

From: [Pezzullo, Jason](#)
To: [Berardo, Alexander](#)
Subject: FW: For Planning Commissioners - Natick solar
Date: Friday, April 14, 2023 2:19:31 PM
Attachments: [07.12.2016 Lippitt solar master plan.pdf](#)
[01-03-2017 Lippitt solar preliminary plan.pdf](#)

From: Douglas Doe <dwdoe77@gmail.com>
Sent: Wednesday, April 12, 2023 9:39 PM
To: Pezzullo, Jason <jpezzullo@CranstonRI.org>
Subject: For Planning Commissioners - Natick solar

Dear Chairman Smith and Commissioners,

Please find attached the court reporter transcripts for the Lippitt solar master plan and preliminary plan hearings held in 2016 and 2017. I ask that the transcripts be added to the public record for the Natick solar application hearings and be published on the department's website along with the other comments and records.

I submit the transcripts so that commissioners can judge for themselves the accuracy of my comments about the Lippitt solar project and the applicant's actions during the hearings and construction. The transcripts will, hopefully, prevent anyone from misrepresenting that project in the future.

The preliminary plan transcript includes a comprehensive index so commissioners will be able to locate discussions about blasting and other critical issues.

Thank you,
Douglas Doe
178 Lippitt Ave.

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CITY OF CRANSTON
CITY PLAN COMMISSION

PROCEEDING AT HEARING :
IN RE: :
SSRI GOLD MEADOW FARMS :

DATE: July 12, 2016
TIME: 7:00 P.M.
PLACE: Cranston City Hall
Council Chambers
Cranston, RI

BEFORE:

- Michael Smith, Chairman
- Kenneth Mason, P.E.
- Mark Motte
- Lynne Harrington
- Fred Vincent
- Robert Strom
- Kimberly Bittner

ALSO PRESENT:

- Peter Lapolla, Planning Director
- Jason Pezzullo, AICP, Principal Planner
- Lynn Furney, Senior Planner
- J. Resnick, Clerk

FOR THE APPLICANT ROBERT MURRAY, ESQUIRE
FOR THE CITY STEPHEN MARSELLA,
ESQUIRE

1 CHAIRMAN SMITH: Next, subdivision and
2 land development. First item, master plan, Rhode
3 Island Gold Meadow Farm.

4 MR. MURRAY: Good evening, Mr. Chairman,
5 Members of the Planning Commission. For the
6 record, my name is Robert Murray with the firm of
7 Taft & McSally located at 21 Garden City Drive in
8 Cranston. I'm here tonight on behalf of Southern
9 Sky RI Renewable Energy, LLC, a Rhode Island
10 limited liability company which is the applicant of
11 the proposed ground-mounted solar farm before you
12 this evening.

13 We have -- I know you have a busy agenda.
14 We have, right now, two formal witnesses, and we'll
15 try and get through this presentation as quickly as
16 possible. I want to introduce representatives of
17 Southern Sky, Mr. Ralph Palumbo, the managing
18 partner, and his associate, Lindsay McGovern.
19 Ralph will be testifying. And also with us this
20 evening is David Russo, a professional engineer
21 from DiPrete Engineering Associates, Inc., who is
22 the project engineer.

23 Just by brief historical background, some
24 members of the commission may have been here. I've
25 been involved with this site for the present owners

1 who received approval initially in February of 2009
2 for a 42-lot subdivision off Lippitt Avenue.

3 The -- one of the former owners relinquished the
4 property, and now the two present owners are DSM
5 Realty Corp., a Rhode Island corporation, who owns
6 the bulk of the property. It's 108 acres, as you
7 see it on the plan. That was the plan that was
8 approved in 2009 for 42 lots, and the other owner
9 of the property is a Rhode Island limited liability
10 company called CWW, LLC.

11 In 2015, we came to this commission to
12 amend the plan that was approved in 2009. The new
13 owners looked at the plans that have been approved
14 in '09 and thought it could be improved upon, and
15 this commission granted amended master plan
16 approval for the 39 lots, which you're looking at
17 there. There with four phases of Gold Meadow
18 Farms. The fourth phase -- it was a three-lot
19 subdivision off Whispering Pines Drive, and that
20 has been developed and sold off. So, of the
21 initial 42 lots, we have 39 lots presently approved
22 by this commission. We have a valid Rhode Island
23 DEM permit, but we're at the juncture where the
24 present owners have discussed with representatives
25 of Southern Sky to possibly lease it, and they've

1 reached an agreement to lease it, for a
2 ground-mounted solar farm.

3 This is the first meeting of the
4 permitting process. We're here tonight seeking a
5 conceptual approval, a master plan approval. If we
6 receive that tonight, we'll then proceed forward
7 through the formal development plan review process;
8 the technical review process, with the ad hoc
9 committee of city representatives; and then we
10 would subsequently come back to you when we have
11 all our permits for a preliminary plan approval.

12 So this is just the beginning. This
13 property is zoned A80 and the City Council has
14 deemed, by ordinance, that in an A80 or two-acre
15 zone, solar farms are a permitted use as a matter
16 of right. So that's -- we're not seeking any type
17 of special use permit. We are a permitted use.
18 The City Council in December enacted a standards
19 ordinance for solar facilities, and I stand here
20 tonight to tell you that we are prepared to comply
21 with that.

22 Just to briefly outline the ordinance,
23 there's basically five or six parts of it, but it's
24 a performance standard ordinance. It talks about
25 such things as only clearing the necessary

1 vegetation needed for the intended use. You can't
2 remove topsoil. There's -- the only lighting that
3 is allowed on the site would be for safety or
4 operation. Clearly, you cannot have any lights
5 shining on any abutting properties. At the time of
6 applying for a building permit, they're required to
7 produce a noise study to show that the inverters
8 and the transformers will not cause any intrusion
9 on abutting residences. We hope to provide that to
10 the city prior to the building permit process so
11 that everybody will have the same basic knowledge.
12 We're satisfied we can comply with that ordinance.

13 The last parts of the ordinance talk about
14 decommissioning, what happens when this project
15 ends its useful life or is abandoned, and there is
16 a process in place where if the project -- a
17 project's been shut down for a year, it's
18 considered abandon, or if it ceases operation
19 within 150 days, thereabouts, you're required to
20 remove the structures that you installed for the
21 solar farm. The city is protected in that regard
22 because the last requirement of the performance
23 standard ordinance is the filing of some type of
24 financial surety with the city that's determined by
25 the -- the city engineer. So up front, prior to

1 getting the building permit, the city will have
2 available to it the resources to remove these
3 structures if, at some point, they no longer serve
4 a useful function.

5 So that is the performance standard
6 ordinance the City Council saw fit in December to
7 adopt. We've reviewed it. We're comfortable with
8 it, and most of those issues do not get triggered
9 tonight; but we will, as the process goes forward,
10 be addressing them.

11 This is an opportunity to look at a
12 different use of this property other than the
13 39-lot subdivision. The owners of the property
14 have reserved the right to, if this was not
15 approved, to go forward with the subdivision, and
16 they would do that. But this is a much less
17 intense use, and we think that, at the end of the
18 day, it's a good use of the property, bring
19 Cranston to the forefront of this alternative edge
20 industry; and based on the experience and knowledge
21 of Southern Sky representatives, we think we have a
22 good product. And we're going to, at this point,
23 take a few moments to share that experience with
24 you and go into some of the specific details of the
25 project.

1 I should mention that on June 29th, we did
2 hold a neighborhood meeting up at the Faith
3 Presbyterian Church as a courtesy to the neighbors,
4 so that, recognizing that it was the week before
5 the 4th of July, but we wanted to try and get it in
6 before this meeting. There were some neighbors
7 there. I don't want to pretend that there was an
8 overwhelming crowd, if that's reflective of the
9 holiday or a lack of interest or whatever. But the
10 people that were there were very interested.
11 Councilman Aceto came. A good dialogue. I think
12 we answered a lot of questions, but we're trying to
13 be transparent here, and we think that the
14 neighborhood meeting was a good start, and we've
15 had some follow-up with some neighbors along the
16 way. So, you know, we're looking forward to
17 continuing dialog, not only with the planning
18 commission, city officials, but with the neighbors,
19 and we'll stand ready at the end of this evening's
20 presentation to answer any questions that the
21 commission or the public may have.

22 I'd like now to produce Ralph Palumbo. He
23 is the managing partner of Southern Sky Renewable
24 Energy. I'm going to allow him -- we've talked
25 about a number of issues. He's very well versed in

1 the subject. He'll talk in narrative fashion. And
2 if there's some topics that perhaps he overlooked,
3 we'll circle back. Ralph Palumbo. Thank you.

4 MR. PALUMBO: Mr. Chairman and
5 Commissioners, thank you for the opportunity to be
6 before you tonight. As Mr. Murray said, my name is
7 Ralph Palumbo, and I am the owner and the managing
8 director of Southern Sky Renewable Energy. This
9 project is borne from our experience, and we
10 started our development processes in Massachusetts,
11 and we own -- we've developed, constructed, own,
12 and operate a number of projects in the
13 Massachusetts area; and Rhode Island has recently
14 caught up to the legislation processes that
15 Massachusetts has and they pretty much mimicked
16 what Massachusetts has. And our company, as a
17 development company, became interested in Rhode
18 Island, and there's some good investment
19 opportunities in Rhode Island and good
20 opportunities to create renewable energy from solar
21 technology.

22 So we come before you with a great amount
23 of experience. This is not the project that we're
24 going to practice on, something we're very well
25 versed, and we're making a significant investment

1 not just in the construction phase, but just in the
2 development phase here. We're very serious about
3 what we're doing. I can't stress that enough.

4 Gold Medal Farms is an attractive site for
5 a solar because it has features that -- it's a
6 large site. A lot of it was a former farm. It is
7 overgrown; but as Mr. Murray had mentioned and as
8 you can see, this site is -- we're trying to
9 fulfill and maximize it within the boundaries of
10 all types of setbacks, property line setbacks,
11 wetland setbacks, and respect everything that needs
12 to be respected from the state level and municipal
13 level and any Federal level. And any Federal level
14 permit we need here is not necessarily required,
15 but I always go through the step of Federal
16 Aviation Commission, we go through -- they call it
17 a glare study. It's not really a glare study.
18 It's more of a height, an obstruction study, more
19 than anything. So we do it all before all our
20 projects. Somewhat onerous Federal process, but we
21 do it.

22 So this is an attractive site because it's
23 flat. There are -- on the northern two-thirds,
24 it's flat and attractive. As we get over to the
25 southern side, towards West Warwick, it becomes a

1 little bit more challenging. So what you see here
2 today is this full layout is -- we're still
3 studying it. There may be some areas that we
4 choose not to construct because it's very
5 challenging. We'll just work around. A solar
6 system, my expectation is if we're lucky enough to
7 get through the process, we could, from my guidance
8 from Mr. Murray, we can start construction when the
9 weather breaks next year. And, typically,
10 construction will be a nine-month to twelve-month
11 processes depending on how weather treats us for a
12 project of this size. This project right here,
13 depending on the ultimate land usage, could be
14 anywhere from 15 to 16 megawatts, up to 20 to 21
15 megawatts. And just from a scale standpoint, one
16 megawatt, you'll need about 3200 panels, if you're
17 judging panel sizes here today. So I would say
18 50,000 panels is probably a good estimate, the
19 numeric panel count.

20 Inverters, we'll use central bank
21 converters, which are the larger converters.
22 They'll be placed within the interior of the
23 property. There'll be approximately 20 inverters,
24 depending on the ultimate sizing of the project.
25 There'll be inverters and transformers, and one

1 point of interest that is a very common component
2 of the project is noise. There is a hum sound that
3 will come from the transformer, and it's of the
4 magnitude of a dishwasher. It's lower than a
5 common conversation that we have. And within ten
6 to fifteen feet, you typically can't hear it; and
7 we certainly plan to put the inverters in a
8 strategic place so that it's not near other
9 property owners that can hear it. I think that
10 that would be rather easy to accomplish.

11 The construction, once we construct, we
12 need to connect into the grid. We've started the
13 process of the feasibility study with National Grid
14 at this point. It's our expectation that we will
15 connect at Lippitt Road. There's an access road
16 that goes up to Lippitt Road. That's really the
17 only place we can really connect. It will require
18 significant upgrades from Lippitt Road and on.
19 Lippitt Road is a single phase. We need
20 three-phase power. So we'll have to make a
21 significant investment with the utility. It will
22 be above ground. My initial discussions with the
23 utility, the poles -- there are poles on the access
24 road on Lippitt Road, and we'll just be connecting
25 onto those existing poles. I don't expect there to

1 be any new poles put in other than at the edge of
2 the site and whatever we need to move up this
3 access road to Lippitt Road. I know there were
4 already poles on it. So we will need to do some
5 work.

6 During the construction phase, it's a busy
7 process. There's a lot of materials coming in.
8 There will be significant labor coming in each day,
9 and -- over that nine- to twelve-month period. We
10 -- once the system is built, it is a very docile,
11 quiet, inactive system. It's really a
12 self-performing system. This is a good example
13 of -- these are some of our other projects and what
14 they look at in the end. And once it's
15 constructed, we plan on having a grass species that
16 is low-level grass, a low-grow, grass species
17 there. The panels will be anchored by a driven
18 post, an I-beam, that will go down 4, 5 feet,
19 depending on the soil integrity of each location.

20 And as far as once the system is up and
21 operating, the maintenance cycle is -- the grass
22 will be cut two to three times a year depending on
23 the growth of the grass. We have twice-a-year
24 scheduled maintenance from electrical technicians
25 who will come in and spot check all the panels and

1 tune up the inverters. We have a 24-hour
2 monitoring system that if we're underperforming or
3 if there's a problem, we get notified via the
4 Internet by handheld -- it's a very automated
5 process.

6 Simplicity, I know that the Commission
7 probably knows this because you've entertained
8 other proposals, but it's a simple process once the
9 system is built and interconnected, the sunlight
10 hits the panels, and we create direct current
11 electricity, and it travels by conductor wires to
12 the inverter. The inverter converts it from direct
13 current to alternating current which our grid
14 accepts alternating current. Prior to entering the
15 grid, it is measured by a revenue grade meter to
16 see how much energy we produce. This system,
17 depending on the ultimate sizing, will produce
18 somewhere between 20 to 25 million kilowatt hours a
19 year that would be put into the grid, and those --
20 the electricity credits, the system in Rhode
21 Island, it's a system of credits. It's not a
22 system of selling directly to a counterparty. We
23 have credits, and then we allocate and sell credits
24 at a discount. Those credits get monetized, and I
25 am in active negotiation with my counterparties.

1 It's almost -- the counterparty is the other side
2 of what we typically call a power purchase
3 agreement. It's not called that in Rhode Island.
4 It's called a net metering, a municipal net
5 metering financing arrangement. You only can
6 quantify it with municipalities, and state agencies
7 are the only eligible parties to transact with.

8 The system life is 25 to 30 years. On all
9 our major componentries, I shouldn't say all, on
10 the panels, there's a 25-year warranty. The
11 racking systems have anywhere from 10 to 20
12 depending on the warrantees that you buy, but their
13 life cycles are 25 to 30 years. The inverters need
14 to be replaced after 10 or 15 years. We've put in
15 a replacement program that we have with -- to plan
16 for it. And at the end of 25 to 30 years, we'll
17 look at the system and see what we have negotiated
18 with the land owners, if they're flexible, and
19 how -- if this sytem is still -- has good
20 integrity, at that time we would extend our lease
21 option and continue to lease it, and continue to
22 produce the renewable energy. And if it's not, as
23 Mr. Murray mentioned, we will have a
24 decommissioning bond in place. It's referred to as
25 a bond, but we always put cash escrow up. And what

1 we do in the local communities, we hire an
2 independent engineer, and he evaluates the system,
3 anticipate what will it take, what would the cost
4 be to remove everything and then repair the
5 property back to its existing state or an
6 acceptable state because the existing state is a
7 tree, and it's going to be grass. So we go through
8 that process and we agree on it, and then the
9 engineers put together a budget, and we fund the
10 budget and then the municipality typically controls
11 that cash escrow. It can be done in a number of
12 different ways. In Massachusetts, they have a --
13 with landfills, they have a progressive -- I build
14 on some landfills. Massachusetts, the land is very
15 expensive. So they have a progressive funding.
16 It's called a financial assurance mechanism that
17 they let you fund it over ten years; but Rhode
18 Island really hasn't matured to that. And I think
19 it's best and safest to enter a community and
20 pre-fund, so there is no questions about it. It's
21 not that I want to make things difficult for
22 myself, but I think it's ultimately to make -- to
23 bring as much certainty to the program as possible
24 is what I'm trying to accomplish while still making
25 a viable program from an investment standpoint.

