

City Planning Department



Memo

To: Cranston City Plan Commission
From: Jason M. Pezzullo, AICP – Planning Director
Date: February 3, 2023
Re: “Natick Avenue Solar”
Master Plan REMAND – Major Land Development

Owner: Ronald Rossi
Applicant: Southern Sky Renewable Energy RI Natick Ave Cranston LLC
Location: 0 Natick Ave, AP 22-3, Lot 108 & 119
Zone: A-80 (single family dwellings on lots of minimum areas of 80,000 ft²)
FLU: Single family residential less than 1 unit/acre

I. INTRODUCTION

The original Master Plan was approved by the City Plan Commission on 2/5/19. The decision was appealed to the City’s Platting Board of review which was upheld. This approval decision was subsequently appealed to Superior Court. A decision was rendered REMANDING the original master plan back to the City Plan Commission due to procedural issues with public comment. As the Master Plan was approved in 2019, the applicant chose to move forward with the planning process at risk that an appeal could reverse any subsequent approvals. Prior to the submission of the Preliminary Plan application, the applicant complied with the condition to facilitate an ad hoc review process focused specifically on the proposed planting and buffering plan. The Preliminary Plan application was approved by the City Plan Commission on 4/6/21. The ad hoc process that informed the buffering plan was further refined by the City’s peer reviewer who worked closely with the applicant’s register landscape architect. This decision was appealed by the City’s Platting Board of Review and was upheld. The decision was subsequently appealed to Superior Court. The applicant again chose to move forward at risk of an appeal and filed the Final Plan application which was reviewed and approved administratively by staff on 1/14/22. This decision was also appealed to the Superior Court.

In 2022, three years after the Master Plan was approved by the City Plan Commission, the Superior Court issued their decision on the Master Plan to REMAND the applicant back for further proceedings. During the three year appeal period, a majority of the members who originally decided the Master Plan no longer sit on the Commission. Therefore, the City Plan Commission will conduct a de novo (starting from the beginning) review.

As the Commission takes a fresh look at this plan, it’s important to note that this Master Plan as presented, also meets the standards and requirements of the **Preliminary** and **Final** Plan applications. The presented application has been fully engineered, reviewed, and vetted by City and its staff as well as all the applicable outside agencies needed to render a decision. In contrast to the original Master Plan, the myriad questions have been answered and all outstanding issues have been addressed within the resubmission. The following review illustrates the standard process for all Master Plan applications as they come before the City Plan Commission.

II. Proposal

The site is located west of Natick Avenue and has an existing driveway that provides access to the property. The owner of the property is Ronald Rossi (Assessor's Plat 22-3 Lots 108 and 119). The site has a total area of approximately 64 Acres and is zoned A-80.

The proposal received Master Plan approval from the City Plan Commission on 2/5/19. This application is considered vested (grandfathered) under existing ordinances and regulations that were in effect at the time of the certified complete application in 2018. Ordinance Number 2020-2 and its requirements for solar energy production are not applicable to this remanded Master Plan application.

The proposed development is for an 8.1 megawatt DC solar farm that meets the Solar Power Performance Standards as set forth in the City of Cranston Zoning regulations Section 17.24.020 in effect at the time of the Master Plan approval. The solar farm will utilize approximately 23.3 acres of upland areas and clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility. The proposed grading has been minimized to the maximum extent practical for the installation of the solar system. The areas to be graded include portions of steep slopes and where drainage and access roadways are to be installed. The areas of development will be located outside all the jurisdictional wetland areas including the buffer areas.

An existing gas line easement runs along the southern boundary of the site and the applicant is not proposing any solar development within this area. The applicant worked with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement. The applicant has also met with the representatives of the Tennessee Gas Pipeline on site review proposed development. Specific notes have been added to the plan set denoting that additional coordination including a pre-construction meeting will be required prior to any construction on site.

The landscape architect has prepared a landscape plan which addresses all the buffering concerns of the surrounding area, and this plan has been reviewed with the advisory committee formed in accordance with the original Master Plan approval. The landscape plan was also reviewed and approved at the time by the City's Conservation Commission.

