partington listed: 1.) Review both driveways: Consider width-prefer 12-16 foot wide with pull off. Consider size of turn around/hammerhead at top. Large enough for EMS vehicle/oil truck/septic truck. Consider the 90-degree angle/entry for lot #2-maneuverability of large vehicles. Consider paving last 30 feet of drive at Reservoir Rd. Pascoag Fire review with comment 2.) Consider the distance of the septic from the driveway in lot 2. 3.) Review the roof drainage design for lot 2.

*A motion to continue Yorkshire Properties/Richard O'Keefe-Reservoir Rd, Map 192 Lot 69, Preliminary Plan review to the March 2, 2020 meeting was made by Mr. Partington seconded by Mr. Ferreira and carried unanimously by the board.*

**Broncos Highway Solar/Going Green Realty, AP 113 Lot 11, Public Hearing:  
Master Plan review (#2), Major Land Development Solar Project, 750 kW AC/985 kW  
DC 91,500+/- square feet canopy solar energy system, no road, accessed via an existing  
driveway off of Broncos Highway. Continued from 12/2/19.**

Mr. Partington asked Mr. Goff for a brief summary of outstanding concerns with the plan. Mr. Goff listed: 1.) canopy location, 2.) canopy supports, 3.) traffic pattern in the yard and under the canopies, 4.) traffic study on Route 102 at entrance.

Representing the applicant are Buzz Becker, lead developer from Hexagon Energy and Audie Osgood, engineer from DiPrete Engineering. Mr. Becker explained that they have addressed all of the above concerns as well as clarification of the property owners plan for the NE corner of the property. They have revised the site plan and now the array is condensed to 1.5 acres in the southwest corner of the property. It consists of two canopies that are 125 wide. The support

poles are every 27 feet. In regards to the traffic operational analysis requested at the last meeting, Mr. Becker stated that they reached out to a traffic engineer Paul Bannon who stated that this level of development would not warrant that level of study and instead recommended a traffic safety analysis. This memo was forwarded to Mr. Goff. Mr. Becker requested the \$2,500 traffic safety analysis be a condition at the preliminary plan stage. Lastly, to address the concerns of the board from the December meeting, he requested a business plan from the property owner for the northwest corner of the property. Mr. Becker stated that the business owner has no plans for the northwest corner of the property. The property is in the village commercial zone and then he went through some complementary businesses that could go there but those are all in theory. Mr. Osgood then reviewed the site plans. Mr. Partington asked about tree cutting and buffering. Mr. Osgood stated that this area is mainly scrub brush with minimal tree cutting required. They will adhere to buffering requirements and provide supplemental plantings as needed. Mr. Partington asked if the 30-foot canopies will be visible off of Victory Highway. Mr. Osgood stated that there will be minimal visibility from Victory Highway. Electrical connections would be in the northwest corner of the property near Bronco Highway. Also in this area is the proposed gravel access to the Victory Highway Solar project. Mr. Osgood stated that traffic engineer Paul Bannon will be conducting a safety analysis which includes speed data, accident data, safe stopping distance, etc. onto Bronco Highway. He will take this data and collaborate with DOT, Police departments and the town to see if an entrance widening is warranted. Mr. Osgood stated that each canopy will have nine "bays" so a max of 18 trucks could be stored there. Mr. Woods requested the property owner come in front of the board to ensure transparency and compliance and a business development plan. He is concerned as there are already several trucks on the property now and sees this turning into a trucking depot. Mr. Becker stated that they were contracted to develop solar on the property they are here in front of the board to address compliance with zoning an ordinances relating a solar project. Mr. Osgood stated that this resubmitted design and plan was to speak to the concerns of the board regarding location of the canopy and traffic flow and there is no proposal to intensify use of the property. Mr. Woods suggested reviewing the zoning ordinance to see if a trucking depot is an allowed use in this area. Mr. Woods asked why not just do ground mounted solar? Mr. Osgood stated that canopies are more efficient in that they have a higher output per square foot due to the spacing of the panels and they require less cutting of trees for shading. Mr. Woods and Mr. Raspallo asked to see if this use is in compliance before any approvals are granted. Mr. Partington recommended making it a condition that Mr. Goff meet with building and zoning official Joe Raymond to create a list of what will bring the property into compliance and to review zoning regulations for this location. Mr. Partington opened up questions from the public (public informational meeting). There were no questions from the public. Mr. Becker asked if there are any concerns from the board regarding the proposed design of the solar project. Mr. Partington stated that there are no issues with the plan though it will be continued to address compliance of the property owner.

