

“We’ve had two sites that are no certainly no fault of the present applicant, but two sites that were not built or maintained in a manner that we feel is appropriate and protective of public health and welfare.”

Planning Commissioner, 2021 March 2<sup>1</sup>

This statement is false yet no one in a position to do so corrected the commissioner’s statement. Public comment was closed at the time. Only two sites fit the description: Hope Road and Lippitt Ave. As the records show, Revity Energy LLC, then SSRE RI LLC, built the Lippitt Ave solar project. Ron Rossi, owner of the Natick Ave site, owned part of the Lippitt Ave site when the project was built. The Planning Director, Mr. Rossi, Mr. Palumbo, and Mr. Murray can confirm these facts. They should have done so at the March 2 meeting. They most certainly should have done so at the April meeting. I emailed a letter to the Commission requesting that the record be corrected at the April meeting, but I heard nothing.<sup>2</sup>

In fairness to all, the Planning Department staff has an obligation to ensure that the Commission’s vote is based upon a true and accurate understanding of the facts as best can be determined. The staff failed the commissioners, the Natick Avenue residents, and the public that night.

I base my comments on photographic evidence, public records, research, and my own knowledge of events as an abutter to the applicant’s Lippitt Avenue project. That event took place between 2016 and 2019 and, as we all know, memories are not tape recordings or transcripts. I have endeavored to be as accurate as possible. I ask that all documents referenced in my comments be considered as part of the public record.

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<sup>1</sup> Cranston Planning Commission meeting video, 3.2.21 CPC VIDEO Pt 1.mp4, 00:28:44.

<sup>2</sup> Douglas Doe to the Cranston Planning Commission, 2021 March 24.

**2017 Solar Ordinance:** Does the Natick solar project meet the ordinance requirements? No

NRP-1.9: Encourage the development of renewable energy facilities in appropriate locations supporting economic growth while fostering low impact development.

Is Natick an appropriate location? No, not by the applicant's own siting criteria.

The Connecticut Siting Council asked Revity Energy, LLC what they considered in their site selection process. Witness Kyle Polumbo, Revity's General Counsel, listed six key criteria:<sup>3</sup>

- a) Cleared land
- b) Disturbed earth such as gravel pits and sand operations
- c) Earth quality (lack of ledge)
- d) Locations that efficiently located for Interconnection
- e) Consistent topography (preferably gradual inclines from north to south)
- f) Isolation from residential areas.

The Natick site fails every criterion. The site of "natural vegetation" contains "areas of steep slopes" running west to east and ledge in the middle of a residential neighborhood. The interconnection upgrade will require new and additional poles and wiring the 1.2 mile length of Natick Ave plus other area upgrades.

Low impact development: Does this aerial photograph of the applicant's Lippitt Ave project with a similar landscape look like "low impact development"?<sup>4</sup>

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<sup>3</sup> Bruce L. McDermott to Connecticut Siting Council, 2020 July 6, Petition No. 1401 Revity Energy, LLC, Interrogatory CSC-2-43, [https://portal.ct.gov/-/media/CSC/3\\_Petitions-MediaLibrary/Petitions\\_MediaLibrary/MediaPetitionNos1401-1410/PE1401/ProceduralCorres/PE1401-20200622-Interrogatories-Set-Two-Final.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-MediaLibrary/Petitions_MediaLibrary/MediaPetitionNos1401-1410/PE1401/ProceduralCorres/PE1401-20200622-Interrogatories-Set-Two-Final.pdf), accessed 2023 March 1.

<sup>4</sup> Seminole Financial Services, <https://www.seminolefinancialservices.com/wp-content/uploads/2018/03/GMF.png>, Accessed 2023 March 1.



Image #1: Lippitt solar project during site preparation, circa 2018 January-February

“At the end of LUP-1.3, inserting, “Preserve existing farmland and developable land that is currently undeveloped, by temporarily removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.””

Temporarily removing:

The applicant’s proposed lease is for 25 years with possible extensions to 35 years when allegedly the solar site will be decommissioned and removed. Is this reasonable given the current direction of the solar industry? No.