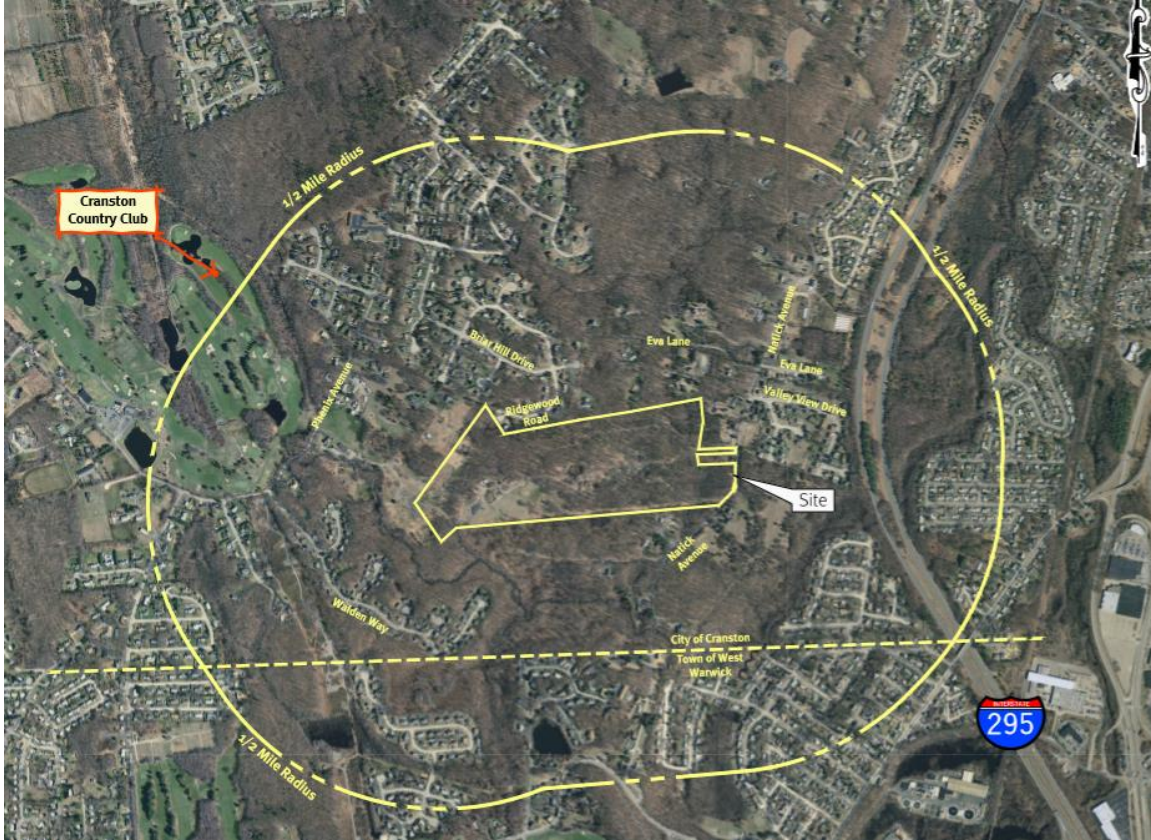
The interconnection for the project will require improvements to utility infrastructure along Natick Avenue and Wilbur Avenue with a small upgrade near the intersection of Phenix Ave and Olney Arnold Road.

A RIDEM Wetlands Preliminary Determination permit has been received from RIDEM and the design meets the requirements as set forth in the RI Stormwater Design and Installation Standards Manual. The RIDEM permit required a soil erosion and sediment control plan (SESC) for the duration of construction and an operation and maintenance manual for post construction. The SESC plan ensures that weekly site inspections are completed for any erosion onsite and it must be repaired/maintained and recorded in the inspection forms. The operation and maintenance manual outlines all the required long-term maintenance of the storm water controls on site. The applicant is also required to notify RIDEM when the start of construction is occurring and must close out the application with RIDEM by sending a letter from a Professional Engineer that the site has been built in compliance with the plan.

