

**MINUTES OF THE PLANNING BOARD MEETING OF DECEMBER 3, 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 7:00 p.m., Jeffrey Partington, Chairman, presiding.

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

Other Present: Joseph Raymond, Building Official, Ray Goff, Planning Director and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW:

Mr. Partington acknowledged that Mr. Woods was excused.

III. ACCEPTANCE OF MINUTES:

The minutes of the Planning Board meeting of September 10, 2018 were read. *A motion to accept the minutes, as presented, was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously.*

IV. CORRESPONDENCE:

- Planning Board 2019 Meetings Schedule and Submission Deadlines

V. NEW BUSINESS:

Burrillville Solar LLC & Town of Burrillville, Daniele Drive, Burrillville; Map 195, Lot 15: *Master-Preliminary Major Land Development Plan Review; Public Hearing;* Representing the Burrillville Solar LLC submission were Attorney Jennifer Cervenka, Developer Craig Olmstead, of Burrillville Solar LLC and Engineer Jason Gold, of EES Group. Attorney Cervenka informed the Board that the application represented a Master-Preliminary Major Land Development plan for a 4.2 Mw solar project located on a 68-acre parcel within the Burrillville Commerce Park. Because the parcel is owned by the Town of Burrillville, the project is considered exempt under the Town's Zoning Ordinance, Section 30-211 Roof- and ground-mounted solar photovoltaic installations; (d) *General Requirements;* (3) *Exemptions.* "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". She noted that in May 2018 they had requested, and received, a zoning certificate from the Town's Zoning Official who agreed with the exempt status of the project. She also noted that the Planning Department had reviewed the application and verified the application was in conformance with submission requirements, with the exception of the Proof of Liability Insurance, which will be provided at the final plan approval. They expect to receive shortly permits from RIDEM (wetlands crossing for the proposed roadway) and RIPDES (required for constructions and discharges during construction). Referencing the report from the Town's engineering consulting, Joseph Casali, she stated that information and documentation will be provided in order to address any concerns that were outlined in the report. All abutters within 200-foot radius of the project were properly notified in accordance with the Subdivision Regulations and all returned "green cards" were turned into the Planning Office. She then turned the presentation over to Craig Olmstead, the developer of the project.

Mr. Olmstead described the makeup of the group and their experience in developing these types of solar projects all over New England. He noted that once the project is completed, it will provide income for the Town of Burrillville. The Board had two questions for the developer at this point: *Were there any time restrictions as to the project's completion?* There are time restrictions but none that are eminent. The sooner the project is completed, the sooner the Town receives the income. The plan is for construction to begin in the spring. *Is there a contract with National Grid for the electricity generated?* Yes. He then turned the presentation over to Jason Gold for the technical aspects of the project.

Mr. Gold told the Board the project comprises of a 4.2 Mw DC ground-mounted solar array located on a 68.6-acre parcel off of Daniele Drive in the Burrillville Commerce Park. The project is considered "large scale" as defined in the Burrillville Zoning Ordinance. The array contains approximately 11,646 panels and covers 5.4 acres (8% of the lot); the array, which is the entire area including the rows between the panels, is 10.7 acres (16% of the lot); the fence-in area, which includes portions of the road and detention ponds is 16.5 acres (24% of the lot); and the limit of disturbance is 22.5 acres. The array and the detention basins will be surrounded by a six-foot chain-link fence; the area within the array will be grassed. Any trees outside of the array will be selectively cleared, but not stumped and the existing groundcover will remain. The proposal calls for thirteen telephone poles placed from Daniele Drive, over the wetland crossing to the equipment pad. The remaining connection will be underground in the array. The facility will be accessed by a crush-stone driveway from Daniele Drive which requires a wetlands crossing. The crossing involves the installation of a ten-foot wide bottomless culvert, which will span the five-foot wide stream, with a minimal spill of 4'10" in height and allows for wildlife passage. Six detention basins are proposed throughout the site along with three different swales to attenuate stormwater runoff. The project will be phased to no more than five-acres at a time. Traffic will be no more than three visits for maintenance during the year. Attorney Cervenka added that the Operations & Management plan covers regular maintenance of the array as well as the detention ponds.

Currently the site is mostly wooded and contains three wetland swamp complexes, two streams and a river. The topography undulates with wetlands in the low spots and several high points with the elevations ranging from 366 to 488. The surrounding area is residential to the north, wooded to the west and commercial south and east. Portions of the site are located within community & non-community wellhead protection areas and the greenway corridor. The site falls with two zoning districts: R-20 (residential) and GI (general industrial) and the project will fall within the GI zone.

Questions from the Board included:

- When do you expect to hear from RIDEM regarding the wetlands application? Comments are expected sometime this month with approval rendered in approximately 3 months.
- What type of maintenance is proposed for management of the vegetation surrounding the site and within the solar array? Please show where the 100-foot buffer ends.
- Where is the 100-foot buffer end in comparison to the abutters? Mr. Gold showed the 100-foot buffer location in the northwest corner towards the abutters adding that the detention basin was closer to the abutters than the solar array panels. Because this

area is to the north, no tree clearing will be done. It was suggested that the applicant research the use of specific shrub species designed to be planted on the perimeters of the array to enhance the visual screening for the abutting neighbors.