1 Philosophically, Southern Sky, I've done a
2 lot of work in Massachusetts, but I've lived in
3 Rhode Island my whole life, and I've worked here.
4 My office is in Rhode Island -- Warwick, Rhode
5 Island. I lived in Warwick, Rhode Island, and I
6 care a lot about my reputation and the people that
7 I do business with, and I approach each community
8 with extreme cautiousness because I know I know
9 very little about the community that I'm coming
10 into, and I try to hire people that are very
11 familiar with your community, Mr. Murray and
12 DiPrete Engineering, to be helpful with this
13 process. I know they're intimately familiar with
14 this particular piece of property because they've
15 worked on it for quite some time, and I know
16 they're intimately familiar with the folks and the
17 processes here. So I really care and I plan on
18 listening a lot more than I would be talking. It's
19 a learning curve. And I think Mr. Murray said it
20 best, every requirement that we have that we need
21 to comply with, we will. I don't want to push the
22 boundaries. Dave Russo will present our wetland
23 setbacks and our -- I'll call it a utility road
24 that rinks around the property and cuts through the
25 property. We've allowed for more than we need,

1 regulatorily wise, because I just don't want to
2 push the envelope; and the whole system, for
3 security purposes, I forgot, is we'll put up a
4 6-inch (sic) chain link fence around the system for
5 security purposes. So for obvious reasons, we're
6 making a big investment and we don't want to be
7 careless about it.

8 So -- so that's a very short summary.
9 That's what we'd like to try and accomplish here
10 and -- here, I know Mr. Russo is going to do his
11 technical presentation; but I'm going to be here to
12 answer any questions about the program and what
13 we're trying to accomplish.

14 MR. MURRAY: Can I just, Mr. Chairman,
15 through the Chair, just ask a couple of questions
16 since I'm looking at my cheat sheet. Ralph, could
17 you talk a little bit about the size of the solar
18 panels at the low end, the top end, so everybody
19 has a perspective of that.

20 MR. PALUMBO: Yes. So that the panels
21 will be oriented to face directly to the south.
22 They call it zero azimuth, facing directly to the
23 south. And the lower lip of the panel -- so let's
24 just say the south is that way, the panels will be
25 stacked two high as you see there. And the lower

1 lip will be 3 to 3 1/2 feet off the ground, and the
2 upper lip will be approximately 11 to 12 feet off
3 the ground. It's being -- there's a 25-degree
4 angle. Here's the panel tilt, and that's the right
5 angle to have at our longitude and latitude
6 measured here in Rhode Island. Every place is
7 different to get the maximum capacity. As you can
8 see, the shade corridors or the separation between
9 lower panel -- the upper panel lip, and then the
10 lower panel lip behind it is going to be
11 approximately 12 feet. So it will be -- it's
12 really -- the 12 feet is really to avoid shade
13 cover for the panels behind it. It's a strategic
14 set. There'll be some shade cover when the sun is
15 very low, but it's set to get the maximum -- I
16 shouldn't say the maximum, the most responsible
17 output of the system.

18 MR. MURRAY: Could you just briefly talk
19 about what impact, you know, tough weather has,
20 snow and -- impacts on the structure?

21 MR. PALUMBO: Yes. The structures,
22 there's a couple of things we'd have to be focused
23 on from an engineering perspective is snow load is
24 an issue. Snow load, there's two issues with it.
25 One is the weight on the panels as it sits there,

1 and so there's structural integrity. The panel
2 racking is a very beefy rack system that can take
3 tremendous load. I can tell you that the winter of
4 2015, I had one system with four feet of snow
5 sitting on it. It's very good structural
6 integrity. And then we have wind load we have to
7 worry about, the extreme wind, and we usually take
8 the hundred year extreme wind load and we build to
9 that extreme load plus, you know, a percentage
10 factor. It's all done in very technical engineered
11 fashion. Our racking company that we deal with is
12 a very high-grade racking company.

13 All the equipment that we use on this
14 system will be Tier I equipment, the racking, the
15 inverters, and the panels, and Tier 1 is a function
16 of quality of the equipment and the financial
17 stability of the company standing behind the
18 warranties and the delivery of that equipment.

19 MR. MURRAY: Just briefly, are we creating
20 hazardous waste or what type of oil is used?

21 MR. PALUMBO: So just from the standpoint
22 of as rain or snow runs off or melts from the
23 panel, there's no toxic -- toxicity that runs off
24 from it. The transponders do have vegetable oil in
25 it, but it's just the way the manufacturers have

1 really progressed, and vegetable oil is obviously
2 not a toxic substance, and that's the only thing.
3 But it's well contained. It has a double barrel
4 container system in it that it would really take an
5 extreme event for something to leak through it.
6 All of my systems I have I have not had any
7 problems.

8 MR. MURRAY: Just one more topic. Can we
9 put the site plan up. That's fine. Our access to
10 the main part of the property is off Lippitt Avenue
11 as we discussed. There are some homes along that
12 road leading up from Lippitt Avenue. At the
13 neighborhood meeting, some neighbors were just
14 concerned about the integrity of the road. Can you
15 talk a little bit about where we are today and how
16 we would work with the neighbors and the status of
17 that road.

18 MR. PALUMBO: Yes. As I said, I care
19 about my reputation. I care about the community
20 that I'm doing work in. So there was a robust
21 conversation at the neighborhood meeting that we
22 had a couple of weeks ago about the road coming in.
23 It's not a paved road. It has a lot of washout.
24 Doug Doe shared some pictures of the extreme
25 conditions. I do understand that Lippitt Avenue

1 has been paved and some of the washout and drainage
2 areas will be taken care of, but it's my plan and
3 expectation to sit with the folks that live on this
4 access road and figure out something that I can do
5 to be helpful but, one, to upgrade the road and,
6 secondly, be a participant in the continued
7 maintenance of the road because as it is very
8 important on a day-to-day basis to the residents
9 there, it will be important for the solar system on
10 a periodic or say infrequent access, but it needs
11 to be a function road at all times just in case
12 something's wrong and; if it's not functioning as a
13 washout, it would be a bad situation if we had to
14 wait for the road to be rebuilt while we're trying
15 to repair something in the system. So I have the
16 highest expectations to be able to work something
17 out with the neighbors.

18 MR. MURRAY: Mr. Chairman, that's all I
19 have for Mr. Palumbo. I don't know if you want to
20 entertain questions of him now or you want to hear
21 from Mr. DiPrete -- Mr. Russo. What's your
22 pleasure?

23 CHAIRMAN SMITH: Why don't we hear the
24 whole presentation first, and then we can open it
25 up.

1 MR. MURRAY: Okay. That's fine.

2 MR. RUSSO: Good evening. David Russo,
3 professional engineer with DiPrete Engineering, 2
4 Stafford Court, Cranston, Rhode Island.

5 Just a little background on DiPrete
6 Engineering's involvement in this piece of land.
7 In 2009, there was a Gold Medal Farm 42-lot
8 subdivision that was approved. That was completed
9 by another engineering firm, and they received the
10 DEM approval for that development; and during that
11 process, Natural Resource Services flagged all the
12 wetlands on the site. So through the DEM process,
13 those were reviewed under that permit. That permit
14 is still an open, valid permit with DEM due to the
15 towing laws. The original site was designed with
16 individual wells and sewers that would connect to
17 West Warwick.

18 As previously stated, the lots off of
19 Whispering Pines on the eastern portion of the site
20 have been constructed. DiPrete Engineering worked
21 on those -- those lots, and there's significant
22 wetlands on the site. They're down on the eastern
23 portion of the site. There's Lippitt Road that
24 comes through this area. These are lots that were
25 recently constructed. They're on water and septic,

1 and then this was the original approved
2 subdivision, which had significant roadway cross up
3 and down the site, city standard roadway, and took
4 up a significant amount of the site.

5 2014 to '15, the owners had DiPrete
6 Engineering involved, and we looked at an
7 alternative design with the 39 remaining lots which
8 was approved for master plan; and before that --
9 before we went forward with that development,
10 there's testing that was completed on the site,
11 soil evaluations were dug in a grid-like system
12 across the site. The groundwater table ranged from
13 24 inches to 7 1/2 feet. And during that time, we
14 were also looking for ledge, presence of ledge.
15 Some areas there's no ledge present, and some
16 areas, it was three feet and in some areas it was
17 present on the surface. For the most part, the
18 site, the northern half of the site, this area has
19 a lot more gentle slopes than the southern portion,
20 and the northern portion was -- there was some land
21 use there. So the forest and vegetation on that
22 portion of the land is a little less mature than
23 the southern portion of the site. A lot of the
24 rockier soils are located on the southern portion.
25 The northern portion doesn't have as much of that

1 present. This subdivision, the master plan was
2 also going to be -- it was proposed with the sewer
3 and wells. With the testing that we had, there
4 could have been -- some of the lots could have
5 probably had septic systems if they wanted to go forward
6 with that through the DEM process, but we never
7 made it that far.

8 So now today we're with the Southern Sky
9 Renewable Energy, and they've come forward with the
10 solar design that's in front of you, and we've met
11 with the fire department in Cranston, and the fire
12 department requested that there's an access road
13 around the border of the site and ideally something
14 through the middle so they could access the site.
15 We provided that in a conceptual nature on this
16 plan. As we go through the engineering, that could
17 be altered depending upon where the panels
18 ultimately end up. As stated, there's some areas
19 that may be a little more difficult to develop. So
20 the panels may not go in this area, and they'd be
21 reduced. We've also met with DEM in regards to
22 the -- just the general drainage of the site. The
23 site is, as I stated, mostly wooded. The areas
24 with the panels and the paths would be cut down;
25 and because of that, we would have to incorporate

1 drainage components that would meet DEM low impact
2 regulations. The pathways we were showing, we're
3 proposing those with some type of pervious
4 material. The actual material hasn't been decided
5 yet. More than likely some type of crushed stone;
6 and also to control drainage on the other portions
7 of the site, we're going to be proposing crushed
8 stone also, and the logistics of where that goes,
9 we haven't really figured out what, but as shown on
10 the pictures prior, in between the panels, which is
11 about 14 feet, that's going to all be grass. And
12 then some of those areas we might have some stone
13 in there to capture some of the storm water. DEM
14 regulations will not allow us to increase storm
15 water off our site. That's part of the review
16 process. During the review process, they'll review
17 storm water, the flow of storm water off the site.
18 Roughly there were four hydrology analyses on the
19 site as part of our submission to DEM. They'll go
20 out and look at the wetlands again for a second
21 time. We're actually in the process now of
22 rehangng some of these flags just because these
23 are kind of old. Some of them you can't read, and
24 some of them aren't there anymore.

25 Another component of the DEM review

1 process is soil erosion control. And that's
2 important during construction and following
3 construction to make sure there's stabilization on
4 the site. We've talked with the owners, and one of
5 the procedures we'd like to implement and DEM
6 thought it was great was to as you're constructing,
7 cutting, constructing, and stabilizing sequentially
8 versus going out, clear cutting the entire site,
9 having exposed site, which is a lot harder to get
10 vegetation to grow and get to stabilize. A lot
11 more issues can arise with erosion if you leave a
12 site in that manner.

13 As stated previously, there will be a
14 six-foot fence around the property. We're not
15 proposing it to go past the wetlands. So we're
16 proposing it to run along the buffers and the
17 property lines along the buffers. It's not the
18 entire property line of it, but around the solar
19 field itself.

20 One of the other items that came up during
21 the neighborhood meeting from the owners of the
22 existing access was some washout on that roadway.
23 It's a dirt roadway. It has some slope from here
24 up towards Lippitt Avenue. We've looked at that,
25 and some of the photos we were given were from the

1 2010 storm, which is a very significant storm, and
2 we feel that there's some improvements that could
3 be made to mitigate that water. It's our opinion
4 that a lot of that was occurring because when the
5 road is originally constructed, some of that water
6 should have flowed off into the vegetation along
7 the side of the road; and due to history and
8 plowing, more it looks like a berm has been built
9 along the edge. So when you get that significant
10 rain, the water's going downhill, has nowhere to go
11 to get off the road, and it starts eroding the
12 roadway, especially a dirt road that's out there.
13 So as Mr. Palumbo stated, we're going to work with
14 the owners of that drive access to try to improve
15 that situation, and that will be further explored
16 and that will be part of the DEM application, any
17 improvements on that roadway, and it will be left
18 in a good state once it's completed.

19 The entire site is 108 acres. The
20 proposal in front of you will preserve 48 acres of
21 wetlands in a buffer area. The panels, themselves,
22 take up about approximately 26 acres. Their main
23 area would be grass. Impervious pathways are
24 crushed stone for storm water mitigation. The
25 setbacks, all the panels are located within the

1 zoning setbacks. Some of them are located further
2 away than the zoning setbacks require. On the
3 south side, you can see the zoning setback there.
4 Panels are actually located about 60 to 65 feet
5 away from the property line. That has to do with
6 the shade cast of abutting properties and
7 vegetation. All the other panels are within all
8 the construction setbacks, zoning setbacks. That's
9 required by the Cranston zoning ordinance, and
10 that -- the dirt roadway as we enter, it's
11 approximately 900 feet; and as I stated, that's
12 something we are going to look at with the owners.

13 MR. MURRAY: Can you just briefly explain,
14 I don't know if you have the picture, Jason. Well,
15 it's tough to see there, but that's a picture of
16 the road from Lippitt Avenue, correct?

17 MR. RUSSO: Yeah. That's looking down the
18 entrance. It's tough to see in the light; but if
19 you can see the edge of the road there, you can
20 kind of see it vaguely. If you look on the side on
21 the roadway, which is the low side of the roadway,
22 you can kind of see, there's a berm that's been
23 built out there, and it's -- again, it's our
24 opinion that during that heavy storm, the water
25 just got trapped in the road and had nowhere to go

1 and it washed out. And actually if you go out
2 there today, you can't see in the photo, if you go
3 out there today, you can actually see some of the
4 dirt at the end of the road. So obviously even
5 during light rain events, some of that dirt is
6 still washing down the road and just sitting on
7 Laten Knight -- I mean Lippitt Ave.

8 MR. MURRAY: Based on what you know, would
9 this -- would our fencing gate system even been
10 seen from Lippitt Avenue or --

11 MR. RUSSO: It won't be seen from Lippitt
12 Avenue; and in regards to that, too, there's no
13 signage proposed on Lippitt Avenue. The only
14 signage would be warning type safety signage along
15 the fence of the roadway. And the abutting
16 property owners, the closest abutting property
17 owner to the fence that we're proposing is
18 approximately 200 feet, and that's this home right
19 here. It's about 200 feet from the edge of that
20 home to where the fence would be. The remaining
21 properties, such as this one, are 275 feet plus or
22 minus the fence. The gating system will be located
23 here. So off of Lippitt Avenue, you won't be able
24 to see that, especially due to the topography
25 that's out there, and the vegetation.

1 MR. MURRAY: My last question is Lippitt
2 Avenue presently is being reconstructed by the city
3 under Mr. Mason's leadership. Do you foresee any
4 problems interfacing with the final grade of
5 Lippitt Avenue when the city is done with it?

6 MR. RUSSO: We don't see any issues tying
7 into that roadwork, not at all.

8 MR. MURRAY: I don't have any other
9 questions of Mr. Russo, Mr. Chairman. We're
10 available to answer any questions. You've been
11 patient with the presentation. Just to recap, this
12 is a permitted use. We believe that -- I've had a
13 chance to review the staff recommendations. It's
14 very detailed. I would encourage the commission
15 that, after your questions and the public comment,
16 that this is in order to be approved for a master
17 plan or conceptual approval; but we'll sit back and
18 answer any questions and listen to the public.
19 Thank you.

20 CHAIRMAN SMITH: Thank you very much.
21 Any questions from the members of the commission?

22 MR. VINCENT: Mr. Chairman, just a
23 question on the undeveloped portion of the site, I
24 think the presentation said that there's about 108
25 acres and 60 acres will encompass the solar panels.

1 Is there a restriction placed on the remaining
2 undeveloped portion of the site that it would
3 remain as open space during the 20-year or 30-year
4 lease period?

5 MR. MURRAY: Yeah. We have not
6 necessarily proposed that, Mr. Vincent. I think,
7 as a matter of law and regulations, DEM would not,
8 you know, those are all subject to DEM
9 jurisdiction; but we haven't contemplated that in a
10 formal way, but there are no plans to utilize
11 anything beyond the land that is outside the
12 buffer.