Access to the proposed development will be from the existing driveway located off of Natick Avenue. The applicant is proposing a gravel roadway to provide safe access for construction, maintenance, and fire/emergency safety vehicles. The development area will be enclosed by a security fence and signage will only be located on this fence. There is no signage proposed along Natick Avenue. There will be a gated entrance which will be locked, and the Cranston Fire

Department will be provided a key to access the site in the case of an emergency. The lighting of the site will be limited for safety and operation requirements only. The proposed solar farm will not require any maintenance of city infrastructure. The site will be privately maintained.

AERIAL VIEW



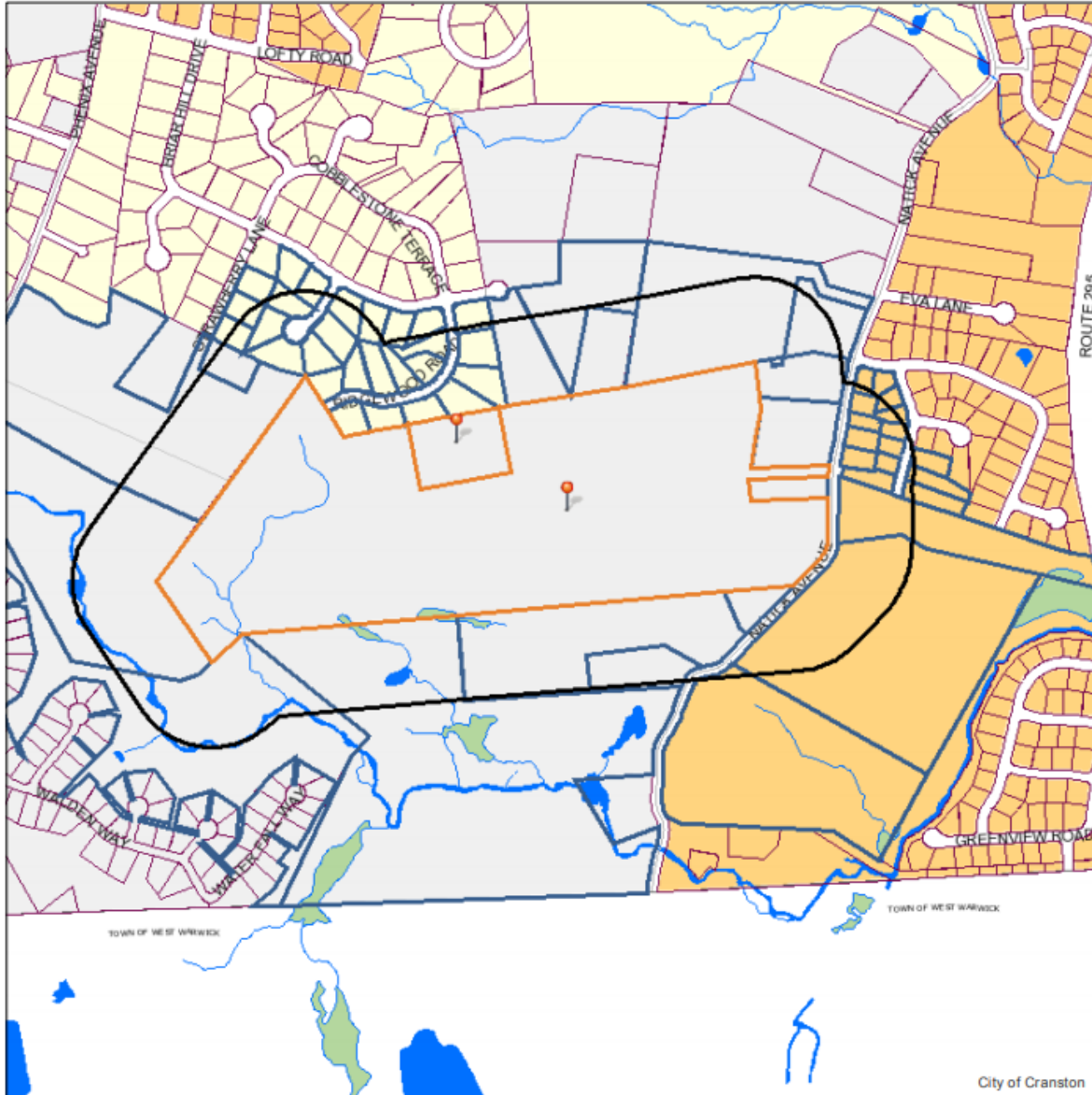
STREET VIEW (Entrance @ Natick Ave)





