

**MINUTES OF THE PLANNING BOARD MEETING OF SEPTEMBER 10, 2018
AT THE JESSE SMITH LIBRARY, 100 TINKHAM LANE, HARRISVILLE
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:05 p.m., Jeffrey Partington, Chairman, presiding.

Members Present: Jeffrey Partington, Leo Felice, Michael Lupis, Bruce Ferreira, Dov Pick, Robert Woods, Steve Foy, Christopher Desjardins and Marc Tremblay

Other Present: Leah Donaldson, Special Counsel, Ray Goff, Planning Director and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW:

Mr. Partington acknowledged that all members were present.

III. ACCEPTANCE OF MINUTES:

The minutes of the Planning Board meeting of May 2, 2018 were read. *A motion to accept the minutes, as presented, was made by Mr. Ferreira, seconded by Mr. Pick and carried unanimously.*

IV. CORRESPONDENCE:

- Letter to Stephen Kerr of Econox Group [*Sandberg Machine Solar project*]
- SB-2015-06 Records Request from the Energy Facility Siting Board

V. NEW BUSINESS:

Energy Facility Siting Board Request: *Review & Comment on the Decommissioning Agreement between Clear River Energy LLC (CREC) and the Town of Burrillville:* In attendance to represent Clear River Energy LLC (Invenergy) was attorney Beth Noonan, of Adler, Pollock & Sheehan. Also in attendance was Special Counsel Leah J. Donaldson, serving as an advisor to the Planning Board. Mr. Goff began the discussion by stating that the Energy Facility Siting Board has submitted a request for the Planning Board to review the Decommissioning Agreement, created in November 2016 between the Town of Burrillville and Invenergy, and provide an opinion as to whether the Town was afforded substantial protection by this agreement. He said he had reviewed the agreement and offered a few comments for the Board's consideration, adding that the agreement is somewhat similar to solar decommissioning agreements that were submitted during the Planning Board review of these projects – assurances when the facility is longer in existence.

Chairman Partington told the Board that when he was testifying before the Energy Facility Siting Board a question arose, from Director Janet Coit, as to whether the Planning Board had reviewed, what he believes, the Decommissioning Plan. He said that he believes she was referencing an actual plan, not the decommissioning agreement the Board has been provided this evening. Ms. Donaldson told the Board that today she had attempted to locate, in the recording, where Director Coit had asked for the information in the recordings but was not successful. She noted that the written request, from the EFSB, asks for the Planning Board to "review and comment on the Decommissioning Agreement within 30 days". She also added that no decommissioning plan has been prepared, or submitted, to date; the agreement provides for plans to be submitted and reviewed prior to construction. Stating that he had no

knowledge of a Decommissioning Agreement prior to the EFSB request, Chairman Partington said that was the reason why he believes she was referencing the actual Decommissioning Plan.

Several members were concerned with the request as they felt that sufficient information had not been provided with the initial review as well as the fact that the Decommissioning Agreement is a legal document and should not be reviewed by the Planning Board. Ms. Donaldson noted that the agreement provides financial assurances for the Town. It provides the Town with approximately 125% of the decommissioning costs and agrees to bring the site back to its original state, or another use that is approved by the Town. The Town reserves the right to make the site return to its natural, vegetative state. Experts can be hired to review their plans every time there is an update to the facility.

At this point, a motion was made by Mr. Tremblay to respectfully communicate back to the EFSB that the Decommissioning Agreement is not relevant to the Planning Board and/or the actual Decommissioning Plan itself; that the Planning Board is not the ones to review a legal document like this; and when the Decommissioning Plan is actually prepared, the Board would be happy to review said plan. The motion received a second from Mr. Desjardins. Under discussions, one member stated that this document should be handled at the town-level, such as by the Town Council or our legal advisors. Another member felt it was highly irregular to be asked to render an opinion on this document for a project that the Board has not reviewed and was essentially dismissed. He felt that the Board has been denied the process that submissions generally follow for reviews. Another member said he felt the agreement was more of a guideline for the project – a decommissioning document would contain very specific details, expanding on every aspect of the project. The motion carried with one member, Mr. Woods, in opposition.

For the record, Attorney Noonan noted that Mr. Woods had previously recused from participation on any Planning Board discussion on Invenergy. She would have assumed that he would have recused from this discussion as well.

Ischia, Inc., East Wallum Lake Road, Burrillville; Map 139, Lots 10, 11, 12 & 13: Preliminary/Final Minor Subdivision; Waiver Request from Section 15-9.3 Lot Design Standards: Mr. Goff told the Board that the plan is an administrative subdivision which extends existing lot lines from previously created lots to the water (*Wilson's Reservoir*). Normally, an administrative plan would be handled within the Planning Department by the administrative officer; however, the plan requires a waiver from the Subdivision Regulations in regards to Lot Design Standards, particularly the 2½-1 width-to-depth ratio requirement for each of the lots. *A motion was made by Mr. Ferreira to grant a waiver from the subdivision regulations in regards to Section 15-9.3 Lot Design Standards A. General, 3. The proportion of average lot depth to lot width shall not exceed 2½-1, and to approve the administrative plan for Ischia, Inc., East Wallum Lake Road, Burrillville in accordance with Section 45-23-60 as: the subdivision is consistent with the Comprehensive Plan, Chapter V – Housing, Implementation Action V.1.a.1; with the granting of a waiver of Section 15-9.3 (lot depth to width ratio), the development is in conformance with the Town's Subdivision and Land Development Regulations; the application is in conformance with the Town's Zoning Ordinance regarding lot dimension and use; there will be no negative environmental impacts*

as evidenced by the Site Evaluation Form Soil Profile Description Application 1103-0707; the subdivision will not result in the creation of unbuildable lots; and the subdivision will reconfigure four (4) lots that will have adequate and permanent physical access to East Wallum Lake Road. The motion received a second from Mr. Pick and carried unanimously by the Board.

Harrisville Village, LLC, The Commons at Harrisville Village, Harrisville: *Update from the developer on the status of corrections to problems cited by residents within the development: Mr. Goff informed the Board that it had been his intent to have the developer come to this meeting to discuss the status of the problems cited by the residents in the development. But he had not been notified in time for the meeting. A motion was made from the Chair to continue the discussions on the update of the status of outstanding issues in the Harrisville Village development to the Planning Board October 1, 2018 meeting. The motion received a second from Mr. Ferreira and carried unanimously.*

VI. OTHER BUSINESS:

Report from Administrative Officer:

The Board reviewed the report from the Administrative Officer for the months of May, June, July and August 2018 regarding Certificates of Completeness issued, incomplete submissions and endorsed plans.

Having nothing further, a motion to adjourn was made by Mr. Ferreira at 8:05 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