13 MR. VINCENT: That's our concern. We went
14 through the process, as you indicated, for
15 subdivision and had a yield plan and determined the
16 number of sites that the site can reasonably
17 contain, and the rest of it was for open space. I
18 think the commission would very much like you to
19 consider having some assurance that, you know, the
20 unused portion, which admittedly are wetlands and
21 steeper slopes, et cetera, remain as open space.

22 MR. MURRAY: Yeah. I don't think we're in
23 conflict with that position. The owners are here
24 tonight. It's something I have to consult with
25 them, but I don't think, from Mr. Palumbo's

1 perspective, he has any objection to that; and I
2 can't imagine that the owners would either, but I
3 respectfully would like the opportunity to just
4 explain it to them, but they understand the
5 significance of it. We were prepared to do that
6 with the residential subdivision. So I can't
7 imagine we wouldn't accommodate the condition on
8 that.

9 MR. VINCENT: Thank you. I have one other
10 question. First at all, I thought the presentation
11 was very, very good.

12 MR. PALUMBO: Thank you.

13 MR. VINCENT: The roadway upgrade or
14 repairs, however we're characterizing them,
15 normally the city, if there were a subdivision,
16 would get a performance bond to ensure that the
17 work is done, and then we would release the bond
18 once the work is inspected. How is this going to
19 work, Ken?

20 MR. MASON: Well, this is not going to be
21 a city-owned road at the end of the day.

22 MR. VINCENT: It is not?

23 MR. MASON: It is not. It is not
24 currently. We do not own it, nor do we maintain it
25 or plow it. So there's no intention at the time to

1 make this a city road.

2 MR. VINCENT: So the only city road, it's
3 Lippitt Avenue that you are improving?

4 MR. MASON: Correct.

5 MR. MURRAY: And just further
6 clarification, when we're doing a traditional
7 subdivision, that right-of-way was going to be
8 built to city standards. We think this is an
9 opportunity to do something better, maintain the
10 rural character for the neighbors there. What
11 Mr. Palumbo is committed to doing is, it's in his
12 interest, and we want to work with the neighbors,
13 before we start, to stabilize the road, get a
14 handle on it. During our construction, any impacts
15 that we have on it, we will monitor and maintain.
16 And then when we're done, we want that road to be
17 pristine and usable by our maintenance crews, but
18 also for the enjoyment of the property owners along
19 the road. So, again, this is not something where
20 we're going to walk away from because he has a
21 continued interest that he be able to get access to
22 the solar field, and we will do that.

23 MR. VINCENT: Thank you.

24 CHAIRMAN SMITH: Commissioner Harrington.

25 MS. HARRINGTON: Thank you. When I

1 compare the two plans that you have here of the
2 residential subdivision that you have approval for
3 and this one, it appears that there was a
4 substantially less portion of open space with this
5 new project. Is that true? Can you compare the
6 acreage of preserved or conserved lands with the 39
7 house lots versus what that open space will be with
8 this plan.

9 MR. MURRAY: If you give us a moment, I
10 think we can address that.

11 MS. HARRINGTON: I do have one question of
12 the staff, too. It's clarification. Would
13 approval of this project run with just this project
14 or would that run in perpetuity? If after, say, 20
15 years or 25 years, at the end of the lease, would
16 we still allow a solar project there, or would that
17 approval end with whatever project terms you may
18 have? Is there -- have the term of the lease been
19 agreed upon?

20 MR. PALUMBO: It has.

21 MS. HARRINGTON: I'm just wondering if the
22 approval would run with the terms of the lease or
23 if this runs in perpetuity?

24 MR. PEZZULLO: The approval runs with the
25 land until the City Council deems that not a use

1 allowed by right. So they could change the zoning
2 and prohibit it, but that wouldn't affect this
3 project during the lease period.

4 MR. MARSELLA: They're now coming before
5 us with a certain -- it's just like -- we're
6 approving a certain solar farm plan. That approval
7 runs with the land in perpetuity. However, it
8 could be -- they can expand that later on. They
9 could obviously renew the lease. The term of the
10 lease between the landowners and the solar company
11 really doesn't have anything to do with our
12 approvals. What our approvals have to do with is
13 the scope of where the panels go, how many panels,
14 what is useful land, what is not, that will
15 continue on in perpetuity.

16 MS. HARRINGTON: I guess that's where I'm
17 seeing the difference. If you were to put houses
18 there, one assumes that they would not, you know,
19 be used for 25 years, and then they would go away,
20 that that would be a permanent --

21 MR. MARSELLA: Not necessarily. If, for
22 instance, if after, it's -- while zoned for solar,
23 if after 25 years, the project became not
24 economically feasible with the performance bond,
25 the company may be obligated to remove those panels

1 -- project, and then you would have all vacant
2 land, but you would have land that would then be
3 able to be open space or be approved -- go through
4 the approval process again 25 years from now
5 depending on whatever the zoning is.

6 MS. HARRINGTON: Thank you.

7 MR. LAPOLLA: Through the Chair, the
8 difference is if it's a housing development,
9 housing developments, typically the roads in the
10 housing developments I won't quite say are forever,
11 but largely forever and we've got houses that go
12 back to 17 whatever in this city. This we know has
13 a 25-year lease. I'm not saying at the end of 25
14 years, that, you know, they're going to pull up
15 their stakes and go away; but at the end of 25
16 years, technology will probably be different. It
17 may be economically feasible or not feasible to
18 continue solar. At the end of the 25 years,
19 there's the potential for this to be returned, not
20 necessarily back to the market for lack of better
21 words, it then becomes land for whatever the city
22 and the developers deem fit.

23 MR. MURRAY: Can I try and respond to Miss
24 Harrington's questions. Looking at the 2015 plan
25 that was approved, again, 180 acres, keeping in

1 mind we were doing an RPD at that stage, a
2 residential plan district. So there's two forms of
3 open space. There's open space, and then there is
4 suitable open space because we're required to have
5 a certain amount of suitable open space in an RPD.
6 So for simple numbers, of the 108 acres, there was
7 74 acres of open space but that included all the
8 wetlands and the buffers and all that. And the
9 suitable open space, under the formula in the
10 regulation, was approximately 38 acres. So we're
11 kind of 40 and 38, keeping in mind with the
12 subdivision, and Mr. Russo can talk better to this,
13 but there's a lot less impervious surface. There
14 is -- we had 3,700 feet of roadway circling -- so
15 there's a lot of -- from an environmental point of
16 view, we think that with the grass areas under
17 these structures, from an open space point of view,
18 in addition to the wetlands, it's a win.

19 MS. BITTNER: I have a concern that this
20 is the same, if not similar, or the same plan that
21 was put forth in January in front of this board,
22 the Hope Farm, which was approved. However, it's
23 been appealed to the Superior Court and then
24 there's an administrative appeal to the platting
25 board that it does not conform with the

1 Comprehensive Plan. And I know we received a memo
2 today from Peter that everything is consistent with
3 the Comprehensive Plan; but when I read the
4 Comprehensive Plan, I think that they definitely
5 have merit. Their lawsuit has -- they have a basis
6 on which to establish a claim, and doesn't it make
7 more sense to wait and see what the platting board
8 or the Superior Court is going to do before we go
9 ahead and approve a second project that will most
10 likely be appealed at the same time. If we wait
11 for the Superior Court and the Platting Board, we'd
12 have better guidance on what happens next in the
13 city. I mean, reading the Comprehensive Plan,
14 which is the same stuff I brought up the last time
15 at the Hope Farms hearing, was that this is the
16 historic scenic farm route and that we're -- one is
17 right along Lippitt Avenue is what it says in the
18 Comprehensive Plan. I don't see this, we're
19 supposed to be preserving agricultural
20 preservation, scenic vistas, preservations of open
21 space, retention of rural landscape, and
22 development of local economy of existing and
23 potential agri-tourism and businesses. So I mean
24 if this is a matter that's in front of the Superior
25 Court now for them to determine whether it's in

1 compliance with the Comprehensive Plan, shouldn't
2 we, as a board, be waiting to hear what their
3 guidance is before we take on -- go ahead.

4 MR. MARSELLA: No. This is an entirely
5 separate application.

6 MS. BITTNER: I understand that.

7 MR. MARSELLA: The Superior Court has not
8 ruled on it. Therefore, the ordinance that is set
9 by the City Council is still the law. Therefore,
10 these applicants have the right to go forward with
11 current law which is this is a zone by right. In
12 addition to the planning -- the reason why I
13 haven't -- we're waiting for everyone to come back
14 from summer vacation --

15 MS. BITTNER: Yeah. I can see that it's
16 been on the calendar for month after month.

17 MR. MARSELLA: Correct. And that --
18 there's no (inaudible), but even no matter what
19 decision the zoning board makes from that appeal,
20 it wouldn't have any bearing at all --

21 MS. BITTNER: I understand that one
22 doesn't influence the other, that they're two
23 separate applications; but I think it would lend
24 some guidance as to whether this is going to be
25 appealed as well.

1 MR. MARSELLA: Not at all because
2 they would be -- that appeal is from a landowner
3 that does not abut this subdivision. So the appeal
4 would have to come from a separate landowner.

5 MS. BITTNER: Right. I understand that.
6 It would be another lawsuit that -- another
7 property owner, adjacent property owner, would have
8 to bring against -- for this project. I understand
9 that.

10 MR. MURRAY: Through the Chair to
11 Mr. Palumbo, say something, I'd like to follow up.

12 MR. PALUMBO: From my standpoint, I'm well
13 aware of that, Commissioner, and I'm trying to
14 manage it the best I can. The thing I have to stay
15 focused on is there are two thresholds, two
16 timetable thresholds that I have to pay attention
17 to. One is a Federal threshold which accounts for
18 a phase-out of tax credits, the investment tax
19 credits for solar, and that is in 2019. The system
20 has to be built by the end of 2019. And then
21 there's one state legislative threshold for the
22 backbone, the financial backbone of solar, which is
23 called net metering credits. If you're not -- if
24 you do not have your interconnection services
25 agreement managed and negotiated through National

1 Grid by the end of the summer of 2018, there's a
2 significant cliff, a fall-off, in the economic
3 benefits. So those two items right there, if I
4 miss either one, the financial viability of the
5 project is severely diminished and maybe not
6 accomplishable.

7 So I understand that I'm investigating
8 money right now at risk. It is not lost on me, but
9 I have very good legal advisers advising on some of
10 the commentings that were just mentioned, and I
11 agree with them. It's something that I have
12 experienced in other municipalities, and other
13 states; and it's something we always have to deal
14 with. So I'm well aware of it, and I'm going to
15 manage it. And I'm not asking the city to go at
16 risk with me. I'm taking those risks myself. So
17 we're focussed on it.

18 MR. MURRAY: Just as a follow-up,
19 Mr. Chairman, two things. One, it would not be
20 appropriate for me to comment on the pending
21 lawsuit. I am familiar with it. I was not
22 involved in it. I didn't represent any parties.
23 I'm also familiar with the appeal the Platting
24 Board of Review is considering.

25 As Mr. Marsella said, we have a

1 constitutionally valid ordinance until somebody
2 says it isn't. The -- I believe we have every
3 right to proceed forward. As Mr. Palumbo said, he
4 understands the risks involved. We don't know what
5 a Superior Court judge may or may not do, but the
6 clock -- time moves on, projects move on. You have
7 to, you know, you weigh those things. As far as
8 personally the, you know, we can't -- A, I don't
9 anticipate an appeal. If there were any appeal,
10 assuming you were to grant -- approve this master
11 plan, I would confer with the property owners and
12 Mr. Palumbo, but I would anticipate that we would
13 vigorously defend the Planning Commission if there
14 were an appeal. The time to appeal the ordinance
15 change, which is one element of the Superior Court
16 action, has passed. So that's not a basis to
17 challenge it as it relates to our project. If we
18 receive an adverse vote tonight, then I would speak
19 to the property owners and Mr. Palumbo and decide
20 whether or not we want to be an appellant. We much
21 prefer to prevail this evening with the support of
22 the commission.

23 You know, I can't speak to what went on
24 with the Hope Farms project, but what I can tell
25 you is that we have been very transparent and

1 available and communicative with the neighbors. I
2 don't want to put words in Mr. Doe's mouth, but the
3 night of the neighborhood meeting, he said you're
4 off to a much better start than the last project.
5 So if that tells you anything, you know, we're
6 trying to do this the right way, in a way that
7 we're not trying to get this jammed down anybody's
8 throat. Haven't heard the neighbors' comments yet.
9 We will -- we'll listen to them deliberatively and
10 try and be respectful in our answers and try and
11 work with the commission and the staff to do this
12 project. But as far as Miss Bittner's comments,
13 yes, there is an appeal. I don't know at the end
14 of the day what effect this will have. It may have
15 no effect. You know, you take those -- businesses
16 take risks. This is a business, and we're weighing
17 that; but we decided that even with the knowledge
18 of those appeals pending, that this was a worthy
19 project for consideration and that's why we came
20 forward. Thank you.

21 MR. LAPOLLA: And through the Chair is,
22 first let me comment is -- let me first do -- I
23 sent a detailed memo. The board has it. It's now
24 part of the record, but -- and I won't read the
25 memo. I'll just summarize it, but let's -- the

1 bottom line is there's a future land use map. The
2 future land use map is an indicator, and I'll
3 quote, is an indicator of the desired future land
4 use. And that's the first test of any zoning --
5 any consistency analysis with the Comp. Plan. Is
6 the proposed used consistent with the Comp. Plan.
7 And it's a higher -- it's a hierarchical review.
8 It's the future land use map that designates a land
9 use code. The land use code suggests an
10 appropriate zoning classification. In fact, the
11 quote from the residential section of the land use
12 plan, the future land use plan, creates residential
13 land use categories based on intensities and use,
14 so that the residential land use can be linked to
15 specific zoning classifications, not uses, zoning
16 classifications. And for a land use code -- land
17 use classification of single family residence less
18 than one acre -- one unit per acre, the appropriate
19 zoning classification is A80.

20 Now the Comp. Plan neither -- anywhere in
21 the Comp. Plan, there's very little language as to
22 what's appropriate uses in any specific zoning
23 classification. That's the role of zoning, and
24 it's a policy decision. And the zone -- zoning
25 ordinance in both state and law says that when the

1 City Council enacts a zoning amendment, I don't
2 always agree with the City Council, is that that
3 zoning amendment shall be and should be consistent
4 with the Comp. Plan. So the presumption is that
5 when the City Council enacts a zoning ordinance,
6 the enactment of that zoning ordinance, there's a
7 determination, either implicitly or explicitly made
8 by the City Council, that that particular zone
9 action is consistent with the Comp. Plan.

10 And in this particular case, there is
11 three months of public hearings on this, where
12 there were repeated questions asked of the City
13 Council as to if this specific change in solar to
14 allow solar power would be consistent with the
15 Comp. Plan, and the City Council ultimately voted
16 to make that change.

17 Now, way back to specifically you asked
18 and specifically addressed and while the arguments,
19 they didn't prevail in those arguments, doesn't
20 mean that the City Council made it the wrong
21 decision. It means they heard it. They determined
22 that the particular use is consistent with the use
23 table. The use table guides -- is guided by what's
24 in A80, and the land use plan says what the
25 specific zone district should be. It's, therefore,

1 consistent. It's one follows the other follows the
2 other. We can't cherry pick uses. When we do a
3 project review and somebody comes in and wants to
4 put a hardware store in a C3 district, we don't
5 question as to whether that use is consistent with
6 the Comp. Plan. The use is consistent with the
7 Comp. Plan because the City Council said that use
8 is appropriate for the zone district in which the
9 hardware store is.

10 As to the language, I didn't address the
11 language side because Jason went through the Comp.
12 Plan, and that's always a problem with the land use
13 -- with the language side of it. There's multiple
14 goals, multiple -- multiple goals that the Comp.
15 Plan addresses. And Jason went through and we can
16 have a legitimate debate over it and picked out at
17 least ten or fifteen sections of the Comp. Plan in
18 which solar power would be seen as consistent with
19 the -- elements of the Comp. Plan.

20 So first test is always is the use valid
21 in the zone and is the zone consistent with the
22 future land use. And in this particular case,
23 after three months of debate, in which that
24 argument was argued out before the City Council,
25 the City Council enacts it and the answer is yes.

1 I don't know how else to say it. And oddly enough,
2 I would also argue with you if you're preserving
3 the rural character, solar farms are, in part,
4 rural in nature. We don't see them here because we
5 don't have much rural. Go out to western
6 Massachusetts.

7 CHAIRMAN SMITH: Okay. Any other
8 questions from members of the commission at this
9 time?

10 MS. HARRINGTON: I do have one more
11 question. You sent us some information regarding
12 the unified review today, and I think it addressed
13 what cities and towns can tax solar facilities per
14 megawatt. Can you explain what differences there
15 will be in tax collections or assessment to
16 Cranston for this parcel.