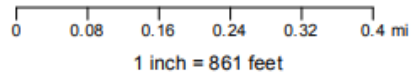
City of Cranston Zoning Map

11/28/2018



Legend

Plat Bounds	Zoning	A8	C2	M2
Historic Overlay District	none	A6	C3	EI
Parcels	A80	B1	C4	MPD
Water Body	A20	B2	C5	S1
Streams/Rivers	A12	C1	M1	



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III. Documents which are part of the application

1. City Plan Commission, Master Plan Major Land Development Decision Letter (2/11/19)
2. City Plan Commission, Preliminary Plan Major Land Development Decision Letter (4/13/21)
3. City Plan Commission, Final Plan Major Land Development Decision Letter (1/14/22)
4. DiPrete Engineering, Natick Solar Plan Set – Master Plan Resubmission (10/11/22)
5. DiPrete Engineering, Integrated Technology Review Letter (11/3/22)
6. Conservation Commission, Review Letter (12/28/20)
7. Rhode Island Department of Environmental Management: Office of Water Resources, Insignificant Alteration Permit (12/6/19)
 - a. Wetland Application No. 19-0130
 - b. RIPDES No. RIR101921
8. DiPrete Engineering, Stormwater System Operations & Maintenance Plan (4/30/19, rev. 10/29/19, 11/5/20)
9. DiPrete Engineering, Stormwater Management Report (4/30/19, rev. 10/28/19, 11/5/20)
10. DiPrete Engineering, Soil Erosion and Sediment Control Plan (4/30/19, rev. 11/5/20)
11. Development Plan Review Committee, Preliminary Approval (11/19/2020)
12. Pimentel Consulting, Inc., Major Land Development Project Application Report (12/3/18)
13. Pimentel Consulting, Inc., Planner's Supplemental Report (1/11/23)
14. Pimentel, Edward, Resume
15. John C. Carter & Company, Inc. Site Photos (12/3/20)
16. Bronk, Paige, Neighborhood Opposition Consultant Report (1/26/23)
17. Broken, Paige, Resume

IV. Surrounding land use and context

Analysis using the City of Cranston Geographic Information System indicates that:

1. The site is zoned A-80 (single family dwellings on lots of minimum areas of 80,000 ft²). The two lots that comprise the total site (AP 22-3, Lots 108 & 119) are combined for zoning purposes per City Code Section 17.88.010. The majority of the parcels surrounding the property are also zoned A-80, though there are abutting A-20 lots off of Ridgewood Road to the north of the site towards its northwestern corner. The eastern side of Natick Ave is zoned A-8, although the 41.5 acres has been permanently preserved by the City of Cranston through the purchase of development rights.
2. The Future Land Use Map (FLUM) designates the site as Single Family Residential Less than 1 unit/acre. The proposed use is consistent with this designation, as this is the FLUM category consistent with A-80 zoning.
3. The site has frontage on the western side of Natick Avenue near the southern edge of the City. The two points of frontage on Natick Ave are split by AP 22-3 Lot 71 (an A-80 single family residence) which is situated just north of the wetland area on the Site Plan. The smaller northern portion of the frontage is 50' wide and serves as the point of access to the property. There are two A-80 lots, AP 22-3 Lots 116 & 5, which are north of the site entrance, between Natick Avenue and the project site.
4. The site has existing structures as part of the existing agricultural activity (Christmas tree farm/hayfield/woodland) which is proposed to remain separate from the proposed solar project.
5. There is a 50' gas easement owned by the Tennessee Gas Pipeline (TGP) that runs along the southern property line.
6. The project site has considerable topography, sloping downward towards the southeast to the existing wetland area on the Site Plan.

