



# **Burrillville Planning Board**

## **Meeting Minutes-October 5, 2020**

### **7:00PM**

Phone (401) 568-4300 ext. 130  
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This meeting was held in accordance with the provisions of the Governor's Executive Order 20-46. All members of the Burrillville Planning Board participated remotely. Members of the public attended via means listed below:

**ZOOM Meeting ID#:** 929 5659 8156    **Password:** 232688    **Phone:** 833 548 0276 (Toll Free)

**Link:** <https://zoom.us/j/92956598156?pwd=eW1FYUJpc2VFVFZFPQjA5TmZXWEExBZz09>

**CALL TO ORDER:** Chairman Bruce Ferreira called the meeting to order at 7:00 pm.

**ATTENDANCE REVIEW:** Bruce Ferreira (Chairman), Leo Felice (Vice Chairman), Stephen Foy (Secretary), John Bonin Jr., Christopher Desjardins, Michael Lupis, Dov Pick and Ken Raspallo were present.

**ACCEPTANCE OF MINUTES:** September 14, 2020 minutes

**Chris Desjardins made a motion to accept the August 3, 2020 minutes. The motion was seconded by Leo Felice and carried unanimously by Bruce Ferreira, Leo Felice, Stephen Foy, John Bonin Jr., Christopher Desjardins, Michael Lupis, Dov Pick, and Ken Raspallo.**

### **CORRESPONDENCE:**

Administrative Aide Nicole Stockwell stated that the Board received the following letters of correspondence:

- Letter dated August 25, 2020 from Planner Ray Goff to Mr. Scott Adler/Adler Bros Construction releasing the remainder of the maintenance bond in the amount of \$32,042.
- Letter dated September 9, 2020 from Planner Ray Goff to Mr. Mark Bard/Harrisville Village, LLC listing Harrisville Commons Board of Director's site work issues that need to be addressed.
- Letter dated September 22, 2020 from Burrillville Conservation Commission Chairman Richard Dionne endorsing the proposed Log Road Solar Project.

Nicole Stockwell stated that these documents were shared with the Board and may be discussed during plan review.

**OLD BUSINESS:** None

### **NEW BUSINESS:**

- **Log Road Solar, Pole 33 Log Road, AP 237, Lot 5: Public Informational Meeting**  
Master Review, Major Land Development: 13.8 acre 4.997 MW ground mounted solar energy system. Recommendation to Zoning Board for a Use Variance.

[https://www.burrillville.org/sites/g/files/vyhlf2886/f/uploads/burrillville\\_issued\\_for\\_permitting\\_2020-09-03-rdcd.pdf](https://www.burrillville.org/sites/g/files/vyhlf2886/f/uploads/burrillville_issued_for_permitting_2020-09-03-rdcd.pdf)

Attorney Helen Anthony of Handy Law, LLC, Mr. Andrew Vardakis, Senior Engineer from Wood Environment & Infrastructure Solutions, Inc., Mr. Scott Milnes of Econox Renewables Inc. and Mr. Steve Kerr, also of Econox Renewables Inc. and Ed Pimental, Planning Consultant were present for the Master Plan review. Attorney Anthony explained the applicant proposes a 5 MW 13.8- acre (27.7% of lot) ground

mounted principal solar energy system on a 53-acre former gravel bank located in the F5 Zoning District. Pursuant to the use regulations, Section 30-71 Section 4.17(b) principal solar systems are prohibited in the F5 zone and as such the applicant is also seeking a use variance from the Zoning Board.

Planning Consultant Ed Pimental explained that the applicant has sufficient use evidence for the variance application because: 1.) the proposed site is a former gravel pit which is listed as one of the preferred sites that the state has identified in locating new solar facilities, 2.) the property would be very challenging and expensive to develop as residential use due to its prior use, 3.) the project will assist the town with its statewide contribution to providing clean renewable energy in a manner that is considerate of the low density residential neighborhood, 4.) the site conditions and topography is indicative of its former use and would require minimal clearing of new growth vegetation (14%).

Engineer Drew Vardarkis reviewed the site plan including proposed tree remediation plan, grading, fencing and buffering.