17 MR. PEZZULLO: Well, the question was, if
18 we recall, we didn't quite know how to tax these --
19 they're not structures, they're not dwellings. So
20 the question was would we get into a pilot
21 agreement, would we get into special taxing
22 agreement with the City Council. That's beyond us,
23 beyond our office. We wouldn't touch that.
24 Planning Commission wouldn't touch it. That would
25 really be done with the Council and the Mayor's

1 office and the applicant. The law that was signed
2 into -- was signed by Governor Raimondo last week
3 clarifies what you can tax per kilowatt. And
4 that's very -- that was actually the same exact
5 amount that the applicant floated as a possible
6 tax, \$5 per kilowatt. So that this is 15
7 megawatts, that's 75,000; is that right?

8 MS. HARRINGTON: Does that compare to what
9 we collect on property taxes? Is that a similar,
10 in-the-ballpark amount, or are they vastly
11 different?

12 MR. PEZZULLO: This is vastly different
13 because it's a vastly different land use. This is
14 not housing. This is not anything. There's no --
15 when we look at this, there's no impacts that
16 you're paying for, no roads, no plowing, no snow
17 removal, no kids, no police, no nothing, schools.
18 So that's why the number is a fair number based on
19 the market, I don't know, somebody came up with it.
20 It's probably best practices in Massachusetts, like
21 you were saying, that this is -- we're playing
22 catch up with this.

23 MR. LAPOLLA: Again, through the Chair, is
24 when you're talking about taxes, collective, you've
25 also got to look at expenses. And the last time we

1 looked at this, and we've looked at this when we've
2 done -- there's been proposals to down zone, to
3 increase the density of zoning. And on average in
4 this city, for this city, the last time we looked
5 at this is that for every residential structure you
6 put in, it costs the city between 12 and \$13,000 a
7 year more in expenses than you would collect in
8 taxes. So that when you say that these houses,
9 theoretically, may generate more taxes, is the
10 bottom line, 39 houses, would cost the city an
11 average of roughly 500 to \$600,000 a year in
12 expenses above and beyond any taxes they may
13 collect. So if you were comparing apples to
14 apples, these have no expenses.

15 MS. HARRINGTON: No. I understand that.
16 I think I phrased my question poorly. The taxes
17 that are currently collected on this property as
18 undeveloped land, how would that compare --

19 MR. PEZZULLO: It's low. It probably
20 would be -- you can probably tell us, Bob, exactly
21 how much they're paying in taxes.

22 MR. MURRAY: I don't have that figure
23 available, but I would agree that right now the tax
24 assessor is treating this as undeveloped land,
25 rural land. You know, the property owners would

1 continue to pay a real estate tax bill.

2 MS. HARRINGTON: That was a question I
3 had, too.

4 MR. MURRAY: You know, what we're talking
5 about with the legislation address was more a
6 personal property tax than on the equipment, and
7 Mr. Palumbo can share his experience with that.
8 But the question, I don't want to do the tax
9 assessor's job for him, is if we enter into this
10 lease, whether or not the tax bill on the real
11 estate would be changed since it's no longer
12 vacant, undeveloped land. I can't speak to that.
13 I'm not a tax assessor. So I don't know what the
14 owners are paying right now. They're obviously not
15 paying the same amount that you would pay on a
16 fully developed site. Mr. Chairman, perhaps
17 Mr. Palumbo can shed a little more light on his
18 experience on this.

19 MR. PALUMBO: So just -- the taxes -- the
20 State of Rhode Island did mimic what's happening in
21 Massachusetts. Essentially, they had to come out
22 and do something, the State of Rhode Island,
23 because there is a case that was, it was victorious
24 for the developer, there's a wind developer in the
25 State of Rhode island that challenged the

1 taxability of renewable energy because it's a
2 manufacturing plant essentially. We require sun
3 and we produce electricity. It's a manufacturing
4 process. And he won on a manufacturer's exemption.
5 And I think the Legislators and the Governor
6 wanted to step forward to give some guidance. My
7 approach has always been even -- I'm developing in
8 other communities in Rhode Island before this
9 legislation was passed, I always went to the
10 community and to be transparent and say, look, this
11 is a non-taxable item, but I always work out a tax
12 agreement. It's good business, and it's a balanced
13 equation. If there's one participant in the
14 balanced equation, the financial equation, whether
15 it's the landowner, the developer, the investor,
16 the municipality, or National Grid, if anyone gets
17 shortchanged on a deal, usually the deal falls
18 apart. So it has to be a balanced equation, and
19 the tax agreement is part of it.

20 So whether there was legislation passed or
21 not, I would move forward with the tax agreement.
22 And 5,000 is what the average -- per megawatt is
23 what the average I see across the State of
24 Massachusetts, and it can vary lower or higher
25 depending on if you have a site that's a very

1 challenging site and very expensive, that's taking
2 a lot of money out of the equation, so you have to
3 balance it lower. But if you've got a site that's,
4 you know, of good quality, off the interconnection,
5 is very expensive or very efficient, you have more
6 to work with in the balanced equation, but it's
7 certainly our intent to come forward and pay tax on
8 the system. I think, the commentary is right, it's
9 not a burdensome -- we are not a burdensome
10 resident. We don't need any services. We take
11 care of everything ourselves. The private road
12 would be a participant in keeping upgraded, and we
13 don't need any help on the site. It's, you know,
14 obviously don't have school-age children.
15 Hopefully, it's a very good financial function; or,
16 hopefully, the town sees it's a very good financial
17 function for them.

18 MR. MURRAY: Finally, I didn't know the
19 Council president was here observing, had a number
20 of issues. We will come forward with the -- to the
21 administration and -- with a proposed pilot
22 agreement which will, I believe the
23 administration's intention will be to bring the
24 City Council into that equation. So that would be
25 a public process, but we will -- but the \$5,000 per

1 megawatt is the -- kind of the going rate, and I
2 think Mr. Palumbo is prepared to -- be prepared to
3 honor that.

4 MR. LAPOLLA: Through the Chair, this is
5 not -- that is -- this is not -- that's the purview
6 of the City Council. What they get and what they
7 do not get in terms of tax agreement has nothing to
8 do with how the land is used or how the development
9 occurs. This is not something that we deal with.
10 Taxes -- we don't truly care is the bottom line.

11 MR. MURRAY: Through the chair, I don't
12 disagree with Mr. Lapolla, but the --

13 MR. LAPOLLA: Somebody asked. Somebody
14 asked --

15 MR. MURRAY: -- asked the question. We're
16 here to provide answers. So, you know, it's not
17 like, you know, we don't expect the commission to
18 say, well, we're only going to approve it if it's
19 \$5,500 a megawatt. I mean, that's not your role.
20 We get it. But it was a legitimate question, and
21 the public might ask the same question. So we're
22 trying to answer it.

23 CHAIRMAN SMITH: Thank you. Okay. At
24 this time, I'd like to open it up to any members of
25 the public who have questions. Again, please come

1 forward, come up to the microphone, name and
2 address for the record, and ask the question.

3 MR. DOE: Hi. Douglas Doe again. Just
4 like to say the difference between Southern Sky and
5 RES America is night and day. They've been very
6 forthcoming. They had a nice public hearing.

7 THE REPORTER: Mr. Doe, I'm not
8 understanding you. I'm sorry.

9 MR. DOE: Anyway, RES America came into
10 the city cloaked in silence and secrecy. Sky
11 America -- Southern America has done the exact
12 opposite. RES America can learn a few things from
13 the applicant, and they should. They should pay
14 attention. They haven't gone before final approval
15 yet. So I can think of a few other things.

16 Just a few comments. The DPR committee
17 set certain standards for Hope Road projects as far
18 as landscaping goes. I'd like to see those adopted
19 for this project as well, particularly the
20 procedure for dealing with plants, which is part of
21 the conditions for the Hope Road project. One of
22 the development and landscaping design standards
23 for DPR, 6(b)3, it reads, where more intensive use
24 abuts a less intensive use, a 25-foot buffer strip
25 may be required. The width of the said strip is to

1 be determined by the design and density of the
2 buffer proposal. I don't think anyone can argue
3 that a 60-acre clearcut with 40 to 50,000 solar
4 panels is far more intensive than a protected hay
5 field.

6 If you look at the map up there on the
7 right, top right corner -- bottom right corner,
8 it's all conservation land. When we had our
9 discussion last year about the new subdivision, I
10 asked for a buffer strip. If you look at other
11 city ordinances for solar, you'll find cities
12 require the vegetative buffer of at least 20 feet.
13 Frankly, for conservation land, I'd like to see 50;
14 but I'd settle for 25 as required by the DPR
15 regulations. This is very important because, you
16 know, the city spent over a million dollars on
17 Knight Farm for a rural atmosphere, a farm-like
18 atmosphere, and having a solar project abutting
19 that land in plain view has nothing to do with the
20 hay field or the forest that are protected. So
21 there should be a buffer there.

22 And roads, we've talked quite a bit about
23 roads. The Hope Road project, that's interior
24 roads. This project has exterior roads, they run
25 through the setbacks. I'd much prefer to see them

1 as interior roads. So the setback is used as a
2 vegetated buffer zone, particularly on the top of
3 the map, the conservation land. The bottom of that
4 map there's a huge buffer zone because of the
5 wetlands. So I really don't see the point; but as
6 far as the (inaudible) areas and the conservation
7 land, I'd like to see that road be moved from the
8 setback zone and left natural.

9 I think you really should have a site
10 visit. If you wanted to see what the Hope Road
11 project was going to look like, just drive down
12 Hope Road and look at it. If you wanted to
13 determine if Sockanosset Crossroad was an
14 appropriate place for a big box warehouse store,
15 which you apparently do because you just voted for
16 one, you can just drive down Sockanosset Crossroad
17 and look at it. You can't do that here because
18 it's stuck in the woods. This will give you the
19 chance to come down and actually see the topography
20 of the land because the final proposal is not going
21 to look like that, just because of the topography
22 and the rocks and the ledges and such, the
23 wetlands. Give you a chance to -- to the extent of
24 the clearcut, and also the water runoff, what the
25 big problems are. There's an existing dirt road

1 out there, and it's badly, badly washed out
2 throughout the area, especially on the top of that
3 plan.

4 We talked last time about truck traffic.
5 RES America gave you an estimate of 200 to 300
6 trucks, which was basically laughable. I used the
7 figures from Ontario, which they estimate 700
8 trucks for a 10 megawatt project. I would suggest
9 that you require on both Hope Road project and this
10 project to keep a daily delivery log, you know, the
11 type of truck, what was delivered, when it was
12 delivered, use to give you a baseline. So when you
13 do future projects, you won't (inaudible) estimate.
14 You won't say well, maybe this, maybe that. If
15 somebody asks, you can pull up the logs, say this
16 is what it takes. This is a 10 megawatt project.
17 This is what was delivered. This is when it was
18 delivered. This is the type of traffic it
19 generates. These are real, actual numbers. Asking
20 someone to keep a log is not, you know, not a
21 hardship by any sake.

22 Dumping. Historically, this area has been
23 a dumping ground even on Lippitt Ave. We have a
24 continual problem on Lippitt Ave. Fortunately, the
25 property owner put up a gate a number of years ago

1 and that stopped a lot of the dumping. I hope it's
2 cleaned up -- as part of this project that it be
3 cleaned up. There's a lot of it in the wetland
4 areas, a lot of tires, you name it. We've got one
5 old guy in our neighborhood that goes up there
6 every year -- just about every day on a tractor
7 pulling stuff out of the woods. I don't know where
8 he finds it, but he's up there every day.

9 ORV use, again, this is a popular ORV site
10 for kids in the neighborhood and elsewhere. People
11 show up with their pickup trucks and their
12 trailers. Either come up our road when they come
13 up from West Warwick on North Pleasant Street
14 through the woods. My main concern is with the
15 fence and the project, they're just going to be
16 forced into the wetlands, the wetland buffer area.
17 I know it's a policing issue. It's difficult to
18 put control, but it's something that needs to be
19 considered and taken into account in any future
20 project. It's also a problem on our conservation
21 land. They come right through these woods and
22 right out on the hay field and zip right on over to
23 Burlingame.

24 The construction plan, I ask Miss McNamara
25 for a list of their Massachusetts projects, and she

1 sent me the same list that day. It was very nice
2 to receive. But all their plans were on capped
3 landfills, and they're much smaller plants. I
4 think the biggest one was 6 megawatts. So this
5 plan is a much larger scale, much more intensive,
6 clear cutting, stump removal, and all the rest. So
7 I think it would be a good idea to have some type
8 of plans so we know exactly what's going to be
9 happening, how it's going to be done, et cetera.

10 One question with the telephone poles.
11 With power lines, apparently they're going to be
12 upgraded on our dirt road. I'd like some more
13 information about that, exactly what that entails
14 as far as electrical upgrade. I have two poles in
15 my yard. So that's a concern. As far as the road
16 goes, it's been said, if this was an actual
17 subdivision, you'd have to build a road to Lippitt
18 Ave. Since they're building gravel roads in the
19 project, I'd like to see the gravel road extended
20 right to Lippitt Ave. I don't think that's too
21 much to ask. Did you get all that? That's all.
22 Thank you.

23 MS. SANTILLI: Good evening. My name is
24 Elizabeth Santilli. I live at 192 Lippitt Avenue.
25 I also was here for your last hearing for the 39 --

1 the change to the 39 house development. My
2 property is the one that is to -- looking at it
3 straight ahead is to the left of the existing dirt
4 road. My point in coming tonight was to learn
5 about the project, but also to emphasize to the
6 commission, if I could, how important that road is
7 to the four property owners that do use it on a
8 daily basis as a sole access to their properties.

9 For 30 plus years, we've been the ones who
10 have primarily taken care of that road. Whether or
11 not it's snow or rain or runoff from some other
12 property, it's always fallen to us, and we have
13 done that. If the property is now going to be used
14 by another owner, actually the owner of the lot
15 that is that road, we want to emphasize the fact
16 that that user should be a great participant in the
17 maintenance of that road and at least be the proper
18 maintenance of that road for the use that it
19 intends. For example, it's currently being used by
20 four property owners. There's a waterline under
21 the property. We use -- we might go up and down
22 that road a couple of times each day. The four of
23 us, that's not a lot of up and down. When you
24 start talking about clearing land and having trucks
25 and equipment delivered, and my first reaction is

1 the road will just give right out. When we talk
2 about runoff, the front product -- the front part
3 of my lot, which borders Lippitt Avenue, I'm
4 getting the impression from the engineer that
5 somehow the runoff should be directed into that
6 area. I could be wrong in assuming that that's
7 what he's saying. I would definitely have to
8 object to that. I don't think it would be a
9 proper -- it's -- you can see that it's a wet area
10 in itself. I don't think we should be adding wet
11 to it. It is a very gravelly, ledgy area. There
12 has been blasting in that area in -- 35 years ago.
13 I'd be concerned about just making sure that
14 whatever can be agreed to, we emphasize to the
15 commission that our use -- our primary use as
16 residents could be greatly impacted if it's not
17 property maintained.

18 MR. PALUMBO: Mr. Chairman, in my earlier
19 testimony, I did say I was going to work with the
20 residents of the access road and committed to be a
21 participant in the upgrade of it, a substantial
22 participant in the upgrade of the road and an equal
23 participant in the continuing maintenance of it.
24 Like I said in my testimony, we will create very
25 little traffic; and once built, all we'll have

1 going down at most is a small pickup truck, utility
2 truck, there's no heavy traffic, heavy vehicles
3 going in. The road will be cognizant of
4 everything, whether water lines or drainage.
5 DiPrete Engineering will be addressing all that.
6 So we don't intend to bring in heavy trucks that
7 crushes or impairs the waterline to the residents.
8 We'll be very cognizant and careful of it. And if
9 we do anything that is unplanned, we'll correct it
10 immediately. We understand the sensitivity of it,
11 and we're serious about it.

12 CHAIRMAN SMITH: Thank you. Any other
13 members of the public wish to ask any questions?
14 No? Okay. At this time, I will ask for staff
15 recommendation.

16 MR. PEZZULLO: Okay, Mr. Chairman, Members
17 of the Commission, you got my report last week, and
18 I spent a lot of time thinking about the Comp. Plan
19 issue, and I laid it out here. First of all, I
20 just wanted to run through this -- this staff
21 report.