- The applicant was asked to prepare a reforestation plan to be implemented in 20 years, when the current term of the solar array expires, or upon the decommissioning of the array should the life of the array be extended, in the future, past the 20 years. Attorney Cervenka said they would review the decommissioning plan that had been submitted and consider adding the reforestation element. Mr. Olmstead said that the current contract with the Town allows for 20 years with a renewal clause of 5 years.
- Is there insurance on the solar array against climate change and storms? Yes, there is insurance on the elements of the solar array.

Having no further questions from the Board, the Public Hearing was opened by the Chair at 7:30 p.m.

Bernard Dolan, 615 Central Street, told the Board that although he is an advocate for solar energy, he was concerned with the wetlands and the clearing necessary for the project, causing problems with runoff. He noted issues with a neighbor having cleared his property of trees, which created a new "stream" and caused him to install an expensive drainage system around his house. Chairman Partington told him that most of any clearing should take place on the north side of the lot, with selective clearing on the east side. Mr. Gold added that calculations are performed to assure that any runoff is equal to or improved from current conditions and that this project will have runoff directly to the wetlands, not to the residential area.

Michael Grey, of 263 Lynne Lane, said that he was concerned with hearing additional noise from the neighboring property (*Daniele Prosciutto*) to the solar development, adding that the topography of the property slopes down towards the residential homes. He asked if there might be some type of physical barrier to shield the noise and lights. Attorney Cervenka noted that the developers are responsible for any sound from their development and pointed out that reviewing engineer, Joe Casali, had noted similar concerns. Mr. Olmstead said that they could investigate some type of visual screening for the project to address the abutters concerns.

Michael Cookson, of 161 Lynne Lane, said that his property is closest to the proposed clearing and was very concerned with water runoff. He also noted concerns with the noise coming from the Prosciutto facility and the clearing for the solar facility affecting the natural characteristics and wildlife in the area.

Jeffrey Anthony, of 187 Lynne Lane, asked what would be the timeframe for the proposal – the length of time from start to finish. Mr. Olmstead said that the intent is to have the project begin in the spring and be completed in 2019. The construction timeframe is on the order of several months. The daily work schedule will be 7 a.m. to 3/3:30 p.m.

Robert Dantuono, of 275 Lynne Lane, reiterated that the noise from the Prosciutto facility is unbearable. He noted concerns with deforesting additional land and the effect on wildlife adding that coyotes were spotted in this area.

David Beron, of 151 Lynne Lane, voiced his concern with the tree cutting to create renewable energy. He prefers to see reuse of brownfield sites and added that he strongly supported Mr. Tremblay's request for a reforestation plan for the future as well as visual screening and noise mitigation. He noted that the developers had stated an application had been submitted to RIDEM and inquired as to whether an application had been submitted to the Army Corps of Engineers. Mr. Olmstead said that the project was exempt from submitting an application to the Army Corps of Engineer.

Having no further comments or questions from the public, the Public Hearing was closed by the Chair at 8:02 p.m.

At closing comments, Attorney Cervenka told the Board that the landscaping and buffer concerns were one of the comments from Mr. Casali during his review and that is was their intention to address all of the comments and suggestions outlined. She also noted that Mr. Casali had mentioned the developer providing certification that any sounds from the solar array would meet the Town requirements, which is the only issue they can control – any noise from the proposed development. They cannot control any noise coming from the manufacturing facility.

Based upon the discussions, the Board felt it was necessary to see a landscaping design. Recapping the concerns, Mr. Goff noted the following: the reforestation plan, the landscaping issue for visual and sound buffers, and whether the project requires approval from the Army Corp of Engineers. He suggested getting responses from the applicant regarding these issues before rendering a decision.

At this point, *a motion was made by Mr. Ferreira to continue the review of the Burrillville Solar LLC land development project to the January 7, 2019 Planning Board meeting. The motion received a second from Mr. Foy and carried unanimously by the Board.*

Clear River Farm, 860-900 East Wallum Lake Road, Burrillville; Map 121, Lot 1: *Preliminary Minor Subdivision (RRC) Plan Review; Public Hearing:* Attorney David D'Agostino, of Gorham & Gorham, Engineer Nick Piampiano, of Advanced Civil Design, Inc., and Wayne & Sherrie Faring, principals, were in attendance to represent the request. Attorney D'Agostino stated that the application represented a Preliminary Minor Rural Residential Compound for Clear River Farms at 860-900 East Wallum Lake Road. The parcel encompasses approximately 85.5 acres, within the F-5 zoning district and the proposal is for a five-lot RRC. Currently there are two dwelling units on the property, which would become proposed lots 1 & 2, and includes the addition of three lots, which would be proposed lots 3, 4 & 5 serviced by a private roadway. Each proposed lot contains approximately 4 acres, which is double the lot size requirement in the zoning ordinance. Contiguous open space has been provided (proposed lot 6), which will remain undeveloped. A forestry management plan, as well as a wildlife management plan, will be provided for the open space. The Homeowners Association documentation has also been provided with this application. He then asked for questions from the Board members.