*A motion to require a meeting between Mr. Goff and Mr. Raymond to compile a list of requirements for compliance was made by Mr. Woods and seconded by Mr. Pic and carried unanimously by the board.*

*A motion to continue Bronco Highway Solar, Map 113 Lot 11: Master Plan review to the March 3, 2020 meeting was made by Mr. Partington seconded by Mr. Foy and carried unanimously by the board.*

## **V. NEW BUSINESS:**

### **Douglas Pike Solar, LLC, 0 Walling Road, Map 131 Lot 7, Public Informational Meeting: Master Plan review, Major Land Development, 2.7 MW ground mounted solar energy system.**

Attorney Jennifer Cervenka and Engineer, Jason Gold and Principals, John Typadis, Dimitri Typadis and Sevag Khatadourian presented the project. Attorney Cervenka stated that this master plan is a hybrid of the two previously reviewed alternative designs. The first plan proposed placing the array in the old gravel pit behind the Western Hotel and the second plan proposed a location in the rear west side of the property. This new plan incorporates some of the existing gravel bank and offers an increased buffer along Walling Road which will require less clear cutting. It also allows for development along Douglas Pike the as per the Nasonville Redevelopment Plan which proposes reserving this area for a housing development. Mr. Partington reviewed the previously proposed plans with the public in an effort to show how the applicant came to this new plan. Attorney Cervenka stated that there were a few concerns listed in Mr. Goff's staff report that will be addressed in the presentation. 1.) slopes, 2.) buffering, 3.) clearcutting, 4.) wetlands. Regarding slopes, the 10% slope will be addressed with a combination of grading and racking of the panels. The buffering along Walling Road will remain in tact and as such they will be seeking a waiver as part of the Master Plan which would require the planting of additional vegetation. They reasoned that with such a large buffer, additional plantings would not be a benefit. With respect to clearing, nine plus acres will be needed for the creation, operation and maintenance of the array. In regards to the wetlands, both wetland areas to the north and south have been delineated and flagged and will be surveyed at the Preliminary Plan stage. Attorney Cervenka then listed out the request for relief or waiver for the following: 1.) relief from zoning-seek a special use permit. 2.) waiver of design regulation requiring the distribution lines to be underground. They are requesting that the section of lines from the street to the first pole be above ground. This will be a distance of approximately 100 feet long. 3.) Relief of planting additional buffer at Walling Road as there will be sufficient buffer with the existing vegetation. Mr. Partington opened up questions from the Board. Mr. Ferreira stated that he prefers the alternative plan located in the sand bank. Attorney Cervenka stated that they changed the plan in response to feedback from the board and to comply with the towns Nasonville Redevelopment Plan for that area. There were no further questions from the board members. Mr. Partington opened up questions from the public (public informational meeting). Deb Lemay of 160 & 152 Walling Road asked for more information about the housing development behind the Western Hotel. Mr. Partington explained that this is in reference to the Nasonville Redevelopment Plan that lists a housing development as a preferred use of the site. It is not a proposed project at this time. Paul Dalpe Jr. of lot 45 expressed concern of drainage issues and possible contamination caused by clearing 9+ acres with a 100-foot elevation change. He stated that this wetland area is part of the Branch River aquifer and watershed area. He then expressed concerned of well water contamination. Mr. Gold replied that RIDEM requires that runoff is the same or less than pre-existing conditions. Marian Habib, representing her father who own property on Walling Rd, asked how this array will affect the value of her father's land. She does not know what his address is. Mr. Raymond, building official, responded stating that he has spoken with her in the past. Her father's land is at least ½ mile away and the array is not near him. Paul Dalpe stated that he owns 9.5 acres at the beginning of Walling Rd. He expressed concern of the runoff contaminating the spring on his property with carcinogens from the panels. He stated that the