22 We sent this out for comments. We started
23 with Public Works. Public Works and Engineering,
24 their only real concerns at this point was the
25 roadway, how it was going to be constructed

1 post-development, how it's going to impact Lippitt
2 Avenue, and we're all in agreement on that and
3 everything that we've heard tonight just reinforces
4 that. It's our intention that this is going to
5 become a private roadway. It's the only zone in
6 the city that you can do actual private roadways
7 and have your development. So I see this as just
8 a, you know, minimum upgrade standard for a private
9 roadway.

10 Fire department commented. They didn't
11 give me formal comment, but the layout of the plan,
12 and this is to one of Doug's comments, was the ring
13 road that goes all around the property. That was a
14 specific request of the fire department. They
15 wanted to have complete perimeter access and then
16 an internal roadway. So the plan was modified, and
17 that's what we have. I don't see them taking away
18 this other access way. This is what they
19 specifically wanted from the fire department.

20 What I was trying to say in this memo is
21 that, you know, the landscape has changed
22 dramatically in terms of where we are as a state,
23 as a city, dealing with the solar. Just in
24 November, just since November, things have changed
25 at the Federal level with the tax credits, at the

1 state level in terms of how you actually tax these,
2 do net metering; at the local level, how we
3 approve -- we approve this through the zoning code
4 and the performance standards that Councilman
5 Stycos authored. So we're -- we were a little bit
6 on the edge, a little bit, you know, ahead of the
7 curve last time, and I think now we're standing on
8 much firmer ground, regardless of any kind of
9 appeals that are still ongoing.

10 I'm not going to get into project history
11 because we've already seen that ad nauseam. We've
12 seen the two projects, the preliminary approval and
13 the master plan approval. Those are both viable
14 projects. We always felt that if they had the
15 preliminary approval, they went backwards
16 essentially to do a new master plan. If they
17 abandoned that master plan and wanted to go back to
18 the prelim, that was, you know, the larger lots,
19 that would just be a simple reinstatement of the
20 prelim plan, nothing fancy, pretty standard, and
21 pro forma.

22 Okay. Let's talk about the Comp. Plan for
23 a few minutes because this is something that has
24 been hanging over this and other projects. The
25 first section of the Comp. Plan analysis comes from

1 Peter's comments, and I tried to synthesize a lot
2 of what he said. The Comp. Plan has eight
3 elements. They have multiple goals, multiple
4 policies. They overlap. It is true that the Comp.
5 Plan does not reference solar energy. It doesn't
6 reference anything about energy for that matter.
7 Doesn't reference wind or digesters or algae or
8 anything that you could call renewable energy.
9 When we wrote the Comp. Plan in 2005, it wasn't on
10 our mind. When it finally got approved by the
11 state in 2011, still did not think that this land
12 use would even be viable in the Northeast. But,
13 again, how the landscape has changed with this land
14 use. When we first started to discuss this, we
15 said is this a viable use in the rural residential
16 zone. There's been criticism that, oh, it's an
17 industrial use, it's an industrial use in the
18 residential zone. Well, maybe that's true. You
19 can also say that farming is industrial in a lot of
20 ways. Farming can be very heavily intensive, but
21 that's allowed at the residential zone by right.
22 And this is something new, but we looked at this in
23 terms of the impacts, the overall impacts. How
24 does this impact the surrounding area? This lot is
25 actually not on the historic farm route. This one

1 is off the beaten path and much more tucked away
2 than the first project, than the Hope Solar Farm
3 project.

4 So, you know, I kind of came up with this
5 list of goals and policies that I pulled out of the
6 plan and, honestly, I think that we call cull
7 probably half of these because admittedly they're a
8 stretch; but if you go to the land use section,
9 this is where we can really sink our teeth into
10 because, from staff's standpoint, we don't have
11 that many opportunities to prevent residential
12 housing, sprawling residential housing. We don't.
13 We process them. We do subdivisions as just a
14 matter of business around here, more subdivisions,
15 more roads, more houses, and all the impacts that
16 come with this. When this came before us, there
17 was nothing we could do to stop it, forty-two
18 houses, three of them already built. There was
19 nothing to do other than purchase this property,
20 which I don't think that that was a viable option
21 at that time, and I don't think they wanted to sell
22 it, even if this process -- project was for sale.

23 So this use is, in our sense, this is in
24 their term, land preservation strategy. That is
25 how we're couching this project from our land use

1 -- how we're doing -- excuse me, let me just back
2 up. So this -- this is not housing. There is
3 nothing permanent on this site. So we're saying
4 that this is a temporary use in the grand scheme of
5 things. This is a way to preserve rural character
6 in Western Cranston.

7 So if we look at the first land use goal,
8 preserve the rural character, critical resources
9 Western Cranston, through appropriate land use
10 controls. That's the overarching goal of land use
11 in the Comp. Plan. I think that that fits pretty
12 nicely with this project. We are preserving the
13 real quality. This is not becoming a residential
14 neighborhood. This is being converted in the grand
15 scheme, temporarily, to the solar field. If, in 25
16 years, this doesn't get continued, this can be
17 removed and re-forested, and we'd also have an
18 opportunity to preserve it. We have an opportunity
19 to preserve while it's being used for solar. If
20 it's houses, it's gone forever. Land Use Policy
21 1.2, and again these are the most germane I think
22 in the Comp. Plan., preserve, in significant
23 tracks, 20 percent of the remaining open space in
24 Western Cranston of 500 acres, the restrictions
25 associated with clustering of future development or

1 through purchase. Well, we're not getting that
2 much land through an RPD; but we're not purchasing
3 this yet. We could in the future, but this is a
4 strategy to preserve this land, okay. And we're
5 really hammering that here because that's what we
6 firmly believe on this.

7 In the next iteration of the Comp. Plan
8 per state law, there's a requirement you have to do
9 an energy plan. There's no question about it,
10 we're dealing with energy in the next few years
11 with the new Comprehensive Plan. Within the energy
12 plan is citing guidelines, citing goals, citing
13 policies about all different renewable energy.
14 It's not in our plan yet because ours was written
15 before that was the law, but there's no question we
16 have to do this. So this, essentially, is already
17 meeting the spirit of the new comprehensive
18 legislation, passed by the General Assembly, and
19 all of the state guide plans that statewide
20 planning has adopted.

21 So, again, here's another one. Land use
22 Policy 1.4, preserve and enhance the quality of
23 existing resources, including wetlands, surface
24 water, groundwater, wildlife habitat, scenic views,
25 unique cultural resources. This is not being

1 converted permanently to a residential
2 neighborhood. It's not being converted permanently
3 to a residential neighborhood. We have the
4 opportunity to preserve this in total in the future
5 for the next generation to preserve this, but at
6 least we're giving ourselves a chance to get our
7 ducks in a row, to actually get the funding,
8 bonding, purchase the development rights, however
9 strategy we want to employ to do that.

10 So, you know, this is all in my report.
11 I'm not going to regurgitate everything, but I
12 think that there is certainly goals and policies
13 and objectives of the Comprehensive Plan regardless
14 of what the future land use map shows. That is one
15 page of the land use element. That is not the be
16 all and end all of the Comp. Plan. As we can see,
17 there's lots of mutually exclusive goals and
18 policies here and that it fits. It fits with this
19 proposal.

20 So staff has reviewed the plan, found it
21 consistent with the Comp. Plan. If you'd like to
22 go through the findings of fact, we can do that.
23 If you'd like to go one by one. I'm taking this
24 chapter and verse from the state law so that it's
25 slightly different than what we usually do, but

1 there's a requirement and here's how we met that.
2 And if we agree with that, we can -- we can move
3 forward with these findings of fact.

4 MR. MOTTE: Through the Chair, why don't
5 we move to the recommendations since we already
6 have the documentation, and had the opportunity to
7 read it.

8 MR. PEZZULLO: Staff recommends approval
9 with the following conditions: One, municipal lien
10 certificates verifying all taxes are paid up to
11 date. Two, obtain preliminary approval from the
12 development plan review committee. Three,
13 verification from the Cranston Fire Department that
14 the proposed maintenance access ways are suitable
15 for public safety vehicles. Four, obtain
16 alteration permit from RIDEM for wetlands and storm
17 water management. Five, submit draft operation and
18 maintenance plans with the preliminary plan
19 application. And, six, consult with the Cranston
20 Public Works Department to the appropriate level of
21 improvements to the private roadway as to ensure no
22 negative impacts from this development on Lippitt
23 Avenue.

24 CHAIRMAN SMITH: Okay. Let me ask just
25 one question, a procedural question. If this were

1 to be approved, what is the next step in the
2 process?

3 MR. PEZZULLO: The next step would be for
4 them to apply to the Development Plan Review
5 Committee for the in-house approval with city
6 staff. If they get preliminary approval of that,
7 then they would come back to this commission for
8 prelim.

9 CHAIRMAN SMITH: Okay. We have the
10 recommendation from the staff. I will entertain a
11 motion.

12 MR. VINCENT: Can -- under discussion,
13 Mr. Chairman?

14 CHAIRMAN SMITH: Sure.

15 MR. VINCENT: Point Number 6 dealing with
16 the Public Works improvements. I would like to
17 just add to that sentence, "Consistent with DEM
18 regulations for storm water management." So I
19 think mister -- DiPrete Engineering specified that
20 in his submission to DEM, he would include
21 improvements to the road as part of storm water; is
22 that correct?

23 MR. RUSSO: It depends as part of the
24 improvements that are made, but it will be part of
25 the DEM review package. What the extent of the

1 drainage improvements that would be needed may
2 vary, but it will be part of the DEM review.

3 MR. VINCENT: Okay. I just think based on
4 what we've heard from the public, that it's a way
5 to ensure that we're having a level of review
6 outside the commission for best practices for storm
7 water.

8 MR. PEZZULLO: Okay. Just so I'm clear,
9 when we're talking about the upgrade of the private
10 roadway, that that will be part of the DEM wetlands
11 permit? Okay.

12 MR. VINCENT: And my second point or
13 request for the commission to consider is maybe a
14 seventh stipulation, a presentation of a plan for
15 protection of undeveloped portion of the project
16 site as conservation and open space. Now, I'm not
17 specifying what type of plan the owner would
18 submit. That could be an easement, that could be
19 whatever you deem appropriate, but, I mean, I think
20 you understand the concern that we'd like to see as
21 a commission, preservation of the remainder of the
22 site.

23 MR. PEZZULLO: And that could be a
24 conservation easement, that could be deeded to the
25 city, that could be a number of things.

1 MR. VINCENT: Could be any number of
2 things. I heard the developer say he's going to
3 consult legally and with the owner on what strategy
4 they would use.

5 MR. PALUMBO: May I, Mr. Chairman?

6 CHAIRMAN SMITH: Yes, absolutely.

7 MR. PALUMBO: I just -- you just mentioned
8 but I was going to say that I'm not the owner of
9 the property. I certainly will consult with the
10 owners of the property and see what's acceptable to
11 them. It's not necessarily my decision, but I
12 understand what the role is.

13 MR. PEZZULLO: And that the land, the
14 eastern portion of the land, is not developable
15 because of the wetlands. So we can work with them,
16 on that, okay. Add that language.

17 MS. HARRINGTON: When would be the
18 appropriate time to request the vegetative buffer
19 around the parameter road? Is that part of the
20 development plan review, or is that something we
21 can request --

22 MR. PEZZULLO: It would be best to get
23 that in the development plan review stage because
24 that's when we get into all of the small details;
25 and that when it comes back to this commission,

1 those have been vetted and addressed and
2 incorporated into the preliminary plan. We can
3 always make more changes, but the best time is the
4 development plan review stage.

5 MR. VINCENT: Jason, would the development
6 plan review committee discuss the phased -- phased
7 construction plans as was pointed out, I think
8 Mr. Doe pointed out DEM suggested that.

9 MR. PEZZULLO: That's not something that
10 we would typically address in terms of how it's
11 constructed because we've never really done one
12 like this. Hold on. We've never done this before.
13 So we can definitely make that part of the
14 development plan review commission because they'll
15 put that on their plans in terms of phasing,
16 maintenance, because it's going to be also part of
17 the DEM permit for storm water management.

18 MR. LAPOLLA: What will happen is we
19 always talk about erosion control, especially on a
20 project of this size and a project in which you're
21 basically going to take a lot of the vegetative
22 cover away, at least initially. I mean, I know
23 grass is not trees, but you're re-establishing some
24 of the vegetation to control runoff; and what I
25 heard tonight is that, as an erosion control

1 measure, and good grading plans always suggest
2 that, that it's almost the inventory, last minute
3 in, is that you only grade or clear what's
4 necessary for that phase of the project so you're
5 not completely clear cutting the site. So they're
6 presenting that as not because they're nice people,
7 they're presenting that, hopefully they are nice
8 people, but they're presenting that because that's
9 a standard and good erosion control mechanism. So
10 that will be discussed and probably conditioned.

11 MR. VINCENT: My final comment is Jason's
12 memorandum of ten pages, so the public understands,
13 this is not something that the planning staff has
14 prepared overnight. There's been a lot of time and
15 effort, and I wanted to commend the planning staff
16 for this memorandum.

17 MR. MOTTE: Hear, Hear.

18 MR. PEZZULLO: Thank you.

19 CHAIRMAN SMITH: Okay. I will accept a
20 motion from the commission.

21 MR. VINCENT: I move to accept staff
22 recommendation as amended.

23 MR. MOTTE: Second.

24 CHAIRMAN SMITH: Motion made by
25 Commissioner Vincent and seconded by Commissioner

1 Motte to accept the staff recommendation as amended
2 in our discussions.

3 (VOICE VOTE: PASSED)

4 CHAIRMAN SMITH: Is that two nays? Okay.
5 Motion passes.

6 MR. MURRAY: Thank you very much for your
7 time tonight.

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C-E-R-T-I-F-I-C-A-T-E

I, RONALD M. RONZIO, Notary Public, do hereby certify that I reported in shorthand the foregoing proceedings, and that the foregoing transcript contains a true, accurate, and complete record of the proceedings at the above-entitled hearing.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of August, 2016.

Ronald M Ronzio, Notary Public

RONALD M. RONZIO, NOTARY PUBLIC/CERTIFIED COURT REPORTER

MY COMMISSION EXPIRES: July 24, 2017

IN RE: SSRI GOLD MEADOW FARMS - CRANSTON PLAN
COMMISSION

DATE: July 12, 2016

In the Matter Of:

CRANSTON PLANNING COMMISSION

GOLD MEDAL FARM SOLAR

January 03, 2017



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1 STATE OF RHODE ISLAND

2 CITY OF CRANSTON

3
4 PROCEEDINGS AT:

5 Planning Commission
6 City of Cranston

7 IN RE: SSRE Gold Meadow Farms-Solar Farm
8 Preliminary Plan-Major Land Development

9 DATE: January 3, 2017
10 TIME: 7:00 p.m.
11 PLACE: Council Chambers
12 869 Park Avenue
13 Cranston, RI 02910

14 BEFORE THE COMMISSION:

15 Michael Smith, Chairman
16 Kenneth Mason, P.E.
17 Lynne Harrington
18 Jennifer Lepre
19 Gene Nadeau
20 Mark Motte
21 Fred Vincent
22 Robert Strom
23 Kimberly Bittner

24 ALSO PRESENT:

25 Peter Lapolla, Planning Director
Stephen Marsella, Esquire, Assistant City Solicitor
Jason Pezzullo, AICP, Principal Planner
Lynn Fumey, Senior Planner
J. Resnick, Clerk

1 (HEARING IN RE: GOLD MEADOW FARMS-SOLAR FARM

2 COMMENCED AT 7:00 P.M.)

3 CHAIRMAN SMITH: The next order of business,
4 Subdivision and Land Development. This is a public
5 hearing, and the first item is SSRE Gold Meadow Farms.
6 Preliminary Plan - Major Land Development without a
7 street extension.

8 MR. MURRAY: Mr. Chairman, Members of the
9 Planning Commission, good evening, and happy new year.
10 For the record, my name is Robert Murray. I'm an
11 attorney at Taft & McSally at 21 Garden City Drive in
12 Cranston, and I'm here tonight on behalf of the
13 applicant, Southern Sky Renewable Energy, Rhode Island.

14 This project is a project that you should be familiar
15 with, most of the commission members. We were granted
16 master plan approval in July of last year, and since
17 that time, we've been working with our consulting
18 engineer at DiPrete Engineering to go forward to submit
19 for preliminary approval. I want to note that there are
20 two representatives of Southern Sky Renewable Energy
21 here. Ralph Palumbo is the managing partner, and
22 Lindsay McGovern. Ralph will speak briefly after we're
23 done with our presentation.

