

**MINUTES OF THE PLANNING BOARD MEETING OF JANUARY 7, 2019
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, Robert Woods, 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 all members were present.

III. ACCEPTANCE OF MINUTES:

The minutes of the Planning Board meeting of December 3, 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:

- Division of Statewide Planning letter regarding State's Review of the Updated Comprehensive Plan; *A motion to receive and file the correspondence from the State rendering acceptance of the Town's updated Comprehensive Plan was made by Mr. Ferreira, seconded by Mr. Foy and carried unanimously by the Board.*

V. OLD BUSINESS:

- VI. Burrillville Solar LLC & Town of Burrillville, Daniele Drive, Burrillville; Map 195, Lot 15:** *Master-Preliminary Major Land Development Plan Review (cont'd from the December 3, 2018 meeting):* Representing the Burrillville Solar LLC submission at tonight's meeting were Attorney Jennifer Cervenka, and Developers Craig Olmstead & Mitch Jacobson, of Burrillville Solar LLC. Attorney Cervenka, noting several issues brought up during the Board's review of the project at the December 3rd meeting, stated that the issues had been addressed in a letter to the Planning Director dated December 7, 2018. The three issues were to provide a screening plan to address visual elements and noise mitigation for the abutters, provide a plan of reforestation, and clarification as to whether the Army Corp of Engineers has any jurisdiction over this project. In regards to the screening plan, she referenced "Exhibit A", which is an attachment to the letter, proposing the use of Plicata Arborvitaes as a screening, for approximately 1,000 feet, in specific areas along the array's fencing to provide screening in the areas closest to the abutters. These fast-growing (3-4 feet per year) arborvitaes will be placed 5-6 feet apart, are full and green year-round, resistant to deer and grow to a maximum of 20-30 feet in height. (For the purpose of the public and Board members, Mr. Olmstead pointed out the location of the fencing and the arborvitaes on the screen display of the project. He added that some of the fencing will be provided with latticing for further screening.) Chairman Partington then asked if the Planning Director had any comments on the information that had been provided. Mr. Goff made a suggestion that the applicants consider extending the fence out to allow for the planting of the arborvitaes

within the fenced area to further protect them from wildlife. Chairman Partington then asked for questions or comments from the Board.

In regards to the reforestation plan, Attorney Cervenka said that they had decided to grant the Town an option, at the end of the 20- to 25-year lease, to either request Burrillville Solar to reforest the area that had been cleared for the solar project, or not reforest it, but regrade and stabilize the site allowing the Town the potential for another industrial use. If the reforestation option was preferred, Burrillville Solar would submit a detailed reforestation/landscape plan for the Board's consideration prior to the end of the lease period.

In regards to the Army Corp of Engineer's jurisdiction, Attorney Cervenka told the Board that RI Department of Environmental Management is a delegated program that has general permits with authorization to review certain activities to assure compliance with federal government guidelines. The project falls within either General Permit 18 or 19 activities where RIDEM would have exclusive jurisdiction. If RIDEM decides they do not, they would advise Burrillville Solar of that fact. She noted that they are still under RIDEM's review.

Mr. Tremblay, noting that he was the member who had requested a reforestation plan, said that what was presented this evening was not a Reforestation Plan. When developing the decommissioning bond, the calculations should also include any costs associated with a reforestation plan. And the plan should include some form of vegetation process. He suggested the developers work with the Planning Director to develop a plan and estimated cost for implementation. Attorney Cervenka said they could provide the modifications and calculations to the reforestation plan and decommissioning bond at the final plan submission.

Mr. Woods requested the status of the application to RIDEM. Attorney Cervenka said that as of today, the application was at the second stage of review, which is the biological stage with an estimated review completion time of this week. She noted that the application review will probably be completed within a couple months.

To reiterate a previous discussion, Mr. Pick asked if RIDEM determines whether the application would need to be reviewed by the Army Corp of Engineers. Attorney Cervenka explained that the application is submitted, and RIDEM reviews it in the context of the various general permits they are authorized to review. There are two general permits, 18 & 19, that the project may fall under. If RIDEM determines they are authorized to review the application in accordance with their authority, they will review it and issue a permit. If not, then Burrillville Solar will be notified and will have to submit to Army Corp.