Chairman Ferreira announced that this is a Public Informational Meeting and invited public comment. First to speak was Russell Rondeau of 375 Log Road who asked if there will be blasting or excavation on site, questioned the potential of well contamination and lastly, he inquired about the agreement between the landowner and the solar company. Engineer Vardarkis explained that there will be no blasting or earth removal from the site. The area will be grading and there will be little to no risk of well contamination. Attorney Anthony explained that there is little to no risk of contamination and should there are any maintenance concerns including breakage, the solar company would discover the issue during routine maintenance checks and then is responsible for the removal and replacement of the broken panel. She then added that the solar company has a 25-year lease with the landowner. Town Planner Goff explained that the solar company is required to have a decommissioning bond in place, which ensures the removal of the array at expiration in order to have the bond released. Alternatively, the solar company could renew their lease with the landowner and opt to maintain a solar field. The second member of the public to speak was Paul MacDonald of 514 Colwell Road who requested the distance between the proposed perimeter fence and his property line. He also requested that the solar company offer a site tour to the neighbors and abutters. Engineer Vardarkis responded that the fence is approximately 200 feet from Mr. MacDonald's property line. Attorney Anthony stated that she will partner with the applicant and the Planning Department to coordinate a tour for the abutters and neighbors. Last to speak were Steven and Brenda David of 435 Log Road who expressed concern about dust control during grading and excavation and also asked how this project will impact home values in the area. Engineer Vardarkis explained the proposed dust control plan during the grading process. He also stated that there is no excavation planned. Attorney Anthony added that that applicant does not have real estate impact data to share but will research to impacts on property value but agreed to research and provide a response at the next meeting. With no further questions from the public, Chairman Ferreira then took questions from the Board.

The Board questioned the stabilization plan of the west rim and other steep slopes and then requested further consideration be given to all slopes, not just the west. They also requested that the proposed fencing be moved to the top of all slopes, not just the west. Additionally, the board members asked that the locked gate be moved to the beginning of the entrance at Log Road to improve safety and security of the access road. Lastly, the Board requested site line analysis from the abutters to ensure that a 50-foot tree buffer will be adequate.

**Motion by: Stephen Foy and seconded by Ken Raspallo that the Petition for the Master Plan Submission for Log Road Solar, 0 Log Rd, Burrillville RI 02839, Assessor's Plat 237 Lot 5 be approved and a positive recommendation be forwarded to the Zoning Board of Review for a Use Variance with the following waivers and/or conditions:**

1. Install 6' tall fencing adjacent to any slopes that are over 15 feet high or greater than 1:2 slope;
2. Slope regrading and stabilization plan.

3. No further earth removal permitted. All materials must stay on site.
4. Must submit for review to the planning board a site stabilization plan that includes:
  - a. Ground cover and or minimum 3" loam and seed (Pollinator plants/flowers are the preferred treatment versus grass, gravel, crushed stone or the like.)
  - b. Crushed stone acceptable for access way and roadways within site.
5. Suitable drainage plans
6. Suitable buffering to neighboring properties- must warrantee trees planted or relocated within the site for a minimum of 1 year after installation

**Findings of Fact:**

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 renewal energy for both commercial and residential interests" as it provides an appropriate site for a commercial solar project;
- Consistent with Chapter 2, the project will not result in adverse impacts on adjacent land uses, agricultural activities, soils, topography, wetlands, watercourses, waterbodies, flood zones, ground water, wildlife or its habitat, or air. The Land Development will have no significant environmental impacts, as it is located outside of any environmentally sensitive areas. The project will require coverage under the Rhode Island Pollutant Discharge Elimination System (RIPDES) Construction General Permit (CGP) as construction of the project will result in the disturbance of more than one acre.
- Consistent with Chapter 3, Goal III.1, the project will "provide a reliable source of cost-effective, environmentally sound utility services which maintain and improve existing quality of life and accommodate the effects of future growth."
- Site is suitable due to previous use as earth removal operation, which has not been revegetated and is now difficult for any future residential reuse or open space.
- Solar field in this location would have minimal impact on abutting properties and the applicant is taking measures to further buffer neighbors along Log Road abutting the proposed facility.
- The Land Development will have adequate and permanent physical access, via an existing access driveway to Log Road.
- Through the granting of a Use Variance by the Zoning Board, the project (land use) will be consistent with the town Zoning Ordinance and allowed in the F-5 district.

**The motion carried with Bruce Ferreira, Leo Felice, Stephen Foy, John Bonin Jr., Christopher Desjardins, Michael Lupis, and Ken Raspallo in favor. Dov Pick voted in opposition as he felt the Board should have continued their review to ensure that all of these conditions were met.**

**OTHER BUSINESS:** None

**Having nothing further, a motion to adjourn was made by Christopher Desjardins at 8:25 p.m. The motion was seconded by Leo Felice and carried unanimously by by Bruce Ferreira, Leo Felice, Stephen Foy, John Bonin Jr., Christopher Desjardins, Michael Lupis, Dov Pick, and Ken Raspallo.**

Bruce Ferreira, Planning Board Chairman



Nicole Stockwell, Administrative Aide