Companies have begun the process of repowering utility scale solar installations extending their use beyond the original lease period.<sup>5</sup> How does that qualify as “temporary”? And what is the financial incentive to remove an existing functioning system given the investment and return? The owner of the applicant’s Lippitt project site will receive \$417,928 in rent in the 25<sup>th</sup> year, \$9,296,125 in total. What is the owner’s incentive to not extend the lease for years to come given the income for doing nothing? The city of Providence has paid the owner of the facility over \$6 million dollars in the first three years and saved money in the process. Who is going to

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<sup>5</sup> Wyatt, Jessi and Maggie Kristian, “How Repowering Aging Renewables in the Midcontinent Impacts Carbon Emissions,” Great Plains Institute, <https://betterenergy.org/blog/how-repowering-aging-renewables-in-the-midcontinent-impacts-carbon-emissions/>, accessed 2023 March 1; Gregus, Natalie, “Is Your Solar Farm Failing? Solar Repowering May be the Solution,” Energylink, <https://betterenergy.org/blog/how-repowering-aging-renewables-in-the-midcontinent-impacts-carbon-emissions/>, accessed 2023 March 1.

say no more to that? Clearly, the financial incentives for all parties are to keep the facility in operation for as long as possible.<sup>6</sup>

Land banking:

Every definition of “land banking” that I found online refers either to a financial institution or the practice of buying and holding on to land for future development. These aerial photographs from 1939 and 2022 illustrate the concept of land banking.<sup>7</sup>

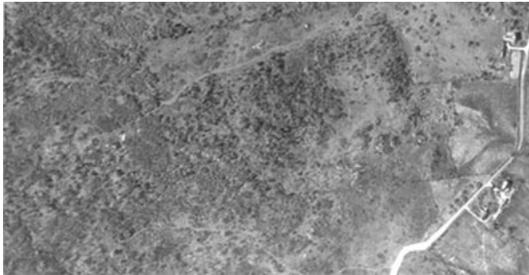


Image #2: 1939 aerial



Image #3: 2022 aerial

The solar project marks the end of land banking as Paige R. Bronk’s statement makes clear.

The staff report refers to the Hope Road solar project lawsuit decisions as definitive. The Planning Director claims the decision demonstrates “that the question whether solar development in A-80 zoning is consistent with the Comprehensive Plan has been thoroughly discussed, challenged, and decided.” Yet, the focus of the court’s decision was the preservation of agricultural land.

At the December 1, 2015 hearing, Mr. Lapolla testified extensively as to the proposed solar energy array's consistency with the Comprehensive Plan's objective of protecting agricultural lands. Specifically, Mr. Lapolla discussed the issue of development encroaching onto agricultural lands in Western Cranston. Further, Mr. Lapolla's testimony referred to the Comprehensive Plan's goal of preserving agricultural lands through the conservation of prime agricultural soil, which protects the land best suited for farming.<sup>8</sup>

As is clear and obvious from images 2 and 3, this project has nothing to do with protecting agricultural land. And no court that I am aware of has considered the 2017 comprehensive plan amendments, which suffer from internal conflicts and are already out of date of current

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<sup>6</sup> Lease Agreement, Grant Court Development, Inc, DSM Realty Corp., Southern Sky Renewable Energy RI-Lippitt Ave-Cranston, LLC and the City of Providence, 2017 October 16 and November 22. Net Metering Summary, August 2022, Records request 22-726, City of Providence.

<sup>7</sup> RI Maps and Aerial Photos, RI Department of Environmental Management, <https://ridemgis.maps.arcgis.com/apps/webappviewer/index.html?id=a2960d1a022e4dccaab14aa4a58f5d45>, accessed 2023 March 2.

<sup>8</sup> Staff Exhibit G, p. 10.

industry trends. And most definitely do not by any definition preserve land. Compare image 1 to this 2014 aerial of the Lippitt solar site.<sup>9</sup>



Image #4: Lippitt solar site, 2014

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<sup>9</sup> RI Maps and Aerial Photos, RI Department of Environmental Management, <https://ridemgis.maps.arcgis.com/apps/webappviewer/index.html?id=a2960d1a022e4dccaab14aa4a58f5d45>, accessed 2023 March 2.

## 17.24.020 Solar Power Performance Standard

Does the Natick solar proposal meet the standards? No.

### “Site Preparation

Clearing of natural vegetation shall be limited to what is necessary for the construction and operation of the solar power facility. Top soil will not be removed from the site. Top soil will not be disturbed except as required for installation of the facility.”

Look at this image of the southern section of the Lippitt solar site. Do you see any topsoil in the photo? If you do, then why is the applicant covering the topsoil with about 6 inches of crushed rock packed down by a bulldozer? The material is from the ledge found onsite.



Image #5 Lippitt Ave solar site preparation, 2018 February 19.

Or the image on the next page taken the same day.