Mr. Ferreira said that he was looking for another option of refurbishing it as a newer solar project. At the Town's discretion, the array could be updated and continue as a solar project. Mr. Olmstead noted that there was nothing to prohibit it from becoming a more updated project at that time. If the Town wants to take it over and would be beneficial, Burrillville Solar would not object to keeping the same use. Mr. Ferreira said he would like to see language for this option included with the reforestation or regrading option.

Mr. Lupis voiced concerns with water runoff from the solar panels and asked if they had addressed the design to handle this runoff to prevent flooding. Mr. Olmstead said that the plans had addressed water runoff from the panels, which is a big part of the permit process from RIDEM, making sure that runoff is contained and controlled within the site.

Mr. Goff advised the applicants that if the Planning Board chose to grant approval this evening, the approval would be contingent upon the approval and permit from RIDEM. Also based upon a conditional approval, the applicants would have to appear before the Planning Board for the Final plan submission to assure receipt of all the outstanding issues that were discussed this evening, as well as provide the maintenance plan, the decommissioning plan and bond before any Building Permit is obtained. He further asked for a "planting plan" to show where the arborvitaes are planted within the fenced area.

Having no further questions from the Board, a motion was made by Mr. Tremblay to approve the Master-Preliminary Major Land Development plan for Burrillville Solar. The motion received a second from Mr. Ferreira and carried unanimously by the Board. [*Findings of Fact will be read into the record at the Planning Board meeting of February 4, 2019.*]

VII. NEW BUSINESS:

Pascoag Village – Fernwood Development, George Eddy Drive, Pascoag; Map 210, Lot 23: *Request for Acceptance of George Eddy Drive; Recommendation to Town Council;* The Board noted receipt of a request from Scott Adler, of Adler Bros., for release of the roadway construction bond for the Fernwood development and for acceptance of George Eddy Drive by the Town. They also noted receipt of a memo from the DPW Director/Engineer acknowledging completion of the roadway in accordance with Town standards, and a recommendation that the contractor provide the necessary deeds and conveyances to Planning Department for review and recording purposes. Mr. Goff told the Board that he had advised Terri Barbosa, of NeighborWorks, to submit the material that Mr. McCormack had requested but, to date, the Planning Department has not been provided with any paperwork. *Based on the lack of this material, a motion was made by Mr. Tremblay to table the bond release and road acceptance request to the next 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: *Setting of Improvement Guarantee and Inspection Fees:* The Board reviewed a memo from the DPW Director/Engineer, Jeff McCormack, recommending that the Board consider establishing a bond amount for construction of the private roadway for the proposed RRC for Clear River Farm and to include inspection fees in the amount of \$250. There was a brief discussion regarding the outstanding easement issue with the abutter that was discussed at the December 3, 2018 meeting. Mr. Goff told the Board that the easement issue would have to be resolved before any final plan for the project could be recorded. *A motion was then made from Chairman Partington to set the improvement guarantee for Clear River Farm Rural Residential Compound subdivision in the amount of \$70,000 and inspection fees in the amount of \$250 as recommended by the Town's DPW Director. The motion received a second by Mr. Ferreira and carried unanimously by the Board.*

Virgil Gauthier, Jr., 320 Mowry Street, Burrillville; Map 176, Lot 8: *Conceptual Minor Subdivision Plan Review:* The Board reviewed a conceptual plan for a property on Mowry Street in Harrisville owned by Mr. Gauthier. The request was to subdivide the existing 15.4 acre property into two lots with Parcel A having 8.3 acres and 300 feet of frontage, and Parcel B having 7.12 acres, with only 267.45 feet of frontage and requiring a variance from the

Zoning Board of Review. The Board was in agreement with the proposal and advised Mr. Gauthier to submit the next level of review, which would be the preliminary plan.

VIII. OTHER BUSINESS:

Report from Administrative Officer:

The Board reviewed the report from the Administrative Officer for the month of December regarding Certificates of Completeness that were issued, incomplete submissions and endorsed plans.

Having nothing further, a motion to adjourn was made by Mr. Ferreira at 7:54 p.m. The motion received a second from Mr. Pick and carried unanimously by the Board.

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