University of Arizona conducted a study that stated cadmium and lead in the panels can cause cancer. Mr. Partington explained the decommissioning bond requirement that ensures removal of the array once expired. Attorney Cervenka responded that RIDEM will examine this project and they will not grant a permit if they feel additional runoff would be an issue. She also stated that the panels would have to crack to leak which is not an easy feat. She offered to supply documentation stating that in the unlikely event that a panel should leak, the amount to come out would be de minimis. Mr. Khatadourian responded that cadmium telluride is not used in new panels. New panels are silicon based. Mr. Khatadourian stated that the manufacturers put the panels through impact testing where the panels are intentionally cracked and water is continuously run over them. Testing of this collected water showed no risk. Mr. Partington asked Mr. Khatadourian to forward a copy of the impact study to the Board. Carlo Mancucci of Glendale asked if the nine acres of clearcutting includes the shade trees. Mr. Gold responded that it does not. It will likely be closer to 10 acres with the shade trees though a definitive number will not be available until ESS does a shade analysis of the area. The clearing of shade trees may bring cutting 100 to 200 feet closer to Walling Road. There will be an approximate 150-foot natural buffer remaining. The zoning ordinance requires a 20-foot buffer. Mr. Woods asked if the array will be visible from Walling Rd. Mr. Gold responded that it would not be visible due to the existing 20-foot wooded vegetative buffer then the remaining approximate 150-foot buffer that has been thinned out of taller shade trees. Mr. Woods asked about the height requirement of the shade tree. Mr. Gold stated that it varies depending on the topography and distance from the array. Mr. Partington suggested providing a site line drawing to show the impact. Laura Sores 2430 Victory Highway expressed concern of seeing arrays from the front (Douglas Pike Solar) and rear (Victory Highway Solar) of her home. She is concerned that this will change the value of homes in the area. Mr. Partington stated that she will have over 500 feet of wooded area between her home and the array and it is not likely that she will be able to see it. There is a screening requirement to reasonably screen the array and there is no guarantee you will not be able to see the array in winter or from second floor of her home. He also explained that the developer has the legal right to develop the land and the Planning Board's role is to mitigate potential impacts. Suzanne Gartland 801 Douglas Turnpike asked who benefits from the panels. Mr. Khatadourian answered that this is a community remote distributed generation project that will offer discounted electric to National Grid customers who subscribe to the project. This will be in the form of bill credits of approximately ten to fifteen percent. An abutter asked the percentage of allowed clearcutting. Mr. Goff answered that the current ordinance allows 20% lot coverage but there is a new ordinance revision going in front of the town council that will allow up to 50% with a required replanting. Mr. Partington explained that each lot is considered for what is the best use of the land. Mr. Woods informed the public that the revisions to the solar ordinance will be heard at the town council meeting, which is next Wednesday. Mr. Partington asked Attorney Cervenka to review her two waiver requests. Attorney Cervenka stated they are requesting two waivers. First, a waiver from 2.131E the Burrillville Development Plan Review Regulations which requiring all new distributions lines on the property connecting to existing power lines shall be underground. Seeking partial waiver to allow 100 to 150 feet from the road to the array to be above ground. Second, is a waiver from 2.131i requiring a planted vegetated buffer as the applicant wants to leave the existing vegetation. Attorney Cervenka stated that she understands that this will be conditioned upon providing a shade analysis study with site lines on the shade tree cutting.

*A motion to approve Douglas Pike Solar, LLC, 0 Walling Road, Map 131 Lot 7 Master Plan review with positive recommendation to the zoning board, waiver from the underground connection and a waiver from the planted vegetative buffer requirement subject to a shade analysis study with site lines was made by Mr. Partington seconded by Mr. Pick.*

Mr. Wood expressed issue with the waiver and made a motion to amend the vote and consider the waivers separately from the approval, which is seconded by Mr. Ferreira and carried unanimously by the board.

Mr. Woods and Mr. Ferreira expressed concern for the verbiage of waiving the planting for the 20 foot buffer. Mr. Partington and Attorney Cervenka explained that they are conditioned upon the shade analysis and they are seeking waiver from the 20 feet only where there is existing vegetation.

*A motion to waive the requirement of the vegetative buffer with the condition that the applicant provide a shade analysis with site lines was made by Mr. Partington and seconded by Mr. Foy and carried unanimously by the board.*

Mr. Woods expressed concern of for the waiver for the above ground lines. He recommended they be entirely underground to keep the residential look to the neighborhood. Mr. Typadis stated that National Grid requires a certain amount of poles to be above ground and they have no objection putting the remaining underground. Mr. Khatadourian explained the function of the 4-5 poles that National Grid designs, regulates and mandates as above ground. Mr. Partington recommended amending the vote and to change the verbiage.