IV. Staff / Agency Comments

Pursuant to RIGL 45-23-41 A3, these plans were distributed for comment to Veolia Water, PWSB, Public Works Department / Engineering Division, Building and Zoning Department, Conservation Commission, and the Fire Department. Responses are as follows:

1. **Veolia Water** – The development does not require water supply.
2. **Providence Water Supply Board** – The development does not require water supply.
3. **Public Works Department / Engineering Division** – Reviewed the plans with staff and offered no additional comments at this time.
4. **Public Works Department / Traffic Safety** - Stephen Mulcahy reviewed the plans and due to the lack of anticipated trip generation, had no comments at this time.
5. **Fire Department** – Reviewed the plans with staff and offered no additional comments at this time.
6. **Building and Zoning Department** – Stanly Pikul reviewed the plans with staff and offered no additional comments at this time.
7. **Planning Analysis** :
 - **Consistency with the Comprehensive Plan and Zoning Code**

In 2017, the City passed Ordinance 01-17-11 “Solar Performance Standards” to amend the Comprehensive Plan to specifically promote solar land uses as a policy stance in support of renewable energy. The Council found it to be in the best interest of the City to permit renewable energy production facilities, and modified the Goals and Policies Statement, Land Use Element, Natural Resource Element, Economic Development Element, and the Implementation Program Element. The Ordinance amended the Land Use Plan element with the following language:

“Cranston should actively encourage the availability and implementation of energy infrastructure throughout the City. For example, the Zoning Ordinance should permit the development of renewable energy production facilities in appropriate areas, including, without limitation, in the A-80, M-1, M-2, and S-1 zoning districts, and should promote the development of multiple renewable energy production facilities within the City. Development of such renewable energy production facilities can advance the City’s goals of developing the City’s economic resources while limiting the impact of development on surrounding areas and on municipal services. Such developments also further the City’s low-impact and green development objectives by improving air quality and reducing reliance on traditional energy resources.”

This excerpt from the Comprehensive Plan (in place when the application was submitted) speaks to the benefits of renewable energy on many fronts. The impact that subdivisions in A-80 have on municipal services is substantial, and although it may be the personal preference of constituents in the neighborhood to have residential development over solar, the Council recognized the *negative* fiscal implications of suburban and exurban residential housing sprawl and put this policy into effect to benefit the City as a whole.

Ordinance 01-17-11 “Solar Performance Standards” articulates the City’s land banking strategy. The following language was added to the end of Land Use Plan 1.3, **“Preserve existing farmland and developable land that is currently undeveloped, by temporally**

removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.” The questions has been raised as to whether solar farms themselves should be interpreted to count as ‘development.’ Our intent with this strategy is to remove permanent residential development potential, meaning the subdivision of larger lots in the A-80 zone. The water, sewer and site work required for subdivisions combine to much more than is required for solar farms, as evident by the fact that solar farms can be decommissioned and removed from a site, dissimilar to subdivisions. This provides the City will have the opportunity to use the additional tax revenue to potentially purchase development rights and conserve land in Western Cranston. Therefore, staff holds that this statement in the Comprehensive Plan holds true and supports this application. Ordinance 01-17-11 establishes clear policy guidance for staff to support the proposed land use, which is a permitted use in A-80 zoning.

Staff provides the following exhibits, denoted below, as attachments to this staff report and posted to the City’s website. They relate specifically to the history of the determination that solar installations in Cranston’s A-80 zones are consistent with the Comprehensive Plan:

- **Exhibit A:** Timeline of Events (A 2015 document from the Planning Department to the Plan Commission which outlined the major steps in the adoption of Ordinances 7-15-04 & 7-15-15)
- **Exhibit B:** Plan Commission Responses to Councilman Stycos (Councilman Stycos posed a series of questions on proposed changes to the Use Table in Ordinances 7-15-04 & 7-15-15. This letter is the response)
- **Exhibit C:** *United States Investment & Development Corporation v. Robert Strom, et al* (Appeal of Council’s adopted changes to the Use Table)
- **Exhibit D:** *United States Investment & Development Corp. v. The Platting Board of Review of the City of Cranston, et al.* (Appeal of the Platting Board’s decision to uphold the Plan Commission’s decision to approve the Hope Farm 10 MW Solar Array)
- **Exhibit E:** Planning Staff Statement on Consistency with the Comprehensive Plan (Read into the record during the Public Meeting for Hope Farm 10 MW Solar Array)
- **Exhibit F:** Affidavit of Peter Lapolla (Testimony that Ordinances 7-15-04 & 7-15-15 are consistent with the Comprehensive Plan for *United States Investment & Development Corporation v. Robert Strom, et al*)
- **Exhibit G:** Superior Court’s Decision rendered on *United States Investment & Development Corp. v. The Platting Board of Review of the City of Cranston, et al*
- **Exhibit H:** Superior Court’s Decision rendered on *United States Investment & Development Corporation v. Robert Strom, et al*

These exhibits demonstrate that the question whether solar development in A-80 zoning is consistent with the Comprehensive Plan has been thoroughly discussed, challenged, and decided. The Superior Court has sided with the City of Cranston on both appeals, both decisions coming in 2018. It is important to note that the two appeals took place **BEFORE** Ordinance 01-17-11 “Solar Performance Standards” was passed which specifically and undeniably modified the Comprehensive Plan to support solar development in the City of Cranston.

The proposed project will be screened from both neighboring properties as depicted on the attached Landscape Plan prepared by John Carter PLA, and peer reviewed by the City's PLA consultant Sara Bradford. This buffer plan was the result of several public meetings and consultation with staff and these professionals to provide a suitable natural buffer for this land use.

V. Interests of Others

Cranston resident Douglas Doe has provided comments in opposition of the proposed application. The documents have been posted to the City's website.

VI. Findings of Fact

Staff has reviewed this Master Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

Findings:

1. An orderly, thorough, and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 1/26/23.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. See discussion in Section IV of this report. The proposed solar farms development is consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11. The Land Use, Economic Development and Natural Resources Elements were all amended to include encouragement of renewable energy facilities.
3. Aesthetically, there are many qualities of the project which preserve the rural character of Western Cranston. Firstly, the solar arrays are proposed more than 400' from Natick Avenue behind existing residential lots and a vegetated wetland area, additionally screened by existing stone walls and slope. Therefore, it is anticipated that there will be very limited line of sight opportunities to the project from Natick Avenue unless looking directly down the site entrance or gas easement. The applicant's landscape Buffer Planting Plan will screen the solar panels from other abutting uses. The project is consistent with the City's long-term land banking strategy which is intended to preserve the rural character of western Cranston.
4. Ed Pimentel, AICP, of Pimentel Consulting, Inc., provided a supplemental report dated 1/11/23 finding that the proposal is consistent with the City of Cranston's Comprehensive Plan and zoning code.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

5. The proposed solar and existing agricultural uses are permitted uses by-right in the A-80 zone.
6. The site is comprised of two lots, merged for zoning purposes, which meet the requirements of A-80 zoning.

7. 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.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.” (emphasis added)*

8. This finding pertains specifically to the final plan. The applicant has proposed clearing, grading and blasting. However, the project is subject to all local, state and federal standards regarding these environmental impacts.
9. RIDEM has approved both the required freshwater wetlands as well as the soil erosion and sediment control permits for this application.
10. Meadow grass is proposed between and under the solar panels.

11.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

12. The project proposes lease areas, not the actual subdivision of lots. No change to the existing lot boundaries are proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

13. The property in question has adequate permanent physical access from Natick Ave, improved public roadways located within the City of Cranston.
14. The proposed use will not have a negative impact on vehicular traffic, generating periodic inspections once operational.

VII. Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60, the Comprehensive Plan, as well as with the City of Cranston’s Subdivision and Land Development Regulations. Staff therefore recommends that the City Plan Commission adopt the findings of fact documented above and **approve** the Master Plan submittal.