24 The property involved is off of Lippitt Avenue in
25 Western Cranston. It's a 108 plus or minus acre site.

1 It's comprised of several lots, Assessor's Plats 23 and
2 30. The property is owned by DSM Realty Corp., and a
3 portion of the property is owned by CWW, LLC. I
4 represent that the owners are here tonight. They don't
5 plan on testifying, but they are taking an interest in
6 this application and are present, should the need arise
7 for any questions. I last want to introduce David
8 Russo, Project Engineer with DiPrete Engineering. He's
9 been our project engineer. David will make a formal
10 presentation in a few moments.

11 For the members of the commission who weren't here in
12 July, I might just give some background information,
13 which I know it's part of your staff report, but this
14 site, I've been involved in this site probably for the
15 last 10 years, as well as Dave Russo and his firm.

16 Previously, this commission granted approval for a
17 42-lot residential single-family subdivision for this
18 property. It was to be developed and built in four
19 phases. The fourth phase off Whispering Pines Drive at
20 the bottom contained a 3 lot, and that was developed,
21 but the remaining property, which was comprised of 39
22 lots, has not yet been developed. It's our hope that
23 we'll go through and forward all the approvals to build
24 a solar, ground-mounted solar facility at this property.

25 I was very pleased that the site met the confidence

1 of this administration who mentioned the solar energy.
2 He identified this project is the largest project in the
3 state that is approved, so he was very pleased that
4 we're looking at alternative energy projects in the
5 city, so I felt good about that.

6 As I said in July, we received master plan approval.
7 After that, we went forward with your approval. We
8 obtained preliminary approval from the Development Plan
9 Review Committee on August 17th of last year. I'm used
10 to saying last year, not this year, August 17, 2016, and
11 the approval that we received that we're vested for this
12 project contains 7 conditions, which I believe we've
13 complied with in this submission.

14 The first one was that we provide a municipal lien
15 certificate showing that the taxes have been paid up on
16 this property, and it has. We did receive preliminary
17 approval from the development engineer on August 17,
18 2016. The Cranston Fire Department reviewed the
19 accessways for this project, and they were part of the
20 development plan review process. Probably the biggest
21 thing of the site, the conditions of master plan was to
22 obtain our insignificant alteration permit from the
23 Rhode Island Department of Environmental Management.
24 David's going to talk more about that, but we did
25 receive that on November 30, 2016, and that was

1 submitted. A copy of that approval was submitted with
2 our application.

3 We also submitted a draft Operations and Maintenance
4 Plan. We've worked with the Public Works Department.
5 There is a private road meeting off of Lippitt Avenue in
6 this development. We've coordinated with the Public
7 Works Department, and they're interested in the
8 condition of the road, the drainage, the runoff, and how
9 it interacts with Lippitt Avenue.

10 Lastly, there was a condition that we provide a
11 conservation easement to preserve open space on this
12 site. On December 7th, I did send a draft of that
13 conservation easement that I would propose be executed
14 by the owners of the property at the time of final
15 approval, should we proceed after tonight with
16 preliminary approval.

17 I just want to note that proper notice was given for
18 this meeting. My office sent out by Certified Mail
19 notice of this public hearing to the required radius.
20 We provided an affidavit to Jason confirming that with
21 those abutters that received the notice, as well as a
22 copy of the notice that was sent.

23 Ralph Palumbo and his approach to this project and
24 all the projects that he's worked on, he's tried to be
25 cooperative, inclusive, collaborative with the city

1 trying to meet, not only the city's concerns, but we've
2 also tried to outreach to the neighbors prior to the
3 master plan hearing. We did have a neighborhood meeting
4 with abutters. Since then, we've tried to continue
5 those lines of communication.

6 After the master plan, Dave Russo met onsite with a
7 couple of the neighbors who were most directly involved
8 in this project. He's going to outline those
9 discussions, but it just reflects our commitment to work
10 with not only this commission, but the neighbors, to
11 have good lines of communication.

12 That is pretty much all I want to say at this point,
13 Mr. Chairman. We'll be available to answer questions,
14 but at this point, with your permission, I'd like to ask
15 Dave Russo, professional engineer at DiPrete
16 Engineering, to come forward, and run the commission
17 through the plan and the steps he's been involved in
18 since master plan approval. Thank you.

19 MR. RUSSO: David Russo, DiPrete
20 Engineering, Rhode Island professional engineer. So, as
21 Mr. Murray stated, we received master plan approval for
22 this development, and DiPrete Engineering has progressed
23 on the engineering on the site since then.

24 The total site area is approximately 108.3 acres.
25 The lot is zoned A-80. DiPrete Engineering completed a

1 Class 1 survey of the property, the entire perimeter.

2 The site itself, the northern end of the site in this
3 area, was previously farmed area, so the vegetation in
4 that area is a little less dense and less mature.

5 There's less slopes in this area in the northern end.

6 As you get to the southern end of the site, there's more
7 severe slopes, including more mature trees in this area
8 (indicating). There's wetlands on site. There's a
9 wetland complex in this area, and there's a wetland
10 complex in that area also, and there's a small wetland
11 across the road in that area. The large wetland complex
12 is located to the east. We're looking at brook runs and
13 all the buffers associated with those are shown on the
14 plan.

15 The site itself has many existing pathways through
16 the site, and there's various topography up and down the
17 site. There's previously soil evaluations done on the
18 site. There's a grade system that was completed. That
19 was to evaluate those septic systems for the proposed
20 subdivision at the time. They were looking at a sewer
21 connection or septic. So, the testing was all completed
22 during that period, and the water tables range from 24
23 inches to 78 inches.

24 Some ledge was present in some areas of the site.

25 Some ledge was visible in this ridge area here

1 (indicating). There's an existing gravel driveway with
2 existing homes that utilize that drive today that
3 Southern Sky is proposed to use for the development as
4 it moves forward, and I'll look into that more.

5 The project itself is a 21.5, approximately, megawatt
6 solar system. As stated, we will be utilizing the
7 existing access road. The fire department requested a
8 ring road, which we have shown around the entire solar
9 field, and also a road through the center of it. They
10 requested that that roadway be 20 feet in width, which
11 we've complied with.

12 The site also will have a 6-foot high chain-link
13 fence surrounding the perimeter of the solar field. To
14 clarify, this line here (indicating) will have a fence
15 on the property line, but as you go along the wetland
16 buffer here, we put a fence along the buffer on the
17 easternmost property line. It helps with the buffer.
18 It will go along the property line and then return.

19 The gated entrance is approximately in that location,
20 which will have a key for the fire department to access
21 the site. There's also some signage on the fence for
22 emergency response and safety precaution type, No
23 Trespassing-type signage. There's a sign proposed at
24 Lippitt Avenue where it's connected.

25 The entrance door itself was a topic of discussion at

1 the master plan meeting, due to the condition of the
2 roadway, and then washing out during some of the large
3 storm events. We provided a picture to the Planning
4 Department that I can just try to explain it more to
5 you. It's tough to see just due to the projector, but
6 you can see down the middle of the road, you'll see it's
7 separated. This portion of the road during a large
8 storm event, what's occurring is, the natural berm
9 that's been created over time along the edge of the
10 road, and it's built with natural berm along that area.
11 So, it washes out, comes down this hill, water comes
12 down this hill, and it gets stuck in this roadway; and
13 it runs all the way down the road to Lippitt Avenue
14 (indicating). This type of roadway, it's just going to
15 pick up more and more dirt in the road.

16 One of the items that's proposed in the development
17 is to repair this road with 12 inches of compact gravel,
18 which will give it a little more stability. We've also
19 proposed that the berm area, it looks like there
20 originally was a swale in this area. We propose that
21 that berm be removed so that water can get off the
22 roadway into the natural vegetated areas. Naturally,
23 it's still going to the same point. If that water were
24 to stay on the road, it would come down the road, get on
25 Lippitt Avenue, and it would be washed back into this

1 general vicinity (indicating).

2 As Mr. Murray stated, we also met with two of the
3 abutters onsite following the master plan meeting. It
4 was myself, Mr. Santilli, and Mr. Doe. Mr. Santilli
5 lives in this home, and Mr. Doe lives in this home
6 (indicating). We walked this entirely with them to show
7 them what we wanted to do and what our analysis was of
8 why it's washing out. Mr. Santilli was more concerned
9 with the waterline that was installed on his property,
10 and I believe he stated it was approximately 20 years
11 ago it was installed. We made aware to the applicant
12 and the contractor that will be building this with a
13 note that the contractor needs to locate that line, the
14 depth of the line, and make sure it's protected during
15 construction, that there's no damage to that waterline
16 and the utilities that may be present in that area.

17 As far as the stormwater design study, per DEM regs,
18 we've reduced the stormwater flow from the site. You're
19 not allowed to increase the stormwater flow from the
20 site to off site properties. To do that, we've
21 completed a full watershed hydrology analysis for the
22 entire watershed, not just our site. So, there's some
23 water, upper watershed areas that do flow down to the
24 site. Those are all included in my analysis.

25 This analysis, for the most part, is analyzing the

1 wooded areas being clear cut, and then ultimately, it
2 ends up being grass areas. So, the hydrology analysis
3 looks at that.

4 What we've done to mitigate stormwater is, we
5 proposed stone trenching in certain areas of the solar
6 field, and we've also included stone trenching within
7 the ring road itself, just so that the, where there's
8 stormwater, it's ultimately going to end up, so it was
9 wise to put them there also.

10 The benefit of doing this type of design is, you're
11 maintaining existing hydrology of the site. You're not
12 concentrating stormwater flows to one certain pond
13 location, and it also promotes sheet flow, so the
14 water's just spreading over the site, and not
15 concentrated into a pipe network, for instance, that
16 would pipe the water out in one spot and make a pond
17 area, with one ultimate discharge point. So,
18 maintaining the natural hydrology of the site was a big
19 part of the stormwater design.

20 The DEM permit has a, during that review, there were
21 comments, and one comment that ended up in the permit
22 itself was something that we addressed with them at the
23 tail end, and just put it as a condition, and it's two
24 pages in.

25 DEM had a comment in regards to these two complexes

1 here (indicating). There's a complex here with a
2 50-foot buffer associated with it, and there's a small
3 isolated pocket wetland there (indicating), and a small
4 isolated wetland pocket there. There's an existing road
5 that goes through these isolated wetlands, and we
6 propose to use this road as part of that emergency
7 access, which is existing, and it made sense to use
8 that.

9 When we did the original submission to DEM, it was
10 more of an oversight. We put the fence along the
11 buffer, and DEM commented that they'd rather see the
12 fence go up here in that area (indicating). So, we were
13 understanding of that, and we relocated the fence to put
14 pretty much what is the wetland behind the fence.

15 One of the other comments that came out of that,
16 Nancy Freeman at DEM was, she was concerned about the
17 critters in these wetlands, so she stated she'd like to
18 see the original opening on that fence in that area,
19 which we were okay with. The topography in that area
20 can also coordinate to the wetlands naturally when the
21 fence gets installed. There naturally probably would be
22 almost an 8-inch gap to allow wildlife to go and pass in
23 the area. So, I just want to clarify that on her
24 permit.

25 Another thing that DEM requires is, they require a

1 soil erosion control report, which we have completed;
2 they reviewed and improved, and that addresses all the
3 soil erosion during construction, the temporary sediment
4 basins and swales on site. So, during construction, if
5 they cleared areas and there's a rain event, that
6 stormwater wouldn't be just flowing off the site. It
7 would be captured on site and will be infiltrated on
8 site.

9 The last document that DEM approves is what's called
10 an operation maintenance manual, and that manual is for
11 post construction for maintenance of the stone
12 infiltration trenching on the site. The maintenance of
13 the site itself, it's more or less, they need to come
14 and mow the grass, and then check on the stone
15 infiltration areas to make sure that they're not full of
16 sediment, and there's not growth coming out or anything
17 like that. So, they're functioning the way they were
18 designed.

19 In a development like this, they don't have a lot of
20 traffic and sand and saltings. We don't expect
21 sediments to get into these stormwater infiltration
22 trenches over time, so they should have a good lifespan
23 after they're installed.

24 Just going over the setbacks on the development, all
25 of the solar panels are located within the required 20

1 foot side yard setback per the zoning code. The panels
2 to the north, the closest panel is about 13 feet from
3 the property line. The panels to the west, the closest
4 one is about 15 feet, and it's really in this, where
5 this angle comes in. Other than that, probably get it a
6 little further away as you get away from that.

7 The panels to the south, the closest one is right
8 there (indicating). It's about 60 feet, and as you walk
9 in, you go further away. So, most of them are located
10 greater than 60 feet away.

11 The last buffer of concern was brought up at the
12 master plan, and when I was on site with the abutters, I
13 walked the property over here (indicating), which is a
14 City of Cranston property, which is the field area.
15 When you're driving down on Burlingame Road, there's a
16 stonewall there. There's approximately 10 to 15 feet of
17 just vegetation that's just not maintained; it's just
18 overgrown on the stonewall, and then there's about 960,
19 970 feet of grass area. After the grass area, there's
20 probably another 15 feet of vegetated area before you
21 hit the stonewall, and then that stonewall is our
22 property line. So, there's about a 1,000 foot buffer
23 from that property line, all the way to Burlingame Road.
24 At that buffer, we'll have a chain-link fence within the
25 stonewall, and the access road for fire and emergency

1 vehicles within that area.

2 Just in general, some comments about the solar
3 project versus the subdivision that was proposed. Some
4 of the benefits of this type of development, the solar
5 development that was never proposed had acres of
6 roadway. There's really no pervious area on the site.
7 It's going to be grass, gravel, excessive drainage,
8 stones, and test drainage. So, the pervious there is 0
9 compared to 12 that was originally approved on the
10 subdivision.

11 In addition, a 39-lot subdivision, 4-bedroom homes,
12 approximately, you're probably looking at around 370
13 total car trips going in and out of that entrance road,
14 where the traffic for the solar development after
15 construction is minimal, a pickup truck getting in to do
16 maintenance on the site, whether it's the trenching or
17 the cutting of the vegetation.

18 There's also no, there's not as much, I should say,
19 of fire emergency vehicle needs as you would have in a
20 traditional subdivision. There's no maintenance of
21 drainage facilities, as the owners maintain the drainage
22 facilities themselves.

23 The earthwork onsite is very minimal compared to a
24 subdivision being on this site. There would be a lot
25 more cutting and filling to get the land properly graded

1 for a subdivision. Depending on the sewer that's
2 installed, it would have been more expensive creating it
3 to get on site.

4 The duration of construction for a subdivision would
5 also be a lot longer. The owners of this property are
6 trying to build this in a timely fashion, and the
7 subdivision, as we all know, could go on for years, as
8 they sell the homes, and there's also construction
9 traffic coming in and out of that subdivision.

10 The runoff from this site, it's going to be rainwater
11 that's going to be hitting panels that have no nutrients
12 or sediment or salt on them. With a subdivision, you're
13 going to have things such as salt, sand from the
14 roadways, you're going to have car oils, fluid leaks
15 from the cars. Also, with 39 lots, you have pet waste
16 entering the stormwater runoff that can add to the
17 environmental concerns.

18 So, with any land development project, there's a
19 disturbance to vegetated areas, but looking at it,
20 there's more clearing for this type of development, but
21 environmentally, I believe the impacts are less and
22 mitigated with the design that we've provided tonight.
23 I would be happy to answer any questions you may have.

24 CHAIRMAN SMITH: Any questions at this time
25 from members of the commission?

1 MR. LAPOLLA: Just for a point of
2 clarification, when you talk about no increase in the
3 runoff from the site as opposed to (inaudible).

4 MR. RUSSO: That is correct.

5 MR. MURRAY: David, before Ralph speaks,
6 could you just get a sense of perspective in terms of,
7 from Lippitt Avenue, is it likely this is going to be
8 invisible from Lippitt Avenue, and what is the distance
9 of that private road?

10 MR. RUSSO: I believe it's about 900 feet
11 from Lippitt, down. Even if we clear to the bend in the
12 road in this area, so even in the dead of winter,
13 there's no leaves, it's really hard to see the entrance
14 from here (indicating). This house here's about 210
15 feet from the gated entrance area here (indicating).
16 You would have to drive down to this general bend area
17 to even see the entrance of the development.

18 CHAIRMAN SMITH: Commissioner Vincent.

19 COMMISSIONER VINCENT: What storm design did
20 you use on this?

21 MR. RUSSO: We are required to utilize
22 either the 110, 25, 100.

23 COMMISSIONER VINCENT: I don't have these in
24 any order. The ordinance that the city council, the
25 noise study to meet noise requirements, when is that

1 study going to take place, late in the construction
2 process, and can you describe who's going to do that,
3 and what the commission will receive?