Chairman Partington asked to see the well locations. Mr. Piampiano said that proposed and existing wells have been provided on the plan, which was a requirement for subdivision suitability.

Mr. Ferreira questioned the proposed house locations. Mr. Piampiano said that the Farings had requested that the proposed dwellings be set back to maintain the views of the open field and the tree line and to meet the requirements for septic system and well locations.

Having no further questions from the Board, the Public Hearing was opened by the Chair at 8:29 p.m.

Mr. George Brouillard, of 766 East Wallum Lake Road, questioned whether the boundary line of proposed lot 5 would be shared with his property. Mr. Piampiano said no as the contiguous open space surrounds the proposed lots. The shared boundary lot is the open space lot line. Chairman Partington added there is a 35-foot buffer, which is part of the open space area, between his property and where proposed lot 5 begins.

Michelle Jalbert, of 986 East Wallum Lake Road, questioned whether the two existing units, on one lot, is a non-conforming use and would it disappear with this new plan. Chairman Partington said that it would. Ms. Jalbert then asked for an explanation of the proposed Homeowners Association and ownership of the open space lot. Chairman Partington explained that the residents of the development form the Homeowners Association, and they will own the open space areas and as well as the private roadway.

Jeffrey Runey, of 930 East Wallum Lake Road, said that they share a driveway with the house on proposed lot 1 and questioned if lot 1 is part of the Association, who would be responsible for maintaining the shared driveway? Attorney D'Agostino told him that the "shared driveway" is not part of the private roadway. Whoever is maintaining the shared driveway now would continue to maintain it. Mr. Runey then asked if the shared driveway would no longer be used for access to lot 1. Attorney D'Agostino said no, they would continue to use it for access. At this point, Mr. Runey voiced concerns with sharing the cost for maintaining the shared access. Chairman Partington questioned the arrangement for this access. The Runey's explained that the previous owners had granted the Farings the right to share the driveway access, but that since they had purchased the property, they have been maintaining it and sharing the expenses. What happens when there is a new owner of lot 1? The Board felt that this issue should be worked out between the Farings and Runey's prior to any new ownership of lot 1.

Having no further comments or questions from the public, the Public Hearing was closed by the Chair at 8:42 p.m.

As the Board had no further questions or comments, *a motion was made by Mr. Ferreira to approve the Preliminary Minor Rural Residential Compound subdivision for Clear River Farms in accordance with RIGL Section 45-23-60 and render the following Findings of Fact: the subdivision is consistent with the Comprehensive Plan, Chapter V – Housing, Implementation Action V.1.a.1, "As developments are proposed, actively communicate with applicants the Town's desire to see a variety of housing options, including a range of types, sizes and costs"; the application is consistent with the Burrillville Zoning Ordinance – specifically Section 30-208 Rural Residential Compounds; there will be no negative environmental impacts in accordance with RIDEM Insignificant Alteration Permit No. 18-0014; the subdivision will not result in the creation of unbuildable lots; and the subdivision has adequate and permanent physical access to East Wallum Lake Road, which is a Town road. The motion received a second from Mr. Pick and carried unanimously by the Board.*

Ischia, Inc., East Wallum Lake Road, Burrillville; Map 139, Lots 9 & 10: Preliminary/Final Minor Subdivision; Waiver Request from Section 15-9.3 Lot Design Standards: As the applicant did not have any representative present, Chairman Partington asked Mr. Goff to explain the request. Mr. Goff told the Board that the plan was a refiguring of two existing, non-conforming lots to increase the size of Lot 9. The reason for the waiver request from the 2½-to-1 ratio requirement was due to the reconfiguring of Lot 9 by extending the lot line to increase its size. Frontages were not affected by this change.

A motion to approve the Preliminary/Final Minor Subdivision plan for Ischia was made by Mr. Foy in accordance with RIGL Section 45-23-60 and render the following Findings of Fact: the subdivision is consistent with the Comprehensive Plan, Chapter V – Housing, Implementation Action V.1.a.1, “As developments are proposed, actively communicate with applicants the Town’s desire to see a variety of housing options, including a range of types, sizes and costs”; 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 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 Inspection Report 0403-0603; the subdivision will not result in the creation of unbuildable lots; and the subdivision will reconfigure two (2) lots that will have adequate and permanent physical access to East Wallum Lake Road, a Town 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:* Developer Mark Bard was in attendance to discuss with the Board the outstanding issues with his development, the Commons at Harrisville Village. He provided the Board with a breakdown of the issues, along with possible solutions for the problems and an estimated schedule for completions. He agreed to meet with the Board sometime next year to review the list again once the issues have all been addressed.

VI. OTHER BUSINESS:

Report from Administrative Officer:

The Board reviewed the report from the Administrative Officer for the months of September, October, and November 2018 regarding Certificates of Completeness issued, incomplete submissions and endorsed plans.

Having nothing further, *a motion to adjourn was made by Mr. Ferreira at 9:22 p.m. The motion received a second from Mr. Foy and carried unanimously by the Board.*

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