Image #6 Lippitt Ave solar site preparation, 2018 February 19.<sup>10</sup>

Nearly half of the 62 acre site was covered by the crushed rock. Clearly, the topsoil has been removed from the site by the act of clearcutting, ripping out stumps, and grading. The packed down crushed rock was covered by mulch created onsite and then hydroseeded. The impact of grading can be seen in images 7 and 8.<sup>11</sup>

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<sup>10</sup> Images #5 and 6 taken by Douglas Doe, 2018 February 19.

<sup>11</sup> Images #7 and 8 taken by Douglas Doe, 2017 October 27 and December 17.



Image #7 Lippitt Ave solar site preparation, 2017 October 2



Image #8 Lippitt Ave solar site preparation, 2017 December 17

Douglas Doe, Master Plan Comments, 2023 March 15

The images present the same view as shown by the shrub in the right side foreground. The elevation in image 8 was lowered by 18-20 feet as documented by the grading plans filed with the RI DEM.<sup>12</sup>

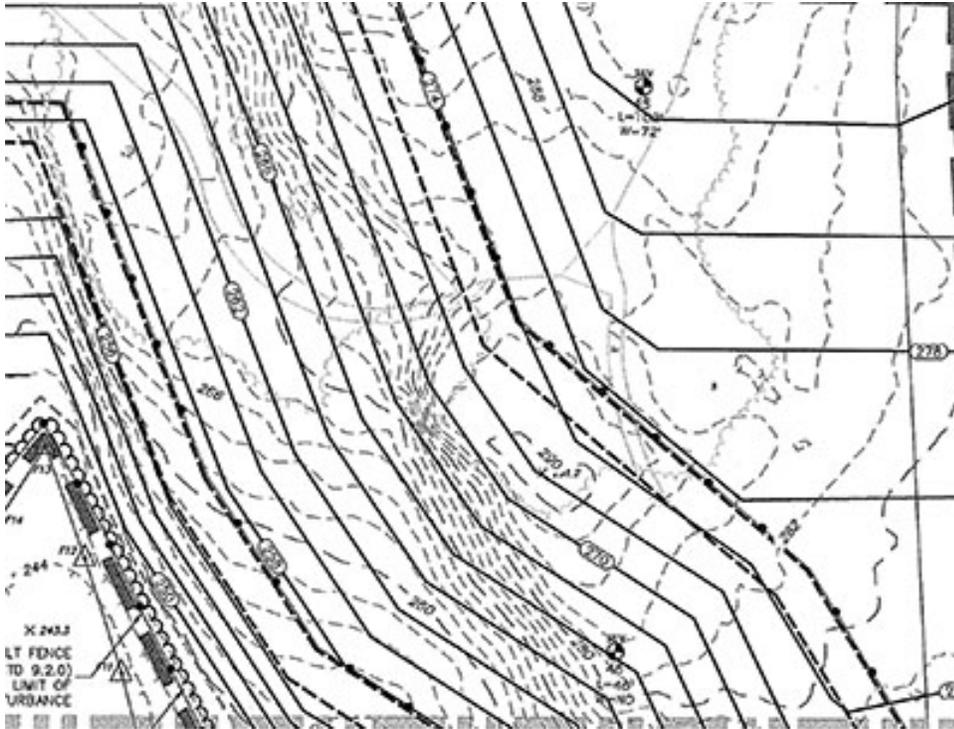


Image #9 Lippitt Ave Solar grading plan, sheet 6.

The applicant and the Director know what happened at Lippitt Ave., yet the Planning Director’s report to the Commission states:

The project narrative by project engineer Dave Russo, PE, of DiPrete Engineering states “. . . clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility” and also that “Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site.” These statements demonstrate direct compliance with Cranston’s solar performance ordinance.<sup>13</sup>

A statement? What are you going to believe: a “statement” or the reality documented by these images and others posted on flickr.com? The Commission and the Natick Ave residents deserve a robust discussion of the applicant’s treatment of topsoil at the Natick site in light of their actions at Lippitt Ave. Will they use crushed rock to cover the site? Will they bring in topsoil to provide a proper seed base? Given that they cannot meet the topsoil standard as shown at Lippitt Ave., will they request a variance from the ordinance requirement or will they and the Director ignore that requirement? Will the Commission follow the Director’s example?

<sup>12</sup> SSRE RI Gold Meadow Farms Solar, SESC Plan – 2, 2016 October 25, RI DEM Wetland file, 16-0202.

<sup>13</sup> Jason M. Pezullo to the Cranston Planning Commission, 2023 February 3, page 9.