4 MR. MURRAY: Based on Mr. Palumbo's
5 experience with other similar projects, we've already
6 had a well-respected consultant analyze this proposed
7 project, and it would be our intention at this time to
8 build that part of the ordinance again and submit that.
9 That's being completed.

10 I think it's fair to say that we don't anticipate the
11 noise levels for this. We're sure to be in compliance
12 with the city's ordinance, but Mr. Palumbo can talk a
13 little bit about that; but we've already had that
14 completed, and I apologize if we didn't share it with
15 the planning staff, but our intention was for building
16 at the time of the building permit.

17 COMMISSIONER VINCENT: We discussed the
18 access road, and I'm very happy that you met with the
19 neighbors and Public Works, and you contend that the
20 road will be improved. The fencing requirement, the
21 language that I read was discretionary, so I'm pleased
22 to hear that you're saying you'll allow for critter
23 passage under that fencing. The monitor, though, the
24 stormwater monitor, can you speak to that, and how it's
25 going to be done during the construction phase?

1 MR. RUSSO: Only during construction.

2 COMMISSIONER VINCENT: You mentioned
3 afterwards.

4 MR. RUSSO: The DEM requires that during
5 construction, there's a soil erosion report that we put
6 together. Part of that report is inspection logs. The
7 contractor on site, they can do it, and hire, sometimes
8 they hire an engineer to do it, but they're required to
9 fill out these inspection logs. Basically, it's just a
10 check. We can walk on site, look for an area that may
11 be eroded, we need to record that, and state how we
12 improved it. That's a requirement by DEM. They have to
13 keep them on file on the site. DEM goes out to the
14 site, and sees that they're onsite.

15 As far as post construction, DEM requires us, the
16 engineer of record that designed the site, to go to the
17 site, and this site, sometimes we have to do a survey to
18 make sure they're put in the right spots. This site,
19 the way it's traditionally laid out, we need to go out
20 and certify that it was constructed correctly, in the
21 right location, and per the design on the approved DEM
22 plans. So, those are the two steps that ensure what DEM
23 approved is getting completed in the field.

24 COMMISSIONER VINCENT: The logs, those are
25 public records, or the city official could also get

1 those?

2 MR. PALUMBO: Yes.

3 MR. MURRAY: I think Mr. Mason, I'll say
4 what I want to say, but I'll defer to Mr. Mason.

5 MR. MASON: Yes, if I could. Public Works
6 had requested that, it's really going to be going
7 forward for all these type of developments that the
8 developer or the owner of the property submit an annual
9 report to the City of Cranston Public Works on their
10 proposed stormwater inspection, and making sure
11 everything is working and functioning and maintaining as
12 stipulated in the maintenance plan. We're requesting,
13 basically, going forward for almost all subdivisions in
14 the construction process that these be submitted to
15 Public Works by June 30th of every year.

16 COMMISSIONER VINCENT: It that a requirement
17 on the building permit, or how is that going to be
18 instituted?

19 MR. MASON: It's a requirement as part of
20 the approval process.

21 MR. MURRAY: We were aware of that. Mr.
22 Mason brought that to my attention. We're aware of it,
23 and that will be an ongoing thing. I've alerted other
24 potential clients that the city is going to now require
25 that process annually, and we'll comply with that.

1 COMMISSIONER VINCENT: My last question
2 deals with the conservation easement. I understand the
3 language, but as far as abandonment, how is the easement
4 being protected? It said that the easement travels with
5 the lease.

6 MR. LAPOLLA: The easement was there, so
7 long as the solar panels are there. When the lease is
8 up, the land is again available for purchase, and then
9 the city is free to deal with the land, and the
10 developer (inaudible).

11 COMMISSIONER VINCENT: That it's properly
12 decommissioned, but what happens, who enforces the
13 easement, you?

14 MR. MURRAY: Through the Chair, if I may.
15 The city has an ordinance that addresses decommissioning
16 and abandonment. At the time of the building permit, we
17 would have to post a bond. The city would get an
18 estimate on what it would take to, and we don't remove
19 the panels, what it would cost to remove the panels when
20 that should happen. So, that ordinance is already in
21 effect.

22 What I tried to do with the easement is that it would
23 be required that some document be recorded in the land
24 evidence records that the project has either been
25 decommission or abandoned. The easement, at that point,

1 if we can visualize when decommissioned, all panels are
2 removed. The owners of the property at that point would
3 then have the right to come back to this commission for,
4 perhaps, a residential subdivision at that point, or
5 whatever. Obviously, the easement as it relates to the
6 solar project would be terminated, and obviously, this
7 commission at that time, if you're still sitting here,
8 I'm sure you'll recommend that we do something further.

9 The point being, much of the land is covered under
10 the conservation we were presented. The likelihood of
11 development is, unless they drastically change rules,
12 DEM is not going to be involved, but at that point, the
13 city will get a second bite at the apple, when and if
14 this is ever decommissioned.

15 COMMISSIONER VINCENT: Thank you.

16 MR. MURRAY: Mr. Chairman, if there's no
17 other questions, Mr. Palumbo would just like to make
18 some brief remarks, and then we've concluded our
19 presentation.

20 CHAIRMAN SMITH: Sure.

21 MR. PALUMBO: Good evening. Ralph Palumbo,
22 Southern Sky Renewable Energy, Rhode Island. Just some
23 brief remarks. I wanted to thank this commission for
24 the time, attention, and consideration you've given this
25 project. It's been a long process. I also wanted to

1 thank Peter and Jason for their professionalism and
2 guidance throughout this process. It's not an easy
3 process, and they've been extremely helpful and make a
4 true comparison from other communities I've operated in.
5 It's a lot of hard work, but it's a pleasant experience
6 for me, so I want to thank you.

7 Also, David and Robert have been really great
8 advisors and ready to interact. You've done a good job
9 here tonight, and I want to thank them also.

10 The only thing I really wanted to say other than
11 thank you is, the project when I first came in, as I've
12 said, I've come in and worked hard and bring my
13 experience to this project, and try to deliver a good
14 value to the city, and to all the other counterparts
15 that I deal with in a transparent way, and in a
16 considerate way also. I try to do that through the
17 process and be open with all the city officials and with
18 abutters and any of the stakeholders in the process.

19 We've really worked hard to be considerate, and
20 comply with all the provisions of the city's solar
21 ordinance, the DEM's requirements, and state
22 requirements, and any other requirements that have been
23 put before us; and we've really made a strong effort to
24 do that, and I believe we delivered on everything that
25 we said we would when we came in. If we're lucky enough

1 to build this facility in your town, we would behave in
2 the same way, transparent, in an open way, and build a
3 good facility and operate a good facility for a very
4 long time. That was it. Thank you, and we appreciate
5 everything you've done.

6 CHAIRMAN SMITH: Thank you, Mr. Palumbo.
7 Commissioner Harrington.

8 COMMISSIONER HARRINGTON: I'm assuming that
9 the fence you mentioned will be on the outer perimeter
10 of the road. Is that true?

11 MR. RUSSO: To answer your question, yes.

12 COMMISSIONER HARRINGTON: It would. Is
13 there a decision for any vegetation around it?

14 MR. RUSSO: The majority of the site, it's
15 going to have vegetation. We're not proposing
16 vegetation on that.

17 COMMISSIONER HARRINGTON: How about on the
18 side where the stonewall is? Right now that is an
19 active playing field.

20 MR. RUSSO: The active playing field,
21 there's existing vegetation that's going to remain along
22 the stonewall. We're not proposing any additional in
23 that area. The fence is proposed to be behind the
24 stonewall, which is the property line in that area.

25 COMMISSIONER HARRINGTON: How close to the

1 stonewall? How close is the distance between the
2 stonewall, and will there be a vegetated area?

3 MR. RUSSO: No. The fence will be on the
4 stonewall, and there will be the emergency access road,
5 and the solar panels following them. There is
6 vegetation. There is vegetation along the City of
7 Cranston side for the stonewall, and there's existing
8 vegetation along that area.

9 MR. LAPOLLA: If I may, through the Chair.
10 There was a question that was raised at the Development
11 Plan Review Committee, and it's in its purview to
12 require a buffer strip for the, basically, on the land
13 the city owns; and the buffer where there is existing
14 vegetation, that the need for additional buffers and
15 landscaping in that area would not be required. It was
16 debated; it was discussed, and I think the vote was 4 to
17 1.

18 COMMISSIONER HARRINGTON: I guess one of my
19 concerns was, too, that the fence would abut up against
20 the stonewall and would provide a jumping point for kids
21 to be able to get into the array. The fence is only
22 going to be 6 feet tall?

23 MR. RUSSO: Six feet tall, yes.

24 COMMISSIONER HARRINGTON: I guess this is
25 easy enough to get over. Okay, thank you.

1 MR. MURRAY: We have nothing further, Mr.
2 Chairman. I know there's at least one abutter here to
3 speak. We'll be available to answer any questions.

4 CHAIRMAN SMITH: Is there anyone else who
5 would like to be heard on the matter? Please come
6 forward.

7 MR. DOE: Good evening, Mr. Chairman.
8 Douglas Doe, 178 Lippitt Avenue. I speak tonight in
9 opposition to the current design of the utility scale
10 21.5 megawatt solar project proposed for the woodlands
11 off of Lippitt Avenue. I do so for five basic reasons:

12 Number 1. The November 2015 City Council vote did
13 not exempt large utility-scale ground-mounted solar
14 power installations from the underlying zoning ordinance
15 or regulations.

16 Number 2. The design does not meet the current and
17 emerging standards for large utility-scale
18 ground-mounted solar power installations.

19 Number 3. The design is not consistent with the
20 approved design for the 10 megawatt Hope Road solar
21 power project.

22 Number 4. The project does not meet the Development
23 Plan Review regulations for landscaping. Conditions for
24 the Lippitt Avenue project need to be revised to include
25 the requirements for the Hope Road project.

1 Number 5. Abutters should not be responsible for
2 vegetated buffer zones, because that forces the abutter
3 to restrict the use of their land. It should be very
4 simple to understand.

5 In addition, the meeting notice time line sent to
6 abutters was woefully inadequate, given the holiday
7 season.

8 For these reasons, I ask that the Commission continue
9 this hearing, so that the applicant can make the
10 necessary design modifications, that zoning requirement
11 questions can be answered, the commissioners can make a
12 site visit to the Knight Farm conservation land, and
13 abutters and others in the neighborhood can have an
14 adequate period to provide comments.

15 Now the details. Exemptions. The failure of the
16 City Council to provide for exemptions from the
17 underlying zoning ordinance and regulations means that
18 this project must meet the A-80 requirements for setback
19 (40, 20, and 100 feet) and lot coverage of 10 percent.

20 Setbacks and Buffers: The current plan provides
21 20-foot setbacks on three sides, and a 200-foot wetland
22 buffer for the fourth. The 20-foot setback is occupied
23 by a chain-link fence on the boundary, and a
24 20-foot-wide gravel road. This design was not allowed
25 on Hope Road. The perimeter fence is located on the

1 setback lines. The first design included solar arrays
2 within the 100-foot setback. The DPR design removed the
3 fence and all arrays from the setback. When I asked
4 why, I was told they were removed because of the
5 100-foot setback requirement. Why is Lippitt Avenue
6 exempt from this requirement?

7 The Massachusetts standard is a minimum 50-foot
8 setback. Cumberland meets this, and adds a 20-foot
9 vegetated buffer. Westport, Mass. requires a 100-foot
10 minimum for residential zones, as does Suffolk County,
11 NY, model zoning.

12 The DPR regulations require an approved year-round
13 buffer, a minimum of 8 feet in height, which is
14 consisting of fencing, vegetation, berms, rocks,
15 boulders, mounds, or combinations thereof, to shield
16 abutting properties from negative impacts from a
17 development. Further, where a more intensive use abuts
18 a less intensive use, a 25-foot-wide buffer strip may be
19 required. The width of said strip to be determined by
20 the design and density of the buffer proposed. Clearly,
21 a 60-acre clear cut containing 60,000 panels surrounded
22 by a chain-link fence is far more intensive than city
23 conservation land, or a house on a 2-acre wooded lot.

24 The applicant fails to provide such a buffer. The
25 abutters, residential or conservation, are not

1 responsible for providing this buffer. Twenty-foot
2 buffers in addition to the setback are common in Rhode
3 Island solar zoning ordinances. Communities in other
4 states require up to 100-foot vegetated buffers.

5 Lot Coverage: Zoning restricts lot coverage in the
6 A-80 zone to 10 percent. The City Council did not
7 provide any for any exemption from this requirement.
8 According to the ordinance, Lot building coverage means
9 that portion of the lot that is or may be covered by
10 buildings and accessory buildings, and the word building
11 includes the word structure. So, are the solar arrays
12 structures? From the ordinance, Structure means a
13 combination of materials to form a construction for use,
14 occupancy or ornamentation, whether installed on, above
15 or below, the surface of land or water. Solar arrays
16 are certainly a construction of use.

17 Applying the ordinance definitions indicates that the
18 lot coverage restriction applies to large utility-scale
19 ground-mounted solar power installations. Either the
20 City Council can amend the ordinance to provide for an
21 exemption, or the applicant can apply for a variance.
22 You may find this argument absurd, but solar zoning
23 ordinances routinely provide exemptions from lot
24 coverage requirements. Cumberland exempts pervious
25 surfaces, as does the Massachusetts model. Westport,

1 Mass. applies the requirement to appurtenant structures
2 only. Why provide an exemption, if the lot coverage
3 does not apply? What's the point?

4 Deforestation: The Master Plan findings of fact for
5 this project included this required finding: There will
6 be no significant negative environmental impacts from
7 the proposed development as shown on the final plan,
8 with all required conditions of approval. The minutes
9 state: The site will have very little impact on the
10 environment as most of the site will be pervious, either
11 as gravel or grass.

12 How? They will clear cut an existing 60-acre
13 woodlands. DEM biologist Nancy Freeman made note of
14 this forest in her inspection report. She wrote: Large
15 tracts of upland areas are proposed to be deforested to
16 make the site suitable for a solar farm. The tree
17 canopy present is comprised of at least oaks, hickory,
18 red maple, beech, with some white pine and patches of
19 old pitch pine. These mast-producing trees provide food
20 for numerous wildlife species and nesting sites for
21 birds and some mammals. Deer trails are abundant.

22 Previously-disturbed portions of this site are well
23 suited for a solar farm. However, forested upland
24 habitat, outside of this program's regulatory authority
25 would be detrimentally impacted. It should be clear and

1 common sense.

2 I suggest that her comments qualify as an expert
3 opinion. Deforestation is not allowed in Cumberland or
4 the proposed South Kingstown ordinance. Massachusetts
5 strongly discourages the action, and Plymouth, Mass. is
6 struggling with this issue. The proposed deforestation
7 will result in less tree cover than either the approved
8 2009 preliminary plan, or the 2015 master plan.

9 In 2009, saved 62 acres of open space, 57 percent.
10 In 2015, saved 74 acres of open space, 69 percent. The
11 solar project, 48 acres, 44 percent.

12 From personal observation, the wildlife includes
13 deer, coyote, fishers, raccoons, skunks, porcupines,
14 woodchucks, and a very vocal bird population, including
15 turkeys.

16 Fence: All of this deforestation plus an
17 approximately 1.3 mile long chain-link fence. The DPR
18 suggests a 2-5 inch gap at the bottom to allow small
19 animals passage. Biologist Freeman recommends 8 inches.
20 The DEM permit letter suggested moving part of the
21 perimeter fence to provide wildlife access to wetland
22 habitat. Has this been done?

23 Roads: The Hope Road project has an internal road.
24 Lippitt Avenue, an external road. Why is Lippitt Avenue
25 any different? Did the fire department officials give a

1 reason? An internal road removes it from the 20-foot
2 setback.

3 Power Line: I have not seen any drawings that
4 specify the location of design from the project to
5 Lippitt Avenue. The current line runs near or through
6 important large shade trees. How does this applicant
7 propose to run the new line without damaging the trees?

8 The Meeting Notice: As an abutter, I received notice
9 on Christmas Eve. That left four business days to visit
10 the Planning Department, if I could or wanted to during
11 holiday vacation week. Abutters who were away on
12 vacation, working, or involved with families and holiday
13 events, were out of luck, plus the planning director was
14 on vacation. The applicant may have met the letter of
15 the law, but the spirit has been seriously abused.