*A motion to amend the original vote to read waive the underground connection to what is required by National Grid connection was made by Mr. Raspallo and seconded by Mr. Ferreira and carried unanimously by the board.*

*A motion to approve Douglas Pike Solar, LLC, 0 Walling Road, Map 131 Lot 7 Master Plan review, Major Land Development, 2.7 MW ground mounted solar energy system with the two waivers was made by Mr. Partington, seconded by Mr. Pick, carried by 6 members and 1 opposed.*

**Saint John Solar/Consumers, 0 Clear River Dr., AP 178, Lot 13, Public Informational Meeting:** Master Plan review, Major Land Development, 700kW ground mounted solar energy system.

Buzz Becker Lead Developer from Hexagon Energy and Audie Osgood, engineer from of DiPrete Engineering presented the plan. Mr. Becker explained that this is a community solar project where National Grid customers can enroll in a discount program. Mr. Osgood explained the location and layout of the plan. Connection and access to the 2-acre array will be through a previously cleared access road in eastern corner of the property. There are 10-15 percent slopes but there will be no grading on site. Approximately 1.5 acres will need to be cleared. There is an approximate 25-foot elevation change. Wetlands are flagged and shown on the plans. They have been submitted to RIDEM. The solar panel lot coverage is approximately 20-24%. The distance to the nearest dwelling is 500 feet to the east and 200 feet to the south. Mr. Partington opened up questions from the public. Mr. Jack Kaprosack of 66 Clear River Drive asked if this is a ground mounted or canopy system. Mr. Becker replied ground mounted. No more questions from the public. Mr. Osgood requested two waivers: 1.) waiver from class one



boundary-defer to Preliminary Plan and 2.) waiver from the wetlands edge verification-defer to Preliminary Plan.

*A motion to approve Saint John Solar/Consumers, 0 Clear River Dr., AP 178, Lot 13, Public Informational Meeting: Master Plan review, Major Land Development, 700kW ground mounted solar energy system with waivers of the class one boundary and wetlands edge boundary to the preliminary plan and conditioned upon that they present a preliminary plan in compliance with the 20% lot coverage or seek a variance from zoning was made by Mr. Partington, seconded by Mr. Ferreira and carried unanimously by the board.*

**Pascoag Battery Storage, 59 Davis Dr., AP 247, Lot 28:**

Pre Application review, Major Land Development, two battery storage unit systems with associated electrical equipment.

Attorney Jennifer Cervenka, Mr. Eric O'Brien, engineer from BHP, Mr. Michael Kirkwood, CEO of Pascoag Utility and Jeff Perry, Developer present the Pre-Application battery energy storage facility. Mr. Kirkwood explained that this project is proposed to support the grid which, during peak times, is nearly maxed at 13MW. To address this concern, PUD had two options; this proposed energy storage facility, which will cost \$1.5 million and will be financed through BHP, or to rebuild the lines and expand the substation, which would cost \$6-\$12 million with limited financing opportunities. From a financial and reliability standpoint, the battery storage facility was the option that made the most sense. PUD will lease part of Matrix's (existing manufacturing company) parcel on David Dr. and place the two energy storage containers with ancillary equipment in a three thousand square foot fenced in area. This location was chosen because of its industrial zoning and the proximity to the existing 3 phase power lines and circuit. The batteries will store up to 9MW of power that can be drawn from the grid and stored during non-peak times and will have an output of 3MW for up to 3 hours to support PUD during peak times or during outages. The plan has been reviewed and approved by Richard Peck and Tom Fagan of the Pascoag Fire Department. The containers have a built in fire suppressant system that self-extinguishes with foam. Attorney Cervenka stated that the project will not require any waivers or variances though will require a special use permit from zoning. This plan is also conditioned upon the passing of the amended zoning ordinance (energy storage) which will allow energy storage facilities. The board sees no concerns with moving to the next stage of planning under this condition pending Town Council approval of the ordinance.

**VI. OTHER BUSINESS:**

**Administrative Reports:**

Certificates of Completions; Incomplete Submissions; Endorsements

*Having nothing further, a motion to adjourn was made by Mr. Ferreira at 11:00p.m., seconded by Mr. Foy and carried unanimously by the Board.*

**Jeffrey Partington, Chairman  
Burrillville Planning Board**



Nicole Stockwell, Administrative Aide