## **“Noise**

Applicants for a building permit to construct a solar power facility must submit a noise study as part of their application. The noise study assesses the potential impacts at any off site noise receptors (e.g. residences) due to sound emitted by the solar power facility’s electrical equipment including, but not limited to, inverters and transformers. The noise study is required to demonstrate that the facility, as designed, does not exceed a 40 decibel noise level (approximately the noise level experienced in a quiet office or library). The city’s review engineer will assess the noise study to determine acceptable distance from the solar facility to any off site receptor.”

If the applicant has not prepared a noise study as part of their Natick building permit, please provide a copy of the noise studies for the applicant’s projects at Lippitt Avenue and Seven Mile Road and post these on the Department’s website. The Commission and the Natick Ave. residents deserve to know what to expect if the project is approved.

## **Decommissioning and Abandonment**

A solar power facility which has reached the end of its useful life or has been abandoned consistent with abandonment section shall be removed. The owner or operator shall physically remove the facility no more than 150 days after the date of the discontinued operations. Removal shall consist of

1. Physical removal of all installations, electrical equipment, all appurtenant structures including but not limited to, equipment shelters, storage facilities, transformers, substations, security barriers, fences, overhead and underground electric lines.
2. Disposal of all solid and hazardous waste in accordance with the law.
3. Stabilization or revegetation of the site as necessary to minimize erosion.

Why hasn’t the applicant provided the Commission with a decommissioning plan? This is not an unreasonable request. They provided the State of Connecticut with such a plan as part of the application for their Snake Meadow project in Plainfield, CT. They should do the same for their Natick application. It shouldn’t be too much of a bother to adapt the CT plan to Natick.<sup>14</sup> Do industrial scale solar developers provide the city with the as-built plans? If not, how will the city undertake decommissioning, if that proves necessary? Any contractor responding to a decommissioning RFP will ask for the as-builts before bidding.

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<sup>14</sup> Bruce L. McDermott, Murtha Cullina LLP, for Revity Energy, LLC to Connecticut Siting Council, Petition No. 1401, 2020 April 17, pp. 227-233. [https://portal.ct.gov/-/media/CSC/3\\_Petitions-MediaLibrary/Petitions\\_MediaLibrary/MediaPetitionNos1401-1410/PE1401/PetitionerSubmissions/PE1401-20200417-RevityEnergy\\_Plainfield\\_petitionfiling.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-MediaLibrary/Petitions_MediaLibrary/MediaPetitionNos1401-1410/PE1401/PetitionerSubmissions/PE1401-20200417-RevityEnergy_Plainfield_petitionfiling.pdf), accessed 2023 March 13.

## Interconnection

Rhode Island Energy connects a solar project to the grid through a process known as interconnection. The Cranston Public Works committee held hearings in 2021 on National Grid's proposal to add poles along Natick Avenue and replace approximately sixty-two poles with new 40 foot poles plus new stub poles. National Grid withdrew the request that summer.

The interconnection process should be of vital interest to the commission as it is a critical part of the project just as sewer, power, and water lines are for subdivisions. The commission must consider the impact of the interconnection upgrade necessary along the 1.2 mile Natick Avenue route plus improvements at other intersections. The impact can be profound as documented by this image from Lippitt Ave.



Image #10: Lippitt Ave interconnection infrastructure, 2019 March 17<sup>15</sup>

This photograph shows a new pole on Laten Knight Road.

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<sup>15</sup>Photograph taken by Douglas Doe, 2019 March 17.



Image #11: Laten Knight Road, 2019 February 21.<sup>16</sup>

You can see the nearby trees that have been trimmed to provide clearance for the pole and wires. National Grid shocked the Cranston Public Works committee with a request to cut down

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<sup>16</sup> Photograph taken by Douglas Doe, 2019 February 21.

243 trees on the public right-of-way along Laten Knight, Hope, and Lippitt. One councilor said the prospect made his sick to his stomach, but their hands were tied by the interconnection requirement. The West Bay Land Trust appealed unsuccessfully the decision to approve the trees removal. However, National Grid requested an anchor easement on city conservation land along Laten Knight, land protected by a DEM conservation easement. The anchor easement violated DEM's easement and only the involvement of lawyers from DEM and the Attorney General's Office prevented the removal of approximately 90 trees. A late survey found that they were nearly all on conservation land.<sup>17</sup>



Image #12: Laten Knight Road, Knight Farm conservation land<sup>18</sup>

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<sup>17</sup> 6-18-01 Ordinance authorizing the Director of Public Works to execute a grant of easement for the Narragansett Electric Company. Cranston City Council agenda, 2018 June 25. <https://opengov.sos.ri.gov/Common/DownloadMeetingFiles?FilePath=/notices/4182/2018/238797.pdf>, accessed 2023 March 14.