16 Knight Farm Conservation Land Site Visit: Finally,
17 the project abuts the Knight Farm conservation land on
18 the east and northeast side of the plan. They share a
19 1,845-foot boundary. The fence will be on 1,171 feet of
20 that boundary. Planning Commissions across Rhode Island
21 undertake site visits. I found 16 on line without
22 contacting the others. The Commission needs to make a
23 site visit to the property to truly understand the
24 impact of this project on the conservation land. The
25 farm is part of the historic farm loop. The

1 Comprehensive Plan provides multiple points of support
2 for requiring the buffer.

3 For all of these reasons, I ask that the Commission
4 continue this hearing for plan modification,
5 clarification of zoning requirements, and additional
6 time for abutter and neighbor responses. Thank you.

7 COMMISSIONER HARRINGTON: Do you have an
8 extra copy of those questions and concerns? That is the
9 first time I'm hearing of them. I'm wondering why we
10 didn't receive them before. Thank you.

11 CHAIRMAN SMITH: Any other questions from
12 the commission for Mr. Murray?

13 COMMISSIONER VINCENT: I have one. So, what
14 I have in front of me is, Peter's 7/19/2016
15 correspondence from the Conservation Commission, and on
16 Page 2, the top of Page 2, it says, Gold Meadow Solar.
17 The Commission feels it made it hard because of the
18 recusal of one of the four attending members, so we are
19 unable to provide comment at this time. So, Mr. Doe's
20 comments tonight were as an abutter?

21 MR. LAPOLLA: As an abutter, not as the
22 Conservation Commission.

23 COMMISSIONER VINCENT: I guess we
24 misunderstood when you said, do you have copies of my
25 comments? No, we do not have copies of your comments.

1 MR. PEZZULLO: Mr. Chairman, I came to the
2 office today, and I did not have time to address in
3 detail all of his comments. If I put it in a final
4 draft, I can verbally try to address as many of those as
5 we could.

6 COMMISSIONER MOTTE: Can you please verify
7 that, you sent this when, last night?

8 MR. DOE: Last night around 10:00.

9 COMMISSIONER MOTTE: Thank you.

10 CHAIRMAN SMITH: Mr. Murray.

11 MR. MURRAY: I did have an opportunity to
12 see this sometime this afternoon, late this morning. I
13 don't want to rebut every point here. I just want to
14 make a couple of general comments first.

15 Many of these comments, some of them Mr. Doe made at
16 the July meeting. I have a copy of the minutes, which
17 I've reviewed, and many of the comments that he made are
18 very similar to tonight. So, this is not really new
19 information.

20 I also would like to dispute a couple of them.
21 First, this project, and Mr. Palumbo can give greater
22 detail, but the suggestion is that this does not meet
23 current emergency standards for a large utility scale
24 ground solar power installation is just not true. This
25 is a Tier 1 project with the best equipment, and the

1 latest technology is being used. I don't believe he has
2 any basis to suggest that.

3 Why we're comparing, I can't speak to the Hope Road
4 project; I wasn't involved in that, but they all have
5 their differences; and whatever was done with respect to
6 that project, I'll defer to the city, as far as who was
7 involved in that.

8 With respect to the setbacks and buffers, I believe
9 we meet the requirements. Mr. Doe has a fundamental
10 disagreement with us with respect to the north boundary
11 where it abuts the City of Cranston land. This was
12 discussed in the Development Plan Review Committee.
13 We're not asking any abutter to maintain a vegetative
14 buffer.

15 If you look at that map there, you can see the green
16 area pretty much, and this was prepared by DiPrete
17 Engineering, and they did that for GIS, wetlands, and
18 other surveys. That is the forested nature of the
19 abutting properties. I apologize that the City of
20 Cranston property out at Burlingame Road has been
21 farmed, so whatever buffer that's on our property, we're
22 certainly maintaining. I suggest it's well off the
23 road. I respect the fact that that property may be, but
24 in my opinion, it complies with respect to the buffers,
25 as it went through the Development Review Committee.

1 As far as lot coverage, these structures, the vast
2 majority of this area under these panels will be
3 grassed. So, I don't know where he's counting, but
4 we're talking about the ground-mounted pole, or whatever
5 it's called.

6 Respectfully, I think he selected and picked parts of
7 Nancy Freeman's biology staff report. I have the full
8 report that I don't believe he submitted, and the
9 recommendation of Nancy Freeman to her superior states,
10 issue permit with special conditions to relocate fencing
11 that's currently proposed outside the depicted LOD
12 (D-Series) wetland -- pitch, and it goes on. She
13 recommends to issue the permit, so yes, she did mention
14 that. There is going to be some trees removed, but a
15 portion of this property has already been cleared, so I
16 don't think it's fair to select or pick one of her
17 sentences in her report.

18 The fence, from a safety point of view and for other
19 reasons, the property needs to be fenced, and the fence
20 was placed in accordance with the Development Review
21 Committee's comments, the fire department; we consulted
22 with them before we proposed it. They required the
23 interior road, and it was provided for.

24 Lastly, the power will be brought to the site up the
25 gravel road. We will meet the requirements of

1 Narragansett Electric. We don't know if it's going to
2 be underground or aboveground, but that detail will be
3 worked out with National Grid, and we hope to remove, I
4 won't say no trees. I can't say that; it might not be
5 one tree, or remove two.

6 Lastly, with respect to the notice, I understand it
7 was the holiday season. We had the right to file the
8 application. We had the right to be heard tonight. We
9 met the state level and all city subdivision
10 regulations, and we've sent out Certified Mail notices.
11 I can suggest to you the fact that there's nobody here
12 tonight, and the fact that the Planning Department was
13 open last week and did not receive any comments from
14 abutters, they're either satisfied with the project
15 that's presented, or they don't care to voice any
16 comments to the extent that Mr. Doe does, and I respect
17 his right to do so. Thank you.

18 CHAIRMAN SMITH: Thank you, Mr. Murray.
19 Other questions from members of the commission,
20 questions or comments?

21 MR. LAPOLLA: Through the Chair, just some
22 general comments. I'll first start with, you have to
23 understand these projects are designed to meet the site
24 and the project itself, and the conditions set for those
25 projects and the impact, to mitigate those impacts from

1 the project. One set of conditions for this specific
2 design for one project doesn't mean that that design and
3 those conditions -- every project does not look the
4 same, and every project should not be treated exactly
5 the same, as long as they comply with the regs and
6 standards. Each project is designed unique to the site.

7 For example, on Hope Road where the farm was, the
8 farm was located along the historic scenic farm route.
9 In the language, one, there's an additional setback
10 required 75 feet for Hope Road and the scenic farm area,
11 and 2, there's much language suggesting that the city
12 take extra effort to protect the view from the streets
13 and the farm area. Each project is unique.

14 There is an additional setback requirement. The
15 people driving on the road are not likely to see it.
16 Technically, if you look at this, this is set back where
17 you can't even see the road on this plan. That's how
18 far back it's set from the road.

19 Just a general comment: The laws, if they apply, we
20 process. The laws, it doesn't say that we factor in
21 vacations, holidays, or whatever was considered. If
22 that's the case, it would be impossible to do business,
23 and not take applications during the July -- in July, a
24 lot of people go on vacation and we can't process? The
25 law says, it comes in, we advertise. We can't say to

1 somebody, well, it's Christmastime. He was on vacation.
2 This isn't the way it is.

3 Notice was out. If we applied Mr. Doe's
4 calculations, nobody received notice 10-12 days prior to
5 the date of this hearing. Plus, we advertised 14 days
6 prior to the date of this hearing.

7 Mr. Doe was confusing setback requirements in the
8 fencing and the road construction. The setback
9 requirements are generally buildings and accessory
10 structures. If you look at many of our projects, we do
11 not require, if you look at the setback requirements,
12 there are other uses, such as parking lots, driveways,
13 fences. In fact, if we were to comply with those
14 standards, nobody would have a fence on their property
15 line because that would invade the setback line, and the
16 fence would be 20 feet back.

17 When you look at this property and review the
18 calculations today, most of the panels are 50 to 60 feet
19 away, and most areas are over 100-150 feet away from a
20 property line.

21 As to the buffering requirement, this was debated and
22 was previously stated, it was discussed, and before the
23 Development Plan Review Committee, this board that does
24 the review, buffering particularly along the property
25 that the city owns, would not be required. If we were

1 buffering it to provide protection from the road, but
2 this is so far set back from the road, this would not
3 likely to be visible.

4 Point of reference is, I've been doing this since
5 1978, so somebody can do the math, and I've been doing
6 this as a planning director since 1987, '88, and I've
7 never suggested that the board en masse do site visits.
8 One of those problems for open meetings law, it's tough
9 to control, provide, it's tough to ask, get everybody
10 together for a special meeting. It is my experience
11 that board members conduct their own site visit. Some
12 board members do, and some board members don't.

13 Lastly, let me talk about standards. We had many of
14 these debates. It's either Lincoln or Cumberland that
15 authorizes nuclear facilities in their use table.
16 That's a standard that Lincoln does. So, anybody can
17 reach out and say, Lincoln has allowed nuclear
18 facilities and Cranston follows the standards, because
19 each community is free to adopt standards as they see
20 fit for their own projects. In this city, we maintain,
21 and in this city, it's set for solar power. If that
22 changes, that changes, but right now, the requirements
23 for buffering, the requirements for sound, the
24 requirements for setbacks, we feel, and the code says to
25 allow for solar farms in the city.

1 I don't mean to sound flip, but I don't care what
2 Cumberland requires; I don't care what Massachusetts
3 requires. I care what Cranston requires, and that's a
4 choice Cranston's made, and that's a choice, and I agree
5 with that choice, the impact of solar power, other than
6 individual impacts, potentially for individual impacts.

7 Lastly, on deforestation, if you look at these sites,
8 this is not a choice between solar panels and forest.
9 This is a choice between solar panels and a full
10 subdivision development. We do not own this land, and
11 I've always said either at a town meeting or right
12 before a town meeting, if the city doesn't own it, it's
13 going to be developed. We cannot assume that a piece of
14 land will forever stay vacant.

15 So, the choice is, there's solar panels, which I
16 humbly maintain as a much lesser impact, total impact
17 environmentally, or, a residential development where
18 there's 38 to 40 units, a residential development with a
19 road, with the drainage, with the houses, and with the
20 loss of whatever woodlands there are. So, the question
21 is, is the marginal difference in deforestation worth 38
22 units? I'll be quiet now.

23 CHAIRMAN SMITH: Commissioner Motte.

24 COMMISSIONER MOTTE: This project, in my
25 view, was well thought through when it was initially

1 submitted to us in the preliminary stages. It will keep
2 Cranston at the cutting edge of modern clean power
3 generation.

4 In my view and my reading of the materials that are
5 available to us, this project not only meets the state's
6 and city's regulations, it exceeds them. This developer
7 should be praised for having gone above and beyond what,
8 in my view, should be the expectations of this
9 commission for this project. That professionalism in
10 this regard is beyond compare. This is not a paid
11 advertisement, I should add, but I have, since the
12 beginning of the process, been thoroughly impressed, and
13 I continue to do so even after the comments, some of
14 which are negative, that have been made this evening. I
15 see this only as an asset for our city, and I believe we
16 would be utterly foolish not to endorse it.

17 CHAIRMAN SMITH: Thank you, Commissioner
18 Motte. Are there any other questions from members of
19 the commission? Commissioner Nadeau.

20 COMMISSIONER NADEAU: Just a question
21 regarding the duration of the project from beginning to
22 end.

23 MR. PALUMBO: The construction of the
24 project, it's probably, uninterrupted by any weather
25 patterns, 8 to 10 months.

1 COMMISSIONER NADEAU: So, this is intended
2 to be completed in one phase?

3 MR. PALUMBO: Yes.

4 CHAIRMAN SMITH: COMMISSIONER Vincent.

5 COMMISSIONER VINCENT: This is one
6 construction season. So, would you be working like at
7 this time in the year, December or January, 7 or 8
8 months during good weather conditions?

9 MR. PALUMBO: March we would be able to have
10 the benefit of the season, that allows comfortable
11 construction, outdoor construction. The sitework, a lot
12 of it is pending freezing. We work a lot of the
13 sitework in the winter months with the proper equipment,
14 heavy equipment. There's an opportunity to work in the
15 winter months, and this site, obviously, has to be done
16 first before the constructions starts.

17 COMMISSIONER VINCENT: Thank you.

18 CHAIRMAN SMITH: Is there anyone else who
19 has not been heard yet who would like to be heard on
20 this issue? State your name and address, please.

21 MS. THIBODEAU: Hi. My name is Heather
22 Thibodeau, and I live at 137 Blackamore Avenue in
23 Cranston. I just have a question. It was mentioned
24 that there was a solar ordinance in Cranston, and I was
25 curious about that. If we did have a solar ordinance,

1 and if we have looked at anybody else's solar ordinance.
2 Because I know you're not big on us looking outside of
3 Cranston, but I think that there's other towns and
4 places that have some really great ordinances. So, I
5 just wanted to put that out there. Thank you.

6 MR. LAPOLLA: Last year it was proposed to
7 change the use tables authorized to solar farms, and
8 that ultimately passed. At the time that it passed,
9 Councilman Stycos felt that as part of that, the city
10 needed to set some standards with regards to, placing
11 performance standards as to how solar farms or solar
12 panels will be installed and maintained and
13 decommissioned. That's not part of zoning. It was
14 asked that it is part of a separate code that is there.

15 What often happens is, and the second part of that
16 is, the first rule for a planner when you're writing a
17 zoning ordinance is, steal it from somebody else. So,
18 while I say I don't necessarily care what other cities
19 do, when you're writing a zoning ordinances, we do look
20 at other cities and towns. We take what we think is
21 appropriate, and we write the detail from there.

22 CHAIRMAN SMITH: Thank you. Anyone else
23 from the public wish to be heard?

24 THE PUBLIC: (No response)

25 CHAIRMAN SMITH: Seeing none, we can go to

1 the staff recommendations.

2 MR. PEZZULLO: Thank you, Mr. Chairman.
3 I'll be brief. I did not reiterate in my staff report
4 the comprehensive plan. I just left that in the master
5 plan.

6 The engineering division is asking for the yearly
7 MS-4 reports for stormwater management, and also, the
8 \$31,500 bond for the project. This bond, I believe,
9 will be separate from the decommissioning bond. Zoning
10 had no issues. Fire department is satisfied with the
11 plan. All of their additional comments from the DPR
12 need to be added to the final DPR plan. So, at this
13 point, I don't have any additional comments. I think
14 all points were already covered by Peter.

15 I'll read the recommendation of staff, which
16 recommends approval with the following conditions:

17 1. The owner, or Association, agent manager or
18 entity of project shall submit as part of the project
19 maintenance and property drainage maintenance program an
20 annual report of compliance with the MS-4 report
21 requirements with the City of Cranston by June 30th of
22 each year.

23 2. Performance bond in the amount of \$31,500, and a
24 2 percent administrative fee of \$620.

25 3. Receive Final Plan approval from the Development

1 Plan Review Committee and verify that all conditions are
2 met and incorporated into the Final Plan set.

3 4. Ensure the conservation easement is finalized and
4 included as part of the project record. That's the
5 recommendation.

6 CHAIRMAN SMITH: At this time, I'll
7 entertain a motion from the commission.

8 COMMISSIONER MOTTE: Motion to support staff
9 recommendation.

10 CHAIRMAN SMITH: Motion made by Commissioner
11 Motte.

12 COMMISSIONER STROM: Second.

13 CHAIRMAN SMITH: Seconded by Commissioner
14 Strom to support staff recommendation. All in favor,
15 please say aye.

16 COMMISSIONER MASON: Aye.

17 COMMISSIONER LEPRE: Aye.

18 COMMISSIONER NADEAU: Aye.

19 COMMISSIONER MOTTE: Aye.

20 COMMISSIONER VINCENT: Aye.

21 COMMISSIONER STROM: Aye.

22 CHAIRMAN SMITH: Aye. Opposed, nay.

23 COMMISSIONER HARRINGTON: Nay.

24 COMMISSIONER BITTNER: Nay.

25 CHAIRMAN SMITH: The motion passes.

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(MOTION PASSED 7 TO 2)
MR. MURRAY: Thank you for your time.
(HEARING IN RE: GOLD MEADOW FARMS-SOLAR FARM
CLOSED AT 8:25 P.M.)

C E R T I F I C A T E

I, Heather Marie Finger, do hereby certify that the foregoing is a true, accurate, and complete transcript of my notes taken at the above-entitled hearing.

IN WITNESS WHEREOF, I hereunto set my hand this 3rd day of April 2023.

 

HEATHER MARIE FINGER, CSR, NOTARY PUBLIC
MY COMMISSION EXPIRES 4/15/24

DATE: January 3, 2017

IN RE: SSRE Gold Meadow Farms - Solar Farm

HEARING OF: City of Cranston Planning Commission

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