<sup>18</sup> Photograph taken by Douglas Doe, 2018 September 1.

I asked questions about the interconnection process during the Lippitt hearings and was told that that was National Grid’s business. No, it is the commission’s business. How many trees will be cut down along Natick Avenue? It’s been two years and the trees have not been identified by National Grid or the city’s tree warden. What are they waiting for? Do the residents along Natick know what may happen to their trees or the poles in their yards? Walk along Laten Knight Road and visualize that infrastructure in front of your house. They had no idea that they would be impacted negatively by the Lippitt project. There is no excuse this time.

### Size of the project and Houses

The applicant has provided five different acreages for this project:

Proposal	Total Acres	Agricultural	Solar
2018 Nov	64	29.3	29.7
2019 Jan	64	29	27.3
2029 Apr	64.03	30.77	28.26
2022 Nov	64	35.7	23.3
2023 Mar	64	29	30

The Assessor’s Office lists the two lots as 61.87 acres. If the applicant’s survey is accurate, has anyone informed the Assessor? The applicant’s 2022 November letter states the project is 23.3 acres and the Director’s report merely copies and pastes that information. The March agenda lists a 30 acre project. What is the actual size of the project? How can the applicant change the acreage without so much as providing an explanation and why didn’t the Director’s report discuss the acreage discrepancy? Surely, the Commission and the public deserve an explanation to ensure a true and accurate description of the facts.

Mr. Pimentel’s 2023 February testimony claims that the property could allow 20 to 32 house lots, but his calculations include the entire lots not the leased portion. There is nothing to prevent Mr. Rossi from subdividing the non-leased area to build houses. The leased portion might handle 10-13 houses depending upon the actual size of the project. And that is a generous estimate given the new DEM wetland regulations, ledge, the pipeline, and soil classified by the USDA Web Soil Survey as “very limited” for Septic Tank Absorption Fields.<sup>19</sup>

Mr. Pimentel went on to claim that solar development “maintains the rural landscape” as opposed to residential development, which was a “permanent scarring on the land” that included clear cutting and permanent infrastructure. What does he call image #1? How can anyone look at that image and say that it is land preservation and land banking? The Natick Ave

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<sup>19</sup> "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected." <https://websoilsurvey.nrcs.usda.gov/app/>, accessed 2023 March 13.

project will be no different, just half the size. As for infrastructure, Mr. Polumbo told Hopkinton officials that a proposed solar project would include 200 miles of copper and aluminum wiring much, if not all, underground.<sup>20</sup>

### **Other Issues**

Construction traffic, solar glare, the impact to wildlife, buffers, and damage to wetlands must be considered by the Commission. Photographs on Flickr.com document the construction traffic that we endured. Natick Avenue is a narrow winding road that will have to handle multi-axle flat beds hauling equipment that cannot travel on the road plus the potential for daily trips by detached dump trailers. The Lippitt Ave project required hundreds of such trips running all day long for months. DEM documented the damage to Lippitt Ave wetlands. Topography and orientation are the critical factors for buffers not distance. When the leaves are off the trees, I can look out my kitchen window and see to the tree line on the far side of the project, 1900 feet distant. The applicant tried to claim that was not possible, but Mr. DiPrete came to my house, looked out the window, and suggested that I plant something at the corner of my property to block the view of the facility. Drive to Mystery Farms off Hope Road and take in the sea of metal view. No one will know the visual impact of this project until the land has been clear cut, blasted, graded, and covered with thousands of solar panels. But then it is too late to do anything. My neighbors have nearly 400 feet of mature woods between their house and the facility, but still see the rows of metal.

For all of the issues that I have discussed, I ask that you spare the Natick Avenue residents our fate. The City Council corrected their mistake by unanimous vote. They did so in large part, I believe, because of the applicant's Lippitt Ave project and the ensuing interconnection debacle.

Please reject this master plan application.

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<sup>20</sup> Cranston Planning Commission hearing transcript, 2023 February 7, pp. 59-60. Hopkinton Town Council video, 2017 Jun 5, 00:43:40, <https://www.youtube.com/watch?v=mwjZFNR2uKA>, accessed 2